

**NIGERIAN MINING CORPORATION (AMENDMENT)
DECREE 1977**



Decree No. 34

[26th May 1976]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:—

1. The Nigerian Mining Corporation Decree 1972 is hereby amended as follows—

Amendment
of 1972
No. 39.

(a) in section 2—

(i) for the existing subsection (1) there shall be substituted the following new subsection—

“(1) The Corporation shall consist of a Chairman to be appointed by the Federal Executive Council and the following other members, that is—

- (a) the Director of Mineral Resources ;
- (b) the Director of Geological Surveys ;
- (c) the Permanent Secretary, Federal Ministry of Economic Development, or his representative ;
- (d) the General Manager of the Corporation ; and
- (e) five other persons appointed by the Federal Executive Council who by reason of any necessary ability, experience, specialised knowledge of the mining industry or their business or professional attainment, have a special contribution to make to the work of the Corporation.” ;

(ii) subsection (2) thereof shall be deleted ; and

(b) for paragraph 4 of Schedule 1 there shall be substituted the following new paragraph 4—

“4. Except as provided in subsection 2 (1) (c), no member of the Corporation shall be entitled to appoint a person to represent him at a meeting.”

citation and
commen-
cement.

2. This Decree may be cited as the Nigerian Mining Corporation (Amendment) Decree 1977 and shall be deemed to have come into operation on 26th May 1976.

MADE at Lagos this 21st day of April 1977.

LT.-GENERAL O. OBASANJO,
*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 makes new provisions for the constitution of membership of the Nigerian Mining Corporation.

**NATIONAL ELECTRIC POWER AUTHORITY (AMENDMENT)
DECREE 1977**



Decree No. 35

[26th May 1976]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Part I of Schedule 1 of the National Electric Power Authority Decree 1972 (which deals with membership of the Board) is hereby amended as follows—

Amendment
of Decree
No 24 of
1972.

(a) by deleting paragraph 2 thereof and substituting the following new paragraph —

“2. The Board shall consist of a Chairman to be appointed by the Federal Executive Council and the following other members, that is—

(a) the Director, Electrical Inspectorate Services, Ministry of Mines and Power ;

(b) the General Manager of the Authority ; and

(c) seven other persons appointed by the Federal Executive Council, who by reason of any requisite ability, experience and specialised knowledge, have special skills that will be useful and will enable them to make effective contributions to the work of the Authority.” ;

(b) by deleting paragraph 3 thereof ; and

(c) by deleting in paragraph 9 the words “Except as provided in paragraphs 2 and 3 above”.

2. This Decree may be cited as National Electric Power Authority (Amendment) Decree 1977 and shall be deemed to have come into operation on 26th May 1976.

Citation and
commence-
ment.

MADE at Lagos this 21st day of April 1977.

LT.-GENERAL O. OBASANJO,
*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 makes new provisions with respect to the constitution of membership of the Board of the National Electric Power Authority.

**NIGERIAN COAL CORPORATION (AMENDMENT)
DECREE 1977**



Decree No. 36

[26th May 1976]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Section 3 of the Nigerian Coal Corporation Act is hereby amended by the substitution for subsections (2) and (3) thereof of the following new subsection—

Amendment
of Cap. 154.

“(2) The Corporation shall consist of a Chairman to be appointed by the Federal Executive Council and the following other members, that is—

- (a) a representative of the Federal Ministry of Mines and Power ;
- (b) a representative of the Nigerian Steel Development Authority ;
- (c) the General Manager of the Corporation ; and

(d) five other persons appointed by the Federal Executive Council, who by reason of being qualified and having had experience in industrial or mining affairs, industrial relations and the general needs of consumers of coal which will enable them to make effective contributions to the work of the Corporation.”

2. This Decree may be cited as the Nigerian Coal Corporation (Amendment) Decree 1977 and shall be deemed to have come into operation on the 26th May 1976.

Citation and
commence-
ment.

MADE at Lagos this 21st day of April 1977.

LT.-GENERAL O. OBASANJO,
*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 makes new provisions for the constitution of membership of the Nigerian Coal Corporation.

PETROLEUM (AMENDMENT) DECREE 1977



Decree No. 37

[3rd May 1977]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. The Petroleum Decree 1969 is hereby amended as follows :—

Amendment
of 1969
No. 51.

(a) for section 4 there shall be substituted the following new section, that is—

“Control of
petroleum
products.”

4 (1) Subject to this section, no person shall import, store, sell or distribute any petroleum products in Nigeria without a licence granted by the Commissioner.

(2) Subsection (1) of this section shall not apply in respect of—

(a) the storage, sale or distribution of not more than 500 litres of kerosene, and such other categories of petroleum products as may be exempted from the application of subsection (1) of this section by the Commissioner by order published in the *Gazette* ;

(b) storage of petroleum products undertaken otherwise than in connection with the importation, sale or distribution of petroleum products.

(3) Licences granted by the Commissioner under this section shall be subject to the prescribed terms and conditions or where no form is prescribed or no terms or conditions are prescribed, in such form and on such terms and conditions as may be decided or imposed by the Commissioner.

(4) There shall be charged in respect of every licence granted under this section application fees and such other fees as may be prescribed.

(5) The Commissioner may by order published in the *Gazette* delegate the power to grant licences under this section to such persons or authorities in a State as he may deem fit.

(6) Any person who does, without the appropriate licence, any act for which a licence is required under this section shall be guilty of an offence and shall be liable on conviction to imprisonment for two years or a fine of ₦2,000 or both, and, in addition, the petroleum products in respect of which the offence was committed shall be forfeited.”

(b) in section 12 (2) for the existing paragraph (b) (i) there shall be substituted the following new sub-paragraph, that is—

“(iv) does without the appropriate licence any act for which a licence is required under any regulations made under this Decree.”

Cancellation
of licences,
repeals, etc.

1969 No. 51.

2.—(1) The power conferred under any Law or Edict or any subsidiary legislation made under the Law or Edict on any person or authority in a State to grant licences for the storage, sale or distribution of petroleum products other than the petroleum products referred to in section 4 (2) of the Petroleum Decree 1969 is hereby revoked, and any licence granted by any person or authority in a State as aforesaid is to the extent that the licence relates to petroleum products other than those referred to in section 4 (2) of the Petroleum Decree 1969 is hereby cancelled.

(2) Any Law or Edict or subsidiary legislation made thereunder conferring power on any person or authority in a State to grant licences for the storage, sale or distribution of petroleum products other than the petroleum products referred to in section 4 (2) of the Petroleum Decree 1969 shall cease to have effect, so however that nothing in this section shall be construed as confirming or in any way implying the validity of any such Law, Edict or subsidiary legislation.

Citation.

3. This Decree may be cited as the Petroleum (Amendment) Decree 1977.

MADE at Lagos this 3rd day of May 1977.

LT.-GENERAL O. OBASANJO,
*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 prohibits the storage, sale or distribution of petroleum products anywhere in Nigeria without a licence granted by the Commissioner. All licences granted before the commencement of the Decree by any person or authority in Nigeria other than the Federal Commissioner for Petroleum Resources are cancelled. The storage (and sale or distribution) of not more than 500 litres of kerosene is exempted from the operations of the Decree. Persons found contravening provisions of the Decree are liable to imprisonment for two years or a fine of ₦2,000, or both and, in addition, the petroleum products in respect of which the offence was committed are forfeited to the Government.

**CUSTOMS AND EXCISE (SPECIAL PENAL AND OTHER
PROVISIONS) DECREE 1977**



Decree No. 38

[5th May 1977]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Goods forfeited for smuggling under the principal Act shall no longer be sold to the public, whether by auction or otherwise howsoever, but shall be disposed of in the manner provided in this section.

Forfeited
goods to be
destroyed.

(2) The goods shall, as soon as may be convenient after seizure thereof, be destroyed by an appropriate officer and such destruction shall be effected in such place or places as may be approved by the Commissioner and in the presence of the following persons—

- (a) an officer of the Nigerian Army not below the rank of captain or an officer in the Nigerian Navy or Air Force not below the corresponding rank ;
- (b) an officer of the Nigeria Police Force not below the rank of superintendent ;
- (c) one senior customs officer ; and
- (d) one other person appointed by the Commissioner.

