

**NATIONAL ELECTRIC POWER AUTHORITY  
(AMENDMENT) DECREE 1975**



**Decree No. 8**

[10th February 1975]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. In paragraph 2 of Schedule 1 to the National Electric Power Authority Decree 1972—

Amend-  
ment of  
1972 No. 24.

(a) for the existing paragraph (a) there shall be substituted the following new paragraphs :—

“(a) a Chairman who shall be appointed by the Commissioner with the prior approval of the Federal Executive Council ;

(b) the Permanent Secretary, Federal Ministry of Mines and Power, or his deputy ;” and

(b) the existing paragraphs (b) to (g) shall be renumbered as paragraphs (c) to (h) respectively.

2. This Decree may be cited as the National Electric Power Authority (Amendment) Decree 1975 and shall be deemed to have come into operation on 10th February 1975.

Citation  
and  
commence-  
ment.

MADE at Lagos this 25th day of February 1975.

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 amends the National Electric Power Authority Decree to provide for the appointment of a chairman of the Board of the Authority who need not be a public officer. The Permanent Secretary, Federal Ministry of Mines and Power remains a member of the Board.

**PETROLEUM EQUALISATION FUND (MANAGEMENT BOARD, ETC.) DECREE 1975**



**Decree No. 9**

[See section 14]

**Commence-  
ment.**

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

1. There is hereby established a Fund to be known as the Petroleum Equalisation Fund (in this Decree referred to as "the Fund") into which shall be paid—

**Establish-  
ment of the  
Fund.**

(a) any net surplus revenue recovered from oil marketing companies pursuant to this Decree; and

(b) such sums as may be provided for that purpose by the Federal Military Government.

2. The Fund shall be utilised for the reimbursement of oil marketing companies for any loss sustained by them solely and exclusively as a result of the sale by them of petroleum products at uniform prices throughout the country being prices fixed by the Commissioner pursuant to section 5 (1) of the Petroleum Decree 1969.

**Utilisation of  
the Fund.**

**1969 No. 51.**

3.—(1) There shall be, for the purpose of administering the Fund in accordance with the provisions of this Decree, a body to be known as the Petroleum Equalisation Fund Management Board (in this Decree referred to as "the Board").

**Establish-  
ment, etc. of  
Petroleum  
Equalisation  
Fund  
Management  
Board.**

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

(3) The Board may—

(a) sue and be sued in its corporate name;

(b) hold and acquire property whether movable or immovable.

(4) The provisions of the Schedule to this Decree shall have effect with respect to the composition of the Board and the other matters contained therein.

Secretary.

4.—(1) The Board shall from time to time appoint a fit person to be called the Secretary of the Petroleum Equalisation Fund Management Board.

(2) The Secretary shall be the chief administrative officer of the Board and, subject to the directions of the Board, shall be responsible—

(a) for determining at such intervals as the Board may direct the net surplus revenue recoverable from any oil marketing company and accruing to that company from the sale by it of petroleum products at such uniform prices as may be fixed by the Commissioner pursuant to section 5 (1) of the Petroleum Decree 1969 ;

(b) for determining the amount of reimbursement due to any oil marketing company which has suffered a loss as a result of the operation of the enactment as aforesaid ;

(c) for the payment of all disbursements authorised under or by virtue of this Decree ;

(d) for accounting for all moneys collected, paid or otherwise expended under this Decree ;

(e) for carrying out such other duties as may from time to time be specified by the Board.

(3) The Board may also from time to time appoint as employees of the Board such number of persons as may be necessary for the administration of this Decree, who shall be subject to the general control of the Secretary and who shall perform such duties as the Secretary may direct.

Calculation of surplus revenue recoverable.

5. The net surplus revenue recoverable from an oil marketing company under this Decree shall be calculated by reference to the volume of the affected products sold on zonal basis and to the amount by which the uniform prices at which the products were sold exceeded, or were less than, the prices of those products prevailing immediately before the fixing of the uniform prices of the products.

Prescribed date for payments and penalty for non-payment

6.—(1) The Board shall from time to time by notice served by registered post on the oil marketing company concerned specify the date on which any net surplus revenue due from that oil marketing company shall be paid to the Board.

(2) If any sum is not paid within twenty-one days of the specified date a sum equal to ten per centum of the amount unpaid shall be added for each month or part of a month after the date on which payment should have been made.

(3) The Board may, if it thinks fit, remit in whole or in part any penalty imposed under this section.

Accounts and audit.

7.—(1) The Board shall keep proper accounts and proper records in relation thereto and shall prepare in respect of each financial year a statement of accounts in such form as the Commissioner may direct.

(2) The Board shall not later than six months from the end of the financial year to which the accounts relate cause the accounts to be audited by auditors appointed by the Board with the approval of the Commissioner.

(3) The auditors shall on the completion of the audit of the accounts of each financial year prepare and submit to the Board a report setting out their observations and recommendations on all aspects of the accounts of the Board; and the Board shall forward a copy of the report to the Commissioner.

8.—(1) Notwithstanding any other provision of this Decree, any net surplus revenue payable by an oil marketing company pursuant to this Decree shall be recoverable by action as a debt owing to the Board at any time within six years from the date when payment of the sum became due.

Proceedings to recover unpaid net surplus revenue.

(2) Any action for the recovery of any sum under this section may be instituted on behalf of the Board by the Secretary or by any employee of the Board and where the action is instituted in a magistrate's court any person authorised by this subsection may appear and conduct the case.

(3) For the purposes of this section the expression "net surplus revenue" includes any penalty payable or imposed for non-payment or for late payment, as the case may be.

9. A copy of an entry in the accounts of the Board or other extract from the records of the Board shall, when certified by the Secretary, be received in all courts as prime facie evidence of the truth of the contents thereof and, as the case may be, of the debt to the Board of any oil marketing company.

Certificate as evidence.

10. The Secretary may, with the approval of the Board, require any oil marketing company to furnish such returns and keep such records and produce them for examination by, or on behalf of, the Secretary as appear to the Secretary to be necessary for the carrying out of his functions under this Decree.

Returns.

11.—(1) Any person who fails to comply with any requirement made by the Secretary under section 10 above shall be guilty of an offence and liable on conviction to a fine of ₹1,000.

Offences and penalty.

(2) Any person who—

(a) knowingly or recklessly furnishes in pursuance of any requirement made under section 10 above, any return or other information which is false in any material particular, or

(b) wilfully makes a false entry in any record required to be produced under that section with intent to deceive, or makes use of any such entry which he knows to be false,

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

(3) Where an offence under this Decree 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 similar officer 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 the offence and may be proceeded against and punished accordingly.

12. The Commissioner may, with the approval of the Federal Executive Council, make regulations generally for the purposes of this Decree.

Regulations.

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

Interpretation.

"the Board" means the Petroleum Equalisation Fund Management Board established by section 3 of this Decree;

"the Chairman" means the Chairman of the Board ;

"the Commissioner" means the Federal Commissioner for Mines and Power ;

"the Fund" means the Petroleum Equalisation Fund established by section 1 of this Decree ;

"petroleum products" includes motor spirits, gas oil, diesel oil, automotive gas oil, fuel oil, aviation fuel, kerosene, liquefied petroleum gases and any lubricating oil or grease or other lubricant ;

"the Secretary" means the Secretary of the Board appointed pursuant to section 4 of this Decree.

Citation and commencement.

14. This Decree may be cited as the Petroleum Equalisation Fund (Management Board, etc.) Decree 1975 and shall be deemed to have come into force on 15th October 1973.

## SCHEDULE

### COMPOSITION ETC. OF THE PETROLEUM EQUALISATION FUND MANAGEMENT BOARD

1. The Board shall consist of the following members, that is to say—

(a) a representative of the Federal Ministry of Mines and Power, who shall be the Chairman ;

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

(c) a representative of the Federal Ministry of Trade, and

(d) three representatives of the oil marketing companies who shall be appointed by the Commissioner.

2. If for any reason the Chairman is unable to be present at any meeting of the Board he shall nominate another person from his Ministry to act as Chairman for the purpose of that meeting and the person so nominated shall have the same powers as the Chairman.

3. The Commissioner shall convene the first meeting of the Board and, subject thereto, the Board shall meet on such other occasions as it may deem necessary.

4. A member of the Board appointed pursuant to paragraph (d) of paragraph 1 above—

(a) shall hold office for two years and shall be eligible for re-appointment ;

(b) may at any time by notice addressed to the Commissioner resign his office ;

(c) may be removed from office by the Commissioner if the Commissioner is of the opinion that the member is for any reason unfit to continue in office or is incapable of performing his duties ;

(d) shall be paid out of moneys at the disposal of the Board such remuneration and allowances as the Commissioner with the approval of the Federal Executive Council may determine.

5.—(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 Board may make standing orders regulating its proceedings. 1964 No. 1.

(2) The quorum for any meeting of the Board shall be 4.

(3) The validity of any proceedings of the Board shall not be affected—

(a) by any vacancy in the membership of the Board,

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

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

6. Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed on behalf of the Board by any person generally or specifically authorised by it for that purpose.

7. The fixing of the seal of the board shall be authenticated by the signature of the Chairman (or some other member authorised by the Board to act in that behalf) and the signature of the Secretary.

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

9. Any member of the Board who has a personal interest in any matter to be considered by the Board or in any contract or arrangement entered into or proposed to be entered into by the Board shall forthwith disclose his interest to the Board and shall not vote on any question relating to such matter, contract or arrangement.

MADE at Lagos this 17th day of February 1975.

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 Petroleum Equalisation Fund which is to be applied for the reimbursement of oil marketing companies for any losses suffered by them arising from the sale of petroleum products at uniform prices throughout the country. The Fund is to be managed by a Management Board also established by the Decree.



**STATUTORY CORPORATIONS SERVICE COMMISSION  
(AMENDMENT) DECREE 1975**



**Decree No. 10**

[17th February 1975]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Statutory Corporations Service Commission Decree 1968 is hereby amended as follows :—

Amendment  
of 1968  
No. 53.

(a) for section 9 thereof, there shall be substituted the following new section, that is—

“Financial  
provisions.

9.—(1) The commission shall maintain a fund consisting of such moneys as may in each financial year be granted to it by the Federal Military Government by way of subvention or otherwise howsoever from which shall be defrayed all the amounts payable under or in pursuance of this Decree, being sums representing—

(a) amounts payable to the Chairman or any member of the commission under this Decree (including allowances);

(b) costs of employment of staff of the commission;

(c) amounts payable under the pension scheme maintained in pursuance of section 10 of this Decree;

(d) costs of acquisition and upkeep of premises belonging to the commission or any other capital expenditure of the commission; and

(e) anything incidental to the foregoing provisions of this subsection.

(2) The Secretary to the commission shall be the accounting officer for the purpose of controlling and disbursing the commission's fund.

(3) The Secretary to the commission shall in each financial year as and when required by the commission so to do, prepare estimates of recurrent and capital expenditure copies of which shall be furnished to members of the commission and such estimates shall be forwarded for approval to the Federal Commissioner for Finance.

(4) Not later than three months after the end of a financial year, the accounts of the commission shall be audited by auditors approved by the Federal Commissioner for Finance; and the commission shall send a copy of the audited accounts and of the auditors' report thereon, as soon as may be after receipt thereof, to the said Commissioner." ; and

(b) in section 10 thereof, all the words immediately after the word "staff" to the end of the section shall be deleted.

Citation and  
repeal.

1968 No. 59.

2.—(1) This Decree may be cited as the Statutory Corporations Service Commission (Amendment) Decree 1975.

(2) Section 3 of the Statutory Corporations (Salaries and Allowances, Etc.) Decree 1968 is consequentially repealed.

MADE at Lagos this 17th day of February 1975.

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 relieves the affected statutory corporations of the financial responsibility for the running of the Statutory Corporations Service Commission and makes it a direct responsibility of the Federal Government.



**CORPORATIONS STANDING TENDERS BOARD  
(AMENDMENT) DECREE 1975**



**Decree No. 11**

[17th February 1975]

Commence-  
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Corporations Standing Tenders Board Decree 1968 is hereby amended as follows :—

Amendment  
of 1968  
No. 54.

(a) for section 7 thereof, there shall be substituted the following new section, that is—

“Financial  
provisions.

7.—(1) The board shall maintain a fund consisting of such moneys as may in each financial year be granted to it by the Federal Military Government by way of subvention or otherwise howsoever from which shall be defrayed all the amounts payable under or in pursuance of this Decree, being sums representing—

(a) amounts payable to the Chairman or any member of the board under this Decree (including allowances) ;

(b) costs of employment of staff of the board ;

(c) amounts payable under the pension scheme maintained in pursuance of section 8 of this Decree ;

(d) costs of acquisition and upkeep of premises belonging to the board or any other capital expenditure of the board ; and

(e) anything incidental to the foregoing provisions of this subsection.

(2) The Secretary to the board shall be the accounting officer for the purpose of controlling and disbursing the board's fund.

(3) The Secretary to the board shall in each financial year as and when required by the board so to do, prepare estimates of recurrent and capital expenditure copies of which shall be furnished to members of the board and such estimates shall be forwarded for approval to the Federal Commissioner for Finance.

(4) Not later than three months after the end of a financial year, the accounts of the board shall be audited by auditors approved by the Federal Commissioner for Finance, and the board shall send a copy of the audited accounts and of the auditors' report thereon, as soon as may be after receipt thereof, to the said Commissioner.” ; and

(b) in section 8 thereof, all the words immediately after the word "staff" to the end of the section shall be deleted.

Citation and  
repeal.

1968 No. 60.

2.—(1) This Decree may be cited as the Corporations Standing Tenders Board (Amendment) Decree 1975.

(2) The Corporations Standing Tenders Board (Amendment) Decree 1968 is consequentially repealed.

MADE at Lagos this 17th day of February 1975.

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 relieves the affected statutory corporations of the financial responsibility for the running of the Corporations Standing Tenders Board and makes it a direct responsibility of the Federal Government.