

## DIAMOND TRADING DECREE 1971



## ARRANGEMENT OF SECTIONS

## Section

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## SCHEDULE

## Decree No. 55

[See section 15 (2)]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Without prejudice to any transactions which may have been previously approved in writing by the Chief Inspector of Mines, and in so far as the conditions (if any) attached to such an approval have been complied with—

Restrictions  
on selling  
and buying  
of diamonds.

(a) no person other than an authorised diamond miner or a licensed diamond dealer shall sell any uncut diamond ;

(b) no authorised diamond miner shall sell any uncut diamond unless it has been lawfully won by him, or where he is authorised in writing to act for another authorised diamond miner, unless the uncut diamond has been lawfully won by that other diamond miner ;

(c) no licensed diamond dealer shall sell any uncut diamond unless the diamond is obtained from an authorised diamond miner or another licensed diamond dealer, or the uncut diamond is sold by the licensed diamond dealer on behalf of an authorised diamond miner or another licensed diamond dealer, as the case may be ;

(d) no authorised diamond miner or licensed diamond dealer shall sell any uncut diamond to any person residing in Nigeria other than a licensed diamond dealer;

(e) no person other than a licensed diamond dealer shall buy any uncut diamond, and a licensed diamond dealer shall not buy any uncut diamond from any person other than an authorised diamond miner or another licensed diamond dealer.

Restrictions  
on import  
and export  
of diamonds.

2.—(1) No person shall export any uncut diamond from Nigeria, whether by land, sea or air unless—

(a) he obtains an export licence for the exportation of the diamond issued by the Federal Ministry of Trade which shall be in the form set out in the Schedule to this Decree; and

(b) he holds a treasury receipt for the royalty payable thereon which has been endorsed by a proper officer with the amount of the uncut diamond to be exported.

(2) No uncut diamond shall be carried coastwise in Nigeria unless particulars thereof have been previously declared before a proper officer in the form issued by the Board of Customs and Excise.

(3) No person shall import any uncut diamond into Nigeria, whether by land, sea or air, unless—

(a) he obtains an import licence for the importation of the diamond issued by the Federal Ministry of Trade which shall be in the form set out in the Schedule to this Decree; and

(b) he delivers an entry thereof (hereinafter called an import entry) to a proper officer and obtains a certificate of importation in the form set out in the Schedule to this Decree; and any certificate of importation so issued shall be liable to a stamp duty of twenty shillings which shall be payable by the importer.

(4) No uncut diamond imported into Nigeria under the provisions of subsection (3) above shall be re-exported from Nigeria unless the certificate of importation thereof has been surrendered to the Federal Ministry of Trade.

Issue of a  
diamond  
dealer's  
licence.

3.—(1) Any person desirous of possessing, buying, selling or transacting any business in relation to uncut diamond in Nigeria shall submit an application for a diamond dealer's licence to the Chief Inspector of Mines who may, on the payment of the prescribed fee, issue the licence in the form set out in the Schedule to this Decree if he is satisfied with such evidence as the applicant may furnish with regard to—

(a) his financial status and the capital he would invest in the business, and

(b) his knowledge and experience or those of his employees in diamond trading.

(2) The Chief Inspector of Mines may by endorsement on the licence impose such conditions as he thinks fit.

(3) Subject to any conditions which may be imposed on the licence, the holder of a licence under this section may possess, buy, sell or transact any business in relation to uncut diamond.

(4) A licence issued under this section shall not be transferred without the written consent of the Chief Inspector of Mines.

(5) Subject to subsection (7) below, every licence issued under this section shall remain in force for a period of one year from the date on which it was issued but the licence may be renewed on application.

(6) A fee of one hundred pounds shall be payable for every licence issued under this section, and a fee of fifty pounds shall be payable for every renewal of a licence under this section.

(7) The Chief Inspector of Mines may revoke a licence issued under this section if the holder thereof is convicted of an offence under this Decree or the regulations made thereunder or commits a breach of any of the conditions of the licence except that, on the revocation of a licence, the Chief Inspector of Mines may refund such part of the fee paid for the licence as he thinks just.

(8) A licensed diamond dealer shall not buy, sell or store any uncut diamond except on the premises specified in the licence.

4.—(1) Every licensed diamond dealer shall enter in a book to be kept for the purpose accurate particulars of—

Books to be kept by licensed diamond dealers.

(a) all uncut diamonds bought, sold, received (other than by way of importation) or exported, by him, showing the date of the transaction, the weight and value of the diamonds, the name and address of the vendor, depositor, purchaser or consignee and the registered number of any mining right or lease or group of leases for which a group certificate has been issued by the Chief Inspector of Mines from or under the area of which the diamonds are alleged to have been won; and

(b) all uncut diamonds imported by him showing the date of import, the number of the import licence, the number and date of the import entry, the consignor, the weight and value of the diamonds, and the name and address of any person to whom the diamonds are delivered;

and shall at all reasonable times on request produce the books for inspection by an inspector of mines, or a proper officer.

(2) Every licensed diamond dealer shall in the months of January, April, July and October each year deliver to the inspector of mines in charge of the inspectorate in which the licensed premises of the diamond dealer are situated, a return in duplicate showing the aforesaid particulars of all uncut diamonds bought, sold, received, exported or imported by him during the preceding three months.

5.—(1) A magistrate or justice of the peace, if satisfied by information upon oath that there is reasonable ground for believing that there is in any building, premises, ship, place, carriage, box or receptacle within any area of the Federation in which he has jurisdiction—

Powers of search.

(a) anything upon or in respect of which an offence against this Decree has been or is suspected of having been committed; or

(b) anything which there is reasonable ground for believing will afford evidence as to the commission of any such offence; or

(c) anything which there is reasonable ground for believing is intended to be used for the purpose of committing any such offence,

may at any time issue a warrant under his hand authorising any police officer named therein, any administrative officer, the Chief Inspector of Mines or a proper officer, at any time or times within one month from the

date of the warrant, to enter or open, if need be by force, the building, premises, ship, place, carriage, box or receptacle named in the warrant and to examine the same and search for any such thing and seize it, together with any container or receptacle containing the same.

(2) Any article or thing seized under the authority of the warrant shall as soon as possible be brought before a court to be dealt with according to law.

(3) In addition to the powers conferred by subsection (1) above, any police officer, any administrative officer, the Chief Inspector of Mines or a proper officer may search the person and property of any person where he has cause to believe that the person who or whose property is to be searched is in the unlawful possession of uncut diamond.

Unlawful  
possession  
of diamonds.

6. If any uncut diamond is found in the possession, power, or control of any person, that person shall, unless he proves that he obtained it lawfully, be guilty of an offence against this Decree.

Forfeiture  
of diamond  
without an  
apparent  
owner.

7.—(1) Any uncut diamond found without an apparent owner may be seized by any police officer, any administrative officer, the Chief Inspector of Mines or a proper officer and it shall as soon as possible be taken before the court, which, if satisfied that the owner cannot be found, shall declare it forfeited to the Federal Military Government.

(2) Any diamond forfeited to the Federal Military Government under this Decree shall be deposited with the Chief Inspector of Mines who may, subject to section 11 (3) of this Decree, sell it and pay the proceeds of sale into the Consolidated Revenue Fund of the Federation.

Who may  
institute  
proceedings.

8. Notwithstanding any provisions in any other enactment, proceedings in respect of any offence under this Decree may be instituted and prosecuted by any police officer, any administrative officer, the Chief Inspector of Mines or a proper officer.

Penalties.

9. Any person who contravenes or fails to comply with the provisions of section 1, 2, 3, 4 or 6 of this Decree shall be guilty of an offence and liable on conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 5 years or to both, and in addition the court may, on any conviction, declare that all or any quantity of the uncut diamonds with respect to which the offence was committed shall be forfeited to the Federal Military Government.

Jurisdiction  
of  
magistrate.

10. Notwithstanding the provisions of any other enactment, a magistrate shall have power to try any offence and impose any penalty provided under this Decree if the offence was committed within his jurisdiction.

Claims to  
forfeited  
diamond.

11.—(1) A court which has declared any uncut diamond forfeited under this Decree shall cause particulars of the forfeiture to be advertised in at least one issue of the Federal Gazette in the form set out in the Schedule to this Decree.

(2) Any person who claims any diamond forfeited under the provisions of this section may within 3 months from the date of the Federal Gazette advertising the forfeiture institute an action for the return of the forfeited diamond to him, and if he proves his title to the forfeited diamond or any quantity thereof to the satisfaction of the court, and establishes that he was not concerned in any offence for which the diamond was forfeited, the court may order that the diamond or such quantity thereof as the court considers just be delivered to that person.

(3) No person shall dispose of any forfeited diamond until the expiration of 3 months from the date of the notice in the Federal Gazette advertising the forfeiture, or where a claim to the diamond has been brought within the 3 months, until such a claim is finally disposed of and the time within which any further appeal can be properly brought has expired and no such appeal has been brought.

12. Any police officer, any administrative officer, the Chief Inspector of Mines or a proper officer may, without warrant, arrest any person whom he finds committing or he reasonably suspects of committing an offence under this Decree or regulations made thereunder, or any person whom he reasonably believes to have committed such an offence, but the person so arrested shall be taken with as little delay as possible before a court to be dealt with according to law.

Arrest.

13. The Commissioner may from time to time make regulations for the purposes of this Decree; and without prejudice to the generality of the foregoing, he may by regulations—

Power to make regulations.

(a) alter or change any of the forms set out in the Schedule to this Decree;

(b) prescribe the fees to be paid for any matter dealt with under the regulations.

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

Interpretation.

“authorised diamond miner” means any person to whom any right, licence, or lease has been granted under the Minerals Act authorising the person to prospect or mine for diamonds or any person authorised in writing by the grantee of such a right, licence or lease to act on his behalf for the purposes of this Decree if the authorisation has been previously communicated to the Chief Inspector of Mines;

Cap. 121.

“buy” includes barter, receive as a pledge or security;

“Chief Inspector of Mines” includes any person authorised by the Chief Inspector of Mines to act on his behalf;

“Commissioner” means a Commissioner of the Federal Military Government charged with responsibility for minerals;

“court” means a high court or a magistrate court of a state;

“import entry” has the meaning assigned to it in section 2 (3);

“licensed diamond dealer” means the holder of a diamond dealer’s licence issued under this Decree;

“proper officer” means any officer of the Board of Customs and Excise whose right or duty is to require the performance of, or to perform the act referred to;

“sell” includes barter, deposit as a pledge or security;

“uncut diamond” means a rough diamond which has not been processed by cutting or by any other means; and

“weight” means weight in carats of one-fifth of a gram.

15.—(1) This Decree may be cited as the Diamond Trading Decree 1971 and shall apply throughout the Federation.

(2) This Decree shall come into force on such day as the Commissioner may by Order in the Federal Gazette appoint.

Citation, extent, commencement and repeal.

(3) Paragraph (c) of section 67 of the Minerals Act is hereby repealed.



## SCHEDULE

FORM A

Section 3 (1)

DIAMOND TRADING DECREE 1971  
DIAMOND DEALER'S LICENCE

A diamond dealer's licence is hereby granted to.....

(Name of licensee)

of.....

(Address of licensee)

for.....

(Description of premises)

to possess, sell or buy the following mineral.....

Fee of..... has been paid on TR. No.....  
of..... day of..... 19.....

This licence expires on..... day of..... 19.....

DATED..... 19.....

Chief Inspector of Mines

FORM B

Section 2 (1)

DIAMOND TRADING DECREE 1971  
EXPORT LICENCE

An export licence is hereby granted to.....

(Name of licensee)

of.....

(Address of licensee)

to export the following mineral.....

(Name of Mineral)

Number of Diamond Dealer's Licence of licensee.....

Country/Countries to which diamonds will be exported.....

value of diamonds : .....

Weight of diamonds (in carats).....

Export Licensing Authority,  
Federal Ministry of Trade

FORM C

## DIAMOND TRADING DECREE 1971

Section 2 (3)

## IMPORT LICENCE

An import licence is hereby granted to.....

(Name of licensee)

to import the following mineral.....

(Name of Mineral)

Number of Diamond Dealer's Licence of Licensee.....

Number of Importation Certificate, of licensee (where diamond is being re-exported).....

Country/Countries of origin of diamonds.....

Value of diamonds.....

Weight of diamonds (in carats).....

*Import Licensing Authority,  
Federal Ministry of Trade*

FORM D

## DIAMOND TRADING DECREE 1971

Section 2 (3)

## IMPORTATION CERTIFICATE

It is hereby certified that.....

(name of importer)

of..... has imported

(address)

..... of uncut diamonds

(weight in carats)

in the form of..... (e.g. gems, industrial stones or as the case may be); the said.....

(name)

has declared that the said diamonds are his own property and that he obtained the said diamonds from.....

A stamp duty of twenty shillings has been paid on TR. No. ....  
of..... 19.....

DATED this..... day of..... 19.....

*Proper Officer of the Board*

Section 11 (1)

## DIAMOND TRADING DECREE 1971

## ADVERTISEMENT OF FORFEITURE

In the ..... Court .....  
(name) (area)

Notice is hereby given that .....  
(weight and description of diamonds) have on .....  
(date)

been seized at ..... and have since  
(place)

been declared to be forfeited by reason of .....  
(state grounds, e.g. "it having been unlawfully sold by, etc."). Any person claiming any title to the said diamonds or any quantity thereof must prove his title to the satisfaction of the Court within three months from the date of the Gazette in which this Notice appears. If no such claim is proved the said diamonds will become the absolute property of the Federal Military Government and be disposed of accordingly.

DATED this ..... day of ..... 19 .....

MADE at Lagos this 23rd day of December 1971.

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 purpose)*

1. The Decree provides that no person shall buy, sell, export or import uncut diamonds unless he obtains a diamond dealer's licence from the Chief Inspector of Mines. Any person who acts contrary to the above shall be guilty of an offence and liable to a fine of £1,000 or imprisonment for five years or to both; and the diamond concerned in the offence may be forfeited in addition.

2. The Decree provides that no person shall be in possession of uncut diamond unless he can establish that he obtained it lawfully, otherwise he would be guilty of an offence and punishable as in 1 above.

3. The Decree authorizes a police officer, an administrative officer, the Chief Inspector of Mines, an officer of the Board of Customs and Excise, under certain circumstances, to search any building, premises, ship, place, carriage, box or receptacle where he reasonably suspects that there is any thing intended to be used or has been used or will afford evidence for the commission of an offence against this Decree. The same persons may prosecute offenders under this Decree.



# NIGERIAN STANDARDS ORGANISATION DECREE 1971



## ARRANGEMENT OF SECTIONS

### Section

#### *Nigerian Standards Organisation*

1. Establishment of the Nigerian Standards Organisation.
2. The Nigerian Standards Council.
3. Functions of the Council, etc.
4. Functions of the Organisation.
5. The standards library.
6. Power to charge for services.
7. The Director of Standards.

#### *Nigerian Industrial Standards, etc.*

8. Procedure for establishment of industrial standards.
9. Standards to be known as Nigerian Industrial Standards.
10. Certification marks.
11. Offences in relation to standards, etc.

### *Offences : General*

12. Power to enter premises and obtain information.
13. Offences.
14. Offences by bodies corporate.

### *Miscellaneous and Supplementary*

15. Reports.
16. Power to make test purchases.
17. Power to make rules.
18. Interpretation.
19. Citation, extent and commencement.

### SCHEDULE

Supplementary Provisions relating to the Council.

## Decree No. 56

[1st January 1970]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

*Nigerian Standards Organisation*

1.—(1) There is hereby established as an integral part of the Federal Ministry of Industries a body to be known as the Nigerian Standards Organisation.

Establish-  
ment of the  
Nigerian  
Standards  
Organisa-  
tion.

(2) The Organisation shall consist of a Director of Standards, a secretary and such number of other staff as may be required to assist the Director.

(3) The Director, the secretary and the other members of the staff of the Organisation shall be members of the public service of the Federation within the meaning of the Constitution of the Federation.

1963 No. 20.

2.—(1) There shall be as the governing body of the Organisation a council to be known as the Nigerian Standards Council.

The Nigerian  
Standards  
Council.

(2) The provisions of the Schedule to this Decree shall have effect with respect to the constitution and procedure of the Council and the other matters therein mentioned.

3.—(1) The functions of the Council shall be—

Functions of  
the Council,  
etc.

(a) to advise the Federal Military Government generally on the national policy on standards, standards specifications, quality control and metrology,

(b) to designate, establish and approve standards in respect of metrology, materials, commodities, structures and processes for the certification of products in commerce and industry throughout Nigeria,

(c) to provide the necessary measures for quality control of raw materials and products in conformity with the standard specification,

(d) to determine the overall policy of the Organisation, in particular with regard to the financial, operational and administrative programmes of the Organisation and to ensure the implementation of the said policy, and

(e) to carry out other functions imposed on it under this Decree or any other written law.

(2) Subject to this Decree, the Commissioner may give 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 of its functions, and it shall be the duty of the Council to comply with the directions.

4.—(1) Subject to section 3 (1), the Organisation shall carry out the following functions, that is—

Functions of  
the Organisa-  
tion.

(a) to organise tests and do everything necessary to ensure compliance with standards designated and approved by the Council,

(b) to undertake investigations as necessary into the quality of facilities, materials and products in Nigeria, and establish a quality assurance system including certification of factories, products and laboratories,

(c) to ensure reference standards for calibration and verification of measures and measuring instruments,

(d) to compile an inventory of products requiring standardisation,

(e) to compile Nigerian standards specifications,

(f) to foster interest in the recommendation and maintenance of acceptable standards by industry and the general public,

(g) to develop methods for testing of materials, supplies and equipment including items purchased for use of departments of the Government of the Federation or a State and private establishments,

(h) to register and regulate standards marks and specifications,

(i) to undertake preparation and distribution of standards samples,

(j) to establish and maintain such number of laboratories or other institutions as may be necessary for the performance of its functions under this Decree,

(k) to compile and publish general scientific or other data—

(i) resulting from the performance of its functions under this Decree,

or

(ii) from other sources when such data are of importance to scientific or manufacturing interests or to the general public and are not available elsewhere,

(l) to advise departments of the Government of the Federation or a State on specific problems relative to standards specifications,

(m) to sponsor such national and international conferences as it may consider appropriate,

(n) to co-ordinate all activities relative to its functions throughout Nigeria and to co-operate with corresponding national or international organisations in such fields of activity as it considers necessary with a view to securing uniformity in standards specifications, and

(o) to undertake any other activity likely to assist in the performance of the functions imposed on it under this Decree.

(2) The Organisation shall undertake such research as may be necessary for the performance of its functions under this Decree and for that purpose it shall have power to make use of research facilities available in other institutions, whether public or private upon such terms and conditions as may be agreed upon between the Organisation and the institution concerned.

5. The Organisation shall assemble, maintain and extend a collection of books and publications and such other matter as it considers appropriate for a standards library of the highest standing and may make the facilities of the library available to such categories of persons as it thinks fit and upon such terms and conditions as it considers necessary.

6. For all comparisons, tests or investigations performed by the Organisation under this Decree, except those performed for the Government of the Federation or a State, or such other public bodies or institutions as may be approved by the Council, a fee sufficient in each case to compensate the Organisation for the entire cost of the service rendered shall be charged according to a scale specified in rules made for that purpose by the Council.

The  
standards  
library.

Power to  
charge for  
services.

7.—(1) Any person who may be appointed as the Director shall have such qualifications and experience as are appropriate for a person required to perform the functions conferred on the Director by or under this Decree.

The Director of Standards.

(2) Subject to the Council's directives on financial, operational and administrative programmes, the Director shall be free to manage the Organisation in accordance with this Decree, and the Council shall not interfere with his methods or with the manner in which he employs the material and human resources of the Organisation in order to obtain results in accordance with this Decree.

*Nigerian Industrial Standards, etc.*

8.—(1) Whenever the Council intends to establish industrial standards in pursuance of section 3 (1) (b) it shall do so in accordance with the provisions of this section.

Procedure for establishment of industrial standards.

(2) Before establishing any industrial standard in pursuance of this section, the Council shall—

(a) inform all parties having, in its opinion, substantial interests in the industrial standard in question ;

(b) thereafter constitute a committee to inquire into all the relevant aspects of the matter and make a report thereon ;

and in constituting the said committee the Council shall ensure as wide a representation on the committee as possible including, where appropriate, representatives of the parties herein referred to.

(3) After considering the report of the committee, the Council may establish the industrial standard if, in its opinion, that standard is of significance to the national economy and otherwise conforms with the objectives of this Decree.

(4) The Council shall, in order to ensure that any industrial standard established under this section is still appropriate, have it reviewed from time to time and at least not less than once in every three years.

(5) The Council shall have power to revise or revoke any industrial standard established under this section, and for that purpose, subsections (2) and (3) above shall apply in relation to the revision or revocation of an industrial standard as they apply in relation to the establishment thereof.

9.—(1) The industrial standards established in pursuance of section 8 shall be called Nigerian Industrial Standards.

Standards to be known as Nigerian Industrial Standards.

(2) Industrial standards other than those established in pursuance of section 8 shall not be called Nigerian Industrial Standards.

10.—(1) Where the Council, after the receipt of the report of a committee set up in accordance with the provisions of section 8 (2), is satisfied that an item of manufacture is of particular importance or significance to the national economy, it may permit the manufacturer thereof (hereinafter referred to as the "permitted manufacturer") to affix a special certification mark showing that the item of manufacture is one of those falling under the Nigerian Industrial Standards.

Certification marks.

(2) The Council may charge such fee as it thinks appropriate for every permit issued under this section.

(3) The Council may revise, reallocate or revoke any permit issued under subsection (1) above in accordance with the procedure laid down in that subsection ; and the issue, revision, reallocation or revocation of every such permit shall be notified in the Federal Gazette.

(4) For the purposes of this section, the references to item of manufacture include references to the packages, containers and invoices relative thereto.

Offences in relation to standards, etc.

11.—(1) Any person, other than the permitted manufacturer, who makes or sells or exposes for sale or uses for the purpose of advertising any material or document on or in which is portrayed—

(a) an industrial standard in any way resembling or purporting to be any of the Nigerian Industrial Standards established in pursuance of this Decree, or

(b) a certification mark resembling or purporting to be a certification mark issued in pursuance of section 10,

shall be guilty of an offence and on conviction liable to a fine not exceeding £500 or to imprisonment for a period not exceeding one year or to both.

(2) Where a person is convicted under this section, the court may make such order as to the forfeiture or destruction of the material or document in issue as it may think appropriate in the circumstances.

#### *Offences : General*

Power to enter premises and obtain information.

12.—(1) For the purpose of carrying out the functions of the Organisation under this Decree, the Director and any other officer or servant of the Organisation authorised by the Director in writing—

(a) shall have a right of access at all times to any building or other premises where an industrial or commercial undertaking is being carried on, and

(b) 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.

(2) A person required to furnish returns pursuant to subsection (1) above shall within two months from the notice comply with the notice.

Offences.

13.—(1) If any person required to furnish returns pursuant to section 12 fails to furnish those returns as required under this Decree, he shall be guilty of an offence and liable on conviction to a fine not exceeding £200 or imprisonment for a period not exceeding 6 months or to both.

(2) If a person in purported compliance with a requirement to furnish returns as aforesaid knowingly or recklessly makes any statement in the return which is false in a material particular, he shall be guilty of an offence and liable on conviction to a fine not exceeding £100 or imprisonment for a period not exceeding 3 months or to both.

(3) Any person who wilfully obstructs, interferes with, assaults or resists any officer or servant of the Organisation in the execution of his duty under this Decree or who aids, invites, induces or abets any other person to obstruct, interfere with, assault or resist any such officer or servant shall be guilty of an offence and liable on conviction to a fine not exceeding £100 or imprisonment for a period not exceeding 3 months or to both.

Offences by bodies corporate.

14. Where an offence under this Decree which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other official of the body corporate, or any person



purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Miscellaneous and Supplementary*

15.—(1) The Council shall as soon as possible after the end of each year submit to the Commissioner a report on the activities of the Council and the Organisation during the last preceding year.

Reports.

(2) The Organisation may from time to time publish reports on any of its activities and when such reports are published the Organisation shall—

(a) distribute copies thereof free to departments of the Government of the Federation or a State and to such other bodies as may be approved by the Council;

(b) where appropriate, make copies available for sale to the public and other interested parties,

and such reports shall be in addition to any other publication made by it under this Decree.

16. The Director or any other officer of the Organisation designated in that behalf shall have power to make such purchases of goods as may appear expedient for the purpose of determining whether or not the provisions of this Decree are being complied with.

Power to make test purchases.

17.—(1) The Council may make rules, not inconsistent with this Decree, for the general and efficient conduct of the functions of the Organisation.

Power to make rules.

(2) No rules under subsection (1) above shall be made by the Council without the prior approval of the Commissioner, and thereafter they shall be published in the Federal Gazette.

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

“the Commissioner” means the Federal Commissioner for Industries;

“the Chairman” means the Chairman of the Council;

“the Council” means the Nigerian Standards Council set up under section 2;

Interpretation.

“certification mark” means the special certification mark issued to a permitted manufacturer;

“the Director” means the Director of Standards appointed in pursuance of section 1;

“member” means a member of the Council and includes the Chairman;

“Nigerian Industrial Standards” means the industrial standards established by the Council in pursuance of this Decree;

“Organisation” means the Nigerian Standards Organisation established by section 1;

“permitted manufacturer” has the meaning assigned under section 10 (1);

“State” means a State of the Federation.

(2) In this Decree a reference to “officer or servant of the Organisation” is a reference to any person appointed in pursuance of section 1.

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

19.—(1) This Decree may be cited as the Nigerian Standards Organisation Decree 1971 and shall apply throughout the Federation.

Citation, extent and commencement.

(2) This Decree shall be deemed to have come into force on 1st January 1970.



## SCHEDULE

## Section 2 (2)

## SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

*Membership*

1.—(1) Subject to this Schedule, the Council shall consist of seventeen members to be appointed by the Commissioner and, apart from the Chairman and the Director, shall comprise the following—

(a) one representative from each of the following, that is—

- (i) the Federal Ministry of Agriculture and Natural Resources,
- (ii) the Ministry of Defence,
- (iii) the Federal Ministry of Health,
- (iv) the Federal Ministry of Trade,
- (v) the Federal Ministry of Transport, and
- (vi) the Federal Ministry of Works and Housing,

so however that when appointing a person to represent a Ministry the Commissioner may appoint a person from any statutory corporation for which that Ministry has overall control or responsibility to represent such Ministry;

(b) one representative of the Nigerian Council for Science and Technology established by the Nigerian Council for Science and Technology Decree 1970, appointed by the Commissioner on the nomination of that Council;

(c) one representative from each of the following fields of activity appointed by the Commissioner after consultation with the appropriate body (if any) in each case, that is—

- (i) university education and research,
- (ii) chambers of commerce, industry and mines,
- (iii) engineering and engineering consultancy services,
- (iv) processing and manufacturing industry,
- (v) construction industry,
- (vi) employers' associations, and
- (vii) consumers' associations; and

(d) one person appearing to the Commissioner to represent interests or fields of activity not otherwise represented.

(2) The Director shall be a member of the Council and the Chairman of the Council shall be the Permanent Secretary of the Federal Ministry of Industries.

(3) The Federal Executive Council may by order published in the Federal Gazette increase or reduce or otherwise vary the composition of the membership of the Council.

*Terms of service*

2. Subject to paragraphs 3 and 4 below, a member of the Council shall hold office for a period of four years from the effective date of the instrument of his appointment or his appointment, as the case may be.

3. Without prejudice to section 11 of the Interpretation Act 1964 (which provides, among other things, for the removal of appointees by the person who appointed them) a member of the Council shall cease to hold office if he resigns his office by a notice in writing signed by him and served on the Commissioner. 1964 No. 1.

4. A person who ceases to hold office as member of the Council shall be eligible for reappointment.

5. References in paragraphs 2 to 4 above to a member of the Council do not include references to the Chairman, the Director, or any person appointed under paragraph 1 (1) (a) above.

#### *Proceedings*

6. Subject to this Decree 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 chairman to have a second or casting vote), the Council may make standing orders regulating the proceedings of the Council or any committee thereof.

7. The quorum of the Council shall be seven and shall include at least three of the persons mentioned in paragraph 1 (1) (b) to (d), and the quorum of any committee of the Council shall be determined by the Council.

8. The Council shall elect a member to be Deputy-Chairman of the Council for such period as the Council may determine, so however that a Deputy-Chairman who ceases to be a member shall cease to be Deputy-Chairman.

9. At any meeting of the Council the Chairman or in his absence the Deputy-Chairman shall preside, but if both are absent the members present at the meeting shall elect one of their number to preside at the meeting.

10. The Council shall meet not less than once every three months and on such other occasions as may be necessary.

11. Subject to paragraph 10 above and any standing orders of the Council, the Council shall meet whenever it is summoned by the Chairman and before summoning a meeting the Chairman shall direct the secretary to give at least fourteen days notice of the meeting to each member; and if the Chairman is required to do so by notice given to him by not less than seven other members, he shall summon a meeting of the Council in the manner aforesaid but to be held within twenty days from the date on which the notice is so given.

12. 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 paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

13. Notwithstanding anything in paragraphs 6 to 12 above, the first meeting of the Council shall be summoned by the Commissioner, who may give such directions as he thinks fit as to the procedure which shall be followed at that meeting.

*Committees*

14.—(1) The Council may appoint such technical and project committees as it thinks fit to deal with specific materials or groups of materials or topics or such other tasks as the Council may direct any such committee to undertake.

(2) Each such committee shall be presided over by a member of the Council and shall be made up of such number of experts, not necessarily members of the Council, as the Council may determine in each case.

15. Subject to its standing orders, the Council may appoint such other committees as it thinks fit, but the decision of a committee appointed under this paragraph shall be of no effect until it is confirmed by the Council.

*Miscellaneous*

16. The validity of any proceedings of the Council or any committee thereof shall not be affected—

(a) by any vacancy in the membership of the Council or any committee, or

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

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

17. A person shall not by reason only of his membership of the Council be treated as holding an office of emolument under the Government of the Federation or a State.

MADE at Lagos this 23rd day of December 1971.

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 purport)*

The Decree establishes the Nigerian Standards Organisation as an integral part of the Federal Ministry of Industries. The main functions of the Organisation are to standardise methods and products in industries throughout Nigeria and to ensure compliance with Government policy on standardisation.

The Decree also sets up the Nigerian Standards Council the membership of which is to be drawn from a wide field covering both the private and public sectors. It is to be the governing body of the Organisation and its other function is to advise the Federal and State Governments on the national policy on standardisation. The Council is empowered to establish Nigerian Industrial Standards and to award certification marks to manufacturers whose products not only fall under those Standards but are also of importance to the national economy.

## ARMED FORCES COMFORT FUND DECREE 1971



## Decree No. 57

[29th December 1971]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. There shall be established a fund to be known as the Armed Forces Comfort Fund (in this Decree hereafter referred to as "the fund") into which shall be paid all moneys received in terms of the Trust Deed made between the Federal Military Government of Nigeria and the Trustees of the fund, that is to say—

Establish-  
ment of the  
Armed  
Forces  
Comfort  
Fund.

(a) the moneys and contributions paid or credited to the Armed Forces Comfort Fund hereby established ; and

(b) any further sums from time to time payable under the said Trust Deed ; and moneys in the fund together with interest (if any) payable in respect thereof shall be applied by the Trustees of the fund for any of the purposes set out in section 2 of this Decree.

Purposes of  
the fund.

2. The fund shall be available and applied for the following purposes—

(i) for the relief of the members of the Armed Forces and their families in distress as a result of the exigencies of the civil war where this cannot be met from other official sources and is certified by the Chief of Staff (Nigerian Army), the Chief of Naval Staff or the Chief of Air Staff, whichever is appropriate, as constituting a fair charge against the fund ;

(ii) for extra medical care for members of the Armed Forces and their families where Government facilities are either inadequate or not immediately available ;

(iii) for the restitution of messing facilities of the Armed Forces ;

(iv) for making donations as appropriate to other funds or organisations which in the opinion of the Trustees are closely connected with and actively assisting in the war effort of the Armed Forces ; and

(v) for the doing of such acts and things as may seem to the Trustees expedient and necessary for the trusts declared in the Trust Deed.

3. Disbursements from the fund shall be made in accordance with the rules made under section 23 of the Finance (Control and Management) Act 1958.

Disburse-  
ments from  
the fund.  
1958 No. 33.

Amendment  
of the First  
Schedule to  
1958 No. 33.

4. Part II of the First Schedule to the Finance (Control and Management) Act 1958 is hereby amended by the addition at the end thereof of the following—

“(18) Armed Forces Comfort Fund :

The fund established by section 1 of the Armed Forces Comfort Fund Decree 1971 for the purposes specified in section 2 of that Decree”.

Citation and  
extent.

5. This Decree may be cited as the Armed Forces Comfort Fund Decree 1971 and shall apply throughout the Federation.

MADE at Lagos this 29th day of December 1971.

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 the Armed Forces Comfort Fund primarily for the provision of comfort and relief to the members of the Armed Forces.

**PUBLIC ORDER (SCHEDULED SOCIETIES : ASSETS  
AND LIABILITIES) DECREE 1971**



**Decree No. 58**

[29th December 1971]

**Commence-  
ment.**

**THE FEDERAL MILITARY GOVERNMENT** hereby decrees as follows :—

1. The assets and liabilities of any of the scheduled societies named in Parts 1 and 2 of the Schedule to the Public Order Decree 1966 (hereinafter referred to as "the 1966 Decree") the lists of which were before the commencement of this Decree filed with the designated officer pursuant to the provisions of that Decree, or of which as from the commencement of this Decree the designated officer may become aware, shall be dealt with and disposed of and, as the case may be, be discharged as prescribed in the following provisions of this Decree.

**Assets and  
liabilities  
of scheduled  
societies.  
1966 No. 33.**

2.—(1) Subject to the following provisions of this section, the assets of any of the said scheduled societies are hereby forfeited to the Government of the Federation or, as the case may be, the Government of a State—

**Forfeiture  
etc. of assets.**

- (a) in which the assets are situated or from which they are recovered ; or
- (b) from which the funds in relation to the assets, in the opinion of the Head of the Federal Military Government, were derived or obtained.

(2) Where the assets forfeited pursuant to subsection (1) above were recovered from, situated in or the funds relating thereto were derived or obtained from, the former Northern Nigeria, then such assets shall be forfeited to the Interim Common Services Agency and shall enure to the benefits of the States comprising the said agency and be apportioned among those States, accordingly.

(3) In any other case, where there is any doubt as to where such assets or the funds in relation thereto are to be forfeited, they shall be forfeited to the Federal Military Government.