2.—(1) Where in respect of goods deposited in a Government Warehouse under or by virtue of any of the provisions of the principal Act any duty chargeable thereon and any other charges in respect thereof are not paid within the time prescribed under the applicable provisions of the principal Act the goods so deposited shall no longer be sold, whether by auction or otherwise howsoever, but shall be disposed of in accordance with this section.

Disposal of
unclaimed
goods in
Government
Warehouse.

(2) Proper inventory shall be kept of the goods and such of the goods or such categories of them as the Commissioner may from time to time determine shall be distributed to such Departments of the Government of the Federation or of a State as the Commissioner, acting on the recommendation of a committee consisting of the persons specified in section 1 (2) of this Decree, may direct, and the remainder of the goods after such distribution shall be destroyed in the same manner as prescribed under section 1 of this Decree.

(3) The reference in subsection (2) of this section to Departments of the Government of the Federation or of a State shall be construed as including a reference to any body whether corporate or unincorporate directly established by an enactment and any company in respect of which the Government of the Federation or of a State has controlling or substantial interest.

Possession of
smuggled
goods to be
an offence.

3.—(1) If any person is found anywhere in Nigeria in possession of any goods to which this section applies he shall be guilty of an offence unless he proves—

(a) that the goods were lawfully imported into Nigeria or as the case may be, that the duty chargeable thereon has been paid ; or

(b) in the case of any person other than a seller of those goods, that he had no reason to believe that the goods were unlawfully imported or that the duty chargeable thereon had not been paid.

(2) This section applies to any goods, not being goods manufactured or otherwise produced in Nigeria—

(a) the importation of which is prohibited under the principal Act or any other enactment ; or

(b) which has been imported into Nigeria without the duty chargeable thereon having been paid.

(3) A person guilty of an offence under this section shall on conviction be sentenced to imprisonment for one year, without the option of a fine.

4. The principal Act is hereby amended as follows :—

(a) in section 44 for all the words after “shall” where it occurs in the last line but one of subsections (1) and (2), there shall be substituted the words “be sentenced to imprisonment for five years without the option of a fine.” ;

(b) in section 58 for all the words after “shall” where it occurs in the last line but one of subsections (1) and (2), there shall be substituted the words “be sentenced to imprisonment for five years without the option of a fine.” ;

(c) in section 141 (2) for the words after “shall” where it occurs in the last line but one there shall be substituted the words “be sentenced to death.” ;

(d) in section 146 the existing subsection (2) shall be renumbered as subsection (3), and immediately after the existing subsection (1) there shall be inserted the following new subsection, that is—

“(2) If an offender under subsection (1) is armed with any firearms and with such firearms causes injury to an officer he shall be sentenced to death.”

Miscellaneous
amendments
of the principal
Act.

Interpretation,
etc.

5.—(1) Expressions used in this Decree have the same meaning as in the principal Act.

(2) This Decree shall be construed as one with the principal Act so however, that where there is any conflict between the provision of the principal Act and those of this Decree the provisions of this Decree shall prevail.

(3) In this Decree “the principal Act” means the Customs and Excise Management Act 1958.

6. This Decree may be cited as the Customs and Excise (Special Penal and other Provisions) Decree 1977. Citation.

MADE at Lagos this 5th day of May 1977.

LT.-GENERAL O. OBASANJO,
*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 makes special provisions with respect to the operation of the Customs and Excise laws. Under the Decree goods forfeited under the principal Act are no longer to be sold to the public but are to be destroyed. Certain categories of unclaimed goods in Government Warehouses are, instead of being sold, to be distributed to Governmental departments and agencies. The remainder are to be destroyed. Further, possession of smuggled goods is to be an offence unless the offender is able to prove that the goods were lawfully imported or, in certain cases, that he had no reason to believe that the goods had been smuggled.

The penalty for unlawful importation of goods into the country is now to be imprisonment for 5 years without the option of a fine. Smugglers found armed with any firearms and who cause injury to officers of Customs and Excise with the firearms are to be sentenced to death.