

TRADE (GENERALISED SYSTEM OF PREFERENCES) DECREE 1973**Decree No. 8**

[15th February 1973]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Board of Customs and Excise (hereinafter referred to as "the Board") is hereby appointed as the certifying authority in Nigeria for the purposes of certification of goods exported from Nigeria under the Generalised System of Preferences of the United Nations Conference on Trade and Development.

Appointment
of certifying
authority.

2. The Board shall on application therefor on the prescribed form by an exporter, and if satisfied after inspection and valuation of the goods in respect of which the application is made as to the correctness of the matters stated in the application, issue a certificate in the prescribed form—

Verification
of applica-
tion and issue
of certificate.

(a) stating the value of the goods, and

(b) certifying that the goods satisfy the rules of origin requirements specified by the country to which the goods are to be exported.

3. The Board may for the purposes of section 2 of this Decree require any exporter to furnish to the Board either orally or in such form as the Board may require, such information as in the opinion of the Board are necessary for the purposes of certification under this Decree, and to produce any book of account or other document of whatever nature relating to the sale by the exporter of the goods concerned.

Power to
require
supply of
further
information.

4.—(1) The Commissioner may make such regulations as may be required from time to time for carrying into effect the object of this Decree and, without prejudice to the generality of the foregoing, he may by regulations prescribe—

Regulations

(a) the form in which applications are to be made under this Decree and the documents to accompany such applications ;

(b) the form of the certificate to be issued under this Decree ;

(c) the fees to be paid for the issue of certificates.

(2) The Commissioner may by order published in the *Gazette* delegate to the Board the power to make regulations with respect to any of the matters mentioned in subsection (1) of this section but nothing in such order shall be construed as precluding the Commissioner from making regulations with respect to any such matters.

5.—(1) If any person—

Offences.

(a) makes or signs or causes to be made or signed or delivers or causes to be delivered to the Board any declaration or document pursuant to any provision of this Decree, or

(b) makes or gives any information or statement to the Board pursuant to section 3 of this Decree,

which he knows to be false or untrue in any material particular, he shall be guilty of an offence and liable upon conviction to a fine of ₦400 or imprisonment for two years, or in the case of a second or subsequent offence to a fine of ₦1,000 or imprisonment for five years.

(2) If any person—

(a) alters any document after it has been issued under or pursuant to this Decree, or

(b) counterfeits any seal of the Board or signature, initials or other mark of any official of the Department of Customs and Excise for the certification of such a document,

he shall be guilty of an offence and liable on conviction to a fine of ₦1,000 or imprisonment for five years.

(3) Where an offence under this Decree committed by a body corporate is proved to have been committed with the consent or connivance of, or 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.

Interpretation.

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

1958 No. 55.

“the Board” means the Board of Customs and Excise established under section 3 of the Customs and Excise Management Act 1958;

“the Commissioner” means the Federal Commissioner for Trade.

Citation.

7. This Decree may be cited as the Trade (Generalised System of Preferences) Decree 1973.

MADE at Lagos this 15th day of February 1973.

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)

The Decree appoints the Board of Customs and Excise as the certifying authority in Nigeria for the purposes of certification of goods exported from Nigeria intended to benefit under the Generalised System of Preferences of the United Nations Conference on Trade and Development.

NATURAL SCIENCES RESEARCH COUNCIL OF NIGERIA DECREE 1973



ARRANGEMENT OF SECTIONS

Section

1. Establishment of the Natural Sciences Research Council of Nigeria.
2. Membership of the Council.
3. Tenure of office, etc.
4. Functions of the Council.
5. Power of Commissioner to give directions to the Council.
6. Secretary and other members of staff of the Council.
7. Application of Pensions Act, etc.
8. Offices and premises.

9. Compulsory acquisition of land.
10. Power to accept gifts.
11. Power to borrow.
12. Financial provisions.
13. Expenditure of the Council.
14. Annual report.
15. Regulations.
16. Interpretation.
17. Citation.

SCHEDULE

Supplementary Provisions relating to the Council.

Decree No. 9

[15th February 1973]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There is hereby established a body to be known as the Natural Sciences Research Council of Nigeria which shall have the functions assigned to it by this Decree and which shall be a Research Council for the purposes of the Nigerian Council for Science and Technology Decree 1970.

Establish-
ment of the
Natural
Sciences
Research
Council of
Nigeria.
1970 No. 6.

(2) The Council shall be a body corporate with perpetual succession and a common seal.

(3) The supplementary provisions contained in the Schedule to this Decree shall have effect in relation to the Council.

2.—(1) Subject to this Decree, the council shall consist of twelve members to be appointed by the Commissioner after consultation with the Nigerian Council of Science and Technology and shall comprise—

Membership
of the
Council.

(a) a Chairman who shall be a person of distinction in the field of natural sciences ;

(b) two persons with qualifications approved by the Commissioner in the following disciplines—

- (i) physics ;
- (ii) chemistry ;
- (iii) biosciences group ;
- (iv) geosciences group ;

(c) one person with qualifications approved by the Commissioner in mathematics ;

(d) two persons appointed on account of their technical knowledge and close association with the development of natural sciences.

(2) The Commissioner shall ensure that out of the total membership of the council as provided for in subsection (1) above at least two shall be persons appointed from any two of the following institutes, that is—

- (a) the universities and university research institutes ;
- (b) research institutes for which the Federal Military Government and the States have overall responsibility ;
- (c) such institutes, industries and bodies other than those to which the foregoing paragraphs (a) and (b) above relate and not being of a public character.

(3) Subject to the provisions of section 3 of this Decree, the Commissioner may appoint a person to act in the place of the Chairman during a long absence or during the temporary incapacity from illness of the Chairman ; and that person while so acting shall exercise all the functions of the Chairman under this Decree.

(4) Subject to the provisions of section 3 of this Decree, the Commissioner may appoint any person to be a temporary member during a long absence or during the temporary incapacity from illness of any member ; and that person, while the appointment subsists, may exercise all the functions of a member under this Decree.

(5) The Federal Executive Council may by Order published in the *Gazette* increase or reduce the membership of the Council.

Tenure of
office, etc.

3.—(1) Subject to the provisions of this Decree, a member of the council shall hold office for a period of 3 years from the date of his appointment and shall be eligible for reappointment for one further period of 3 years ; thereafter he shall no longer be eligible for reappointment :

Provided that nothing in this subsection shall be construed as entitling any person who has held office as Chairman for a term and who is being reappointed under this section to be appointed again as Chairman.

(2) Any member may resign his appointment by a letter addressed to the Commissioner and that member's resignation shall have effect from the date of the letter.

(3) The Commissioner may at any time by notice in writing remove any member from his office for reasons stated in such notice.

(4) The foregoing provisions of this section shall be without prejudice to section 11 of the Interpretation Act 1964 relating to appointments.

1964 No. 1.

Functions of
the Council.

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

- (a) to encourage, promote and co-ordinate all forms of research concerned with the natural sciences throughout Nigeria,

(b) to advise the Nigerian Council for Science and Technology and through it the Federal Military Government and the Government of the States on national policy on research concerned with the natural sciences and on the financial and other requirements for the implementation of the said policy, and

(c) to ensure the application and development of the results of research in the natural sciences throughout Nigeria and in consonance with national economic, social and scientific policies.

(2) For the purpose of carrying out the general functions imposed on the Council under subsection (1) above, it shall be the duty of the Council as far as its resources permit—

(a) to keep under review activities of all kinds pertaining to such research and for that purpose—

(i) to survey and maintain an up-to-date record of all existing facilities and personnel connected in any way with such research in Nigeria,

(ii) to prepare and maintain a register of research projects relevant to Nigerian problems, completed or being carried on, in or outside Nigeria ;

(b) to assess the value of such research programmes in terms of their significance to the national economy and to advise the Nigerian Council for Science and Technology and through it the Federal Military Government or any State thereon ;

(c) to advise the Nigerian Council for Science and Technology and through it the Federal Military Government and the Governments of the States on financial and other requirements of research (whether on a short term basis or not) sponsored by the Federal Military Government or the Governments of the States and undertaken by research institutes, universities or similar autonomous bodies in or outside Nigeria or directly undertaken by any department of the Federal Military Government or the Governments of the States ;

(d) to advise the Nigerian Council for Science and Technology and through it the Federal Military Government and the Governments of the States on such organisational changes, including the establishment of institutes, as are required to implement or further the efficiency of such research, and to bring under the control and management of the Council such institutes as may from time to time be agreed upon by the Federal Military Government or the Government of a State ;

(e) to encourage general education relative to the research and to sponsor the training of post-graduate students for research work and to advise the Nigerian Council for Science and Technology on the manpower and educational requirements in the field of natural sciences research ;

(f) to publish or sponsor the publication of the results connected with the research particularly in relation to Nigerian problems and to popularise such results therefrom where their general recognition is, in the Council's opinion, of national importance ;

(g) to co-ordinate all activities relative to its functions throughout Nigeria and to co-operate with foreign and international organisations connected with such research ; and

(h) to carry out such other activities as may, in the opinion of the Council, further the advancement of natural sciences research and the application of the results.

5. 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 person 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 such directions.

Power of Commissioner to give directions to the Council.

Secretary and other members of staff of the Council.

6.—(1) The Council shall appoint a Secretary to manage the affairs of the Council under its direction.

(2) The Council may appoint such other persons to be officers and servants of the Council as the Council may determine to assist the Secretary in the exercise of his functions.

(3) The remuneration and tenure of office and conditions of service of the Secretary and other officers and servants of the Council shall be determined by the Council after consultation with the Federal Commissioner for Establishments.

Application of Pensions Act, etc.

Cap. 147.

7.—(1) The Federal Commissioner for Establishments may by order published in the *Gazette* declare the office of the Secretary or of any person employed by the Council to be a pensionable office for the purposes of the Pensions Act.

(2) Subject to subsections (3) and (4) below, the Pensions Act shall in its application by virtue of the foregoing subsection (1) to any office have effect as if the office were in the public service of the Federation within the meaning of the Constitution of the Federation.

1963 No. 20.

(3) For purposes of the application of the provisions of the Pensions Act in accordance with subsection (2) above—

(a) paragraph (1) of section 7 of that Act (which confers on the Commissioner power to waive the requirement to give notice of desire to retire at the age of forty-five) shall have effect as if for the references to the Commissioner there were substituted references to the Council, and

(b) the power under section 9 (1) of the Act to require an officer to retire at any time after attaining the age of forty-five, subject to his being given six months' notice in writing, shall be exercisable by the Council and not by any other authority.

(4) Nothing in the foregoing provisions shall prevent the appointment of a person to any office on terms which preclude the grant of a pension or gratuity in respect of service in that office.

Offices and premises.

8.—(1) For the purpose of providing offices and premises necessary for the performance of its functions the Council may—

(a) purchase or take on lease any land, and

(b) build, equip and maintain offices and premises.

(2) The Council may sell or lease any land, offices or premises held by it and no longer required for the performance of its functions.

Compulsory acquisition of land.
Cap. 167

9.—(1) For the purposes of the Public Lands Acquisition Act the purposes of the Council shall be public purposes of the Federation within the meaning of that Act.

(2) The Chief Federal Lands Officer may, by an instrument under his hand and seal, vest in the Council any property acquired pursuant to subsection (1) above; and the Council shall pay into the Consolidated Revenue Fund of the Federation a sum equal to the aggregate amount of any expenses (including compensation) incurred on behalf of the Federal Military Government by virtue of that subsection in respect of any property vested in the Council by such an instrument.

Power to accept gifts.

10. The Council may accept gifts of land, money or other property upon such trusts and conditions, if any, as may be specified by the person making such gift; but the Council shall not accept any gift if the conditions attached by the person making the gift to the acceptance thereof are inconsistent with the functions of the Council.

11. The Council may with the consent of the Commissioner borrow on such terms or conditions such sums of money as the Council may require in the exercise of the functions conferred on it under this Decree or any other written law.

Power to borrow.

12.—(1) The Council shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the Council.

Financial provisions.

(2) There shall be paid and credited to the fund established in pursuance of subsection (1) above—

(a) such moneys as may from time to time be lent or granted to the Council by the Federal Military Government or the Government of a State;

(b) all moneys raised for the purposes of the Council by way of gift, loan, grant-in-aid, testamentary disposition or otherwise;

(c) all subscriptions or fees and charges for services rendered by the Council;

(d) all interest received in respect of moneys invested by the Council; and

(e) all other monies from time to time accruing to the Council.

(3) The fund shall be managed in accordance with rules made by the Commissioner; and without prejudice to the generality of the power to make rules under this subsection, the rules shall in particular contain provisions—

(a) specifying the manner in which the fund shall be held and regulating the making of payments into and out of the fund;

(b) requiring the keeping of proper accounts and records in such form as may be specified in the rules;

(c) for securing that the accounts are audited periodically by an auditor appointed from a panel approved by the Commissioner; and

(d) requiring copies of the accounts and of the auditor's report thereon to be furnished to the Federal Executive Council through the Commissioner as soon as may be after the end of the period to which the accounts relate.

13.—(1) The Council may from time to time apply the funds at its disposal—

Expenditure of the Council.

(a) to the cost of the administration of the Council and of any research institute under its administration;

(b) to the provision of scholarships and other awards for the training of persons in the field of natural sciences;

(c) for re-imbursing members or members of any committee set up by the Council for such expenses as may be expressly authorised by the Commissioner;

(d) to the payment of the salaries, fees or other remuneration or allowances, pensions, superannuation allowances and gratuities payable to the officers (including the Secretary) and servants of the Council or any research institute under its administration, so however that no payment of any kind under this paragraph (except such as may be expressly authorised by the Commissioner) shall be made to any person who is in receipt of emoluments from the Federal Military Government or from the Government of a State;

(e) for the maintenance of any property vested in the Council or any research institute under its administration; and

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

(2) Except as provided for in subsection (1) above, no other remuneration shall be paid to any member of the Council or any member of any committee thereunder.

Annual
report.

14. The Council shall as soon as possible after the end of each year submit to the Federal Executive Council and to the Nigerian Council for Science and Technology a report on the activities of the Council and any research institute under its administration during the last preceding year.

Regulations.

15.—(1) The Council may make regulations generally for its purposes under this Decree and, without prejudice to the generality of the foregoing, regulations may provide for—

(a) the functions and responsibilities of the Secretary, and

(b) the disciplinary control of all officers and servants of the Council.

(2) Regulations made under subsection (1) above shall not have effect until they are approved by the Commissioner, and when so approved they shall be published in the *Gazette*.

Interpreta-
tion.

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

“the Commissioner” means the Federal Commissioner for Education

“the Council” means the Natural Sciences Research Council of Nigeria established by section 1 (1) of this Decree;

“member” means a member of the Council;

“the Secretary” means the person appointed under section 6 (1) of this Decree;

“State” means any State created under the provisions of the States (Creation and Transitional Provisions) Decree 1967.

1967 No. 14.

Citation.

17. This Decree may be cited as the Natural Sciences Research Council of Nigeria Decree 1973.

SCHEDULE

Section 1 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

Proceedings of the Council

1964 No. 1.

1. Subject to this Decree and to 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.

2. The quorum of the Council shall be six and the quorum of any committee of the Council shall be determined by the Council.

3. At any meeting of the Council the Chairman or any person appointed to act in that behalf shall preside, but if neither is present the members present at the meeting shall elect one of their number to preside at the meeting.

SCHEDULE—*continued*

4. The following persons, that is to say—

(a) the Permanent Secretaries of such Federal Ministries as may be specified by the Commissioner, or their representatives,

(b) the Directors of such research institutes as may come under the control and management of the Council in pursuance of section 4 (2) (d) of this Decree,

(c) any two members of the Nigerian Council for Science and Technology,

may attend any meeting of the Council and may take part in its deliberations but shall not be entitled to vote and shall not count towards a quorum.

5. The Council shall meet not less than twice in each year and on such other occasions as may be necessary.

Committees

6.—(1) The Council may, where appropriate, appoint a management committee to administer any research institute under the control and management of the Council pursuant to section 4 (2) (d) aforesaid.

(2) Subject to its standing orders, the Council may appoint such other standing and *ad hoc* committees as the Council thinks fit to consider and report on any matter with which the Council is concerned.

(3) Every committee appointed under the foregoing provisions of this paragraph shall be presided over by a member of the Council and shall be made up of such number of persons, not necessarily members of the Council, as the Council may determine in each case.

Miscellaneous

7. The fixing of the seal of the Council shall be authenticated by the signature of the Chairman of the Council or by that of the Secretary if authorised in that behalf by the Council.

8. 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 Council by any person specially or generally authorised to act for that purpose by the Council.

9. Any document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

10. The validity of any proceedings of the Council or of its committees shall not be affected—

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

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

SCHEDULE—*continued*

11. Any member of the Council or any committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or any committee thereof shall forthwith disclose his interest to the Council and shall not vote on any question relating to the contract or arrangement.

MADE at Lagos this 15th day of February 1973.

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 Natural Sciences Research Council of Nigeria and empowers it to encourage, promote and co-ordinate all forms of research concerned with the natural sciences throughout the Federation. The Council is to be one of the Research Councils under the surveillance of the Nigerian Council for Science and Technology.