(4) For the purposes of the foregoing provisions of this section, it shall be lawful for the appropriate Government to determine the manner in which any assets forfeited under this Decree shall be disposed of finally, so however that, for enabling effect to be given to the provisions of this section—

(a) assets in cash lodged in any bank shall be paid into the Consolidated Revenue Fund of the appropriate Government ;

(b) assets in the form of negotiable securities or choses in action (howsoever described) shall be registered by the person duly authorised in that behalf in the name of the appropriate Government ; and



(c) assets in the nature of immovable properties shall be registered by the person duly authorised in that behalf (by whatever name known) without any further assurance and without payment of any fee in the name of the appropriate Government,

and effect shall be given to the provisions of this section on the production of any instrument in writing signed by the designated officer and on the delivery of the same to any person duly authorised to receive it or apparently in possession or control of such assets, or in charge of the office or place where the assets are lodged.

In this subsection "person duly authorised" includes the registrar of companies, registrar of business names or registrar of titles or of land.

(5) Any assets which shall hereafter, as from the commencement of this Decree, be filed with the designated officer or of which he shall become aware, being assets of any of the said scheduled societies and in respect of which the 1966 Decree applies, shall in like manner be forfeited and disposed of as aforementioned.

Discharge of liabilities.

3.—(1) It shall be the responsibility of a State to which any assets of a scheduled society are forfeited to dispose of all claims in respect of any preferred liabilities out of those assets that are available at the commencement of this Decree to that State; and in the case of the former Northern Nigeria, the responsibility shall be that of the Interim Common Services Agency.

(2) All claims in respect of any preferred liability of any scheduled societies shall in the first instance be addressed to the designated officer who shall be responsible for forwarding the claims to the appropriate Government.

(3) On any application for the purposes of any claim in respect of any preferred liability, the appropriate Government shall consider—

(a) the sources of such assets; and

(b) the details of any claims to ownership.

(4) For the purposes aforesaid, the appropriate Government may, as suitable and subject to the provisions of this Decree, apply with any necessary modifications the provisions of any law, rule or regulations of a State as to the procedure for the processing of such claims and for the mode of discharging any such liability, and in the case of the former Northern Nigeria, such law, rule or regulations as the Interim Common Services Agency may, in its discretion, determine to be appropriate.

(5) Notwithstanding anything to the contrary in any enactment or law, no claim, other than a claim in respect of any preferred liability, which shall be paid in full and in the order in which it is received by the designated officer, shall be entertained by him, and any such liability (not being any preferred liability) shall be written off by that officer or any person affected by this Decree as a bad debt.

(6) The reference in this section to a "claim in respect of any preferred liability" is a reference to any claim for the discharge of any liability of a scheduled society by the Government of the Federation or the Government of a State or any governmental agency, whether of the Federation or of a State, and the words "preferred liability" shall be construed, accordingly.

4. Notwithstanding section 2 above, all such insignia, banners, firearms and ammunition, books, papers, documents, flags, emblems or other similar chattels or paraphernalia belonging to any scheduled society in the possession or control of the designated officer or the appropriate Government pursuant to the provisions of the 1966 Decree or this Decree shall be delivered by the designated officer or the appropriate Government to, and be deposited with, the National Archives of Nigeria (established under section 3 of the Public Archives Act) and kept permanently therein for safe custody and preservation.

Printed documents, etc.

Cap. 163.

5. The foregoing provisions shall apply notwithstanding anything to the contrary in any enactment or law ; and nothing in this Decree shall give rise to any claim or right by any person or association —

Exclusion of rights.

(a) in respect of any act, matter or thing whatsoever done or purported to be done under this Decree,

(b) for the determination of any question whatsoever connected therewith before a court of law, and

(c) against any person or authority acting or purporting to act in accordance with any of the provisions of this Decree.

6. In this Decree, unless the context otherwise requires, the following expressions shall have the meanings respectively assigned to them—

Interpretation.

“appropriate Government” means the Government of a State or, as the case may be, the Interim Common Services Agency, and includes the Government of the Federation ;

“designated officer” has the same meaning as in section 12 of the Public Order Decree 1966 ;

1966 No. 33.

“scheduled society” has the same meaning as in section 12 of the Public Order Decree 1966.

7.—(1) This Decree may be cited as the Public Order (Scheduled Societies : Assets and Liabilities) Decree 1971 and shall apply throughout the Federation.

Citation and extent.

(2) This Decree and the 1966 Decree may be cited together as the Public Order Decree 1966 to 1971.

1966 No. 33.

MADE in Lagos this 29th day of December 1971.

GENERAL Y. GOYON,  
*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)*

This Decree provides for the forfeiture and disposal of, and the discharge of, all the assets and liabilities of societies proscribed under the Public Order Decree 1966.

2. The assets of the societies are, by virtue of the Decree, forfeited to the Government of the Federation or of the State, in which the assets are situated or recovered, or from which the funds for such assets were derived or obtained.

3. Only claims in respect of the liabilities of such societies by the Government of the Federation or the Government of a State and governmental agencies are to be entertained under the Decree, and all other liabilities shall be written off as bad debts.

4. The Decree also provides that all insignia, banners, firearms and ammunition, books, papers, documents, flags, emblems or other chattels or paraphernalia of the societies, which are in the possession or control of the police, are to be deposited in the national archives for safe custody and preservation.