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DEEP OFFSHORE AND INLAND BASIN PRODUCTION SHARING CONTRACTS DECREE 1999



Decree No. 9

[See Section 19] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. Notwithstanding anything to the contrary contained in any other enactment or law, the provisions of this Decree shall apply to all Production Sharing Contracts as defined in section 18 of this Decree.

Production sharing
contracts.

2. The duration of an oil prospecting licence relating to Production Sharing Contracts in the Deep Offshore and Inland Basin shall be determined by the Minister and shall be for a minimum period of 5 years and an aggregate period of 10 years.

Duration of oil
prospecting licence

3.-(1) The Petroleum Profits Tax payable under a Production Sharing Contract shall be determined in accordance with the Petroleum Profits Tax Act as amended:

Determination of
Petroleum Profit
Tax.
Cap. 354 LFN.

Provided that the Petroleum Profits Tax applicable to the contract area as defined in the Production Sharing Contracts shall be 50 per cent flat rate of chargeable profits for the duration of the Production Sharing Contracts.

(2) Nothing contained in this Decree shall be construed as having exempted the Contractors from the payment of any other taxes, duties or levies imposed by any Federal, State or Local Government, or Area Council Authority.

4.-(1) Where the Nigerian National Petroleum Corporation (in this Decree referred to as "the Corporation") or the Holder and the Contractor have incurred any qualifying capital expenditure wholly, exclusively and necessarily for the purposes of petroleum

Determination
of investment
tax credit and
investment tax
allowance.

operations carried out under the terms of a Production Sharing Contract in the Deep Offshore or Inland Basin, there shall be due to the Parties in respect of the Production Sharing Contracts executed prior to 1st July, 1998, a credit (in this Decree referred to as "Investment Tax Credit") at a flat rate of 50 *per cent* of the qualifying expenditure in accordance with the Production Sharing Contract terms for the accounting period in which that asset was first used for the purposes of such operations.

(2) In respect of Parties who executed Production Sharing Contracts after 1st July 1998, there shall be due to such Parties an allowance ("in this Decree referred to as an "Investment Tax Allowance") at a flat rate of 50 *per cent* of the qualifying expenditure in accordance with the provisions of existing applicable legislation for the accounting period in which that asset was first used for the purposes of such operations.

Royalty payable in respect of deep offshore production sharing contracts.

5.-(1) The payment of royalty in respect of the Deep Offshore Production Sharing Contracts shall be graduated as follows, that is -

	<i>Area</i>	<i>Rate</i>
(a)	In areas from 201 to 500 metres water depth	12 <i>per cent</i>
(b)	From 501 to 800 metres water depth	8 <i>per cent</i>
(c)	From 801 to 1000 metres water depth	4 <i>per cent</i>
(d)	In areas in excess of 1000 metres depth	0 <i>per cent</i>

(2) The royalty rate payable under the Production Sharing Contracts in the Inland Basin shall be 10 *per cent*.

Computation of petroleum profit tax.

6. Computation and payment of estimated and final petroleum profit tax shall be made in US dollars on the basis of the US dollar returns filed.

7. Royalty oil shall be allocated to the Corporation or the Holder, as the case may be, in such quantum as shall generate an amount of proceeds equal to actual royalty payable during each month and the concession rental payable annually in accordance with the Production Sharing Contracts terms.

Allocation of royalty oil.

8.-(1) Cost oil shall be allocated to the Contractor in such quantum as shall generate an amount of proceeds sufficient for the recovery of operating costs in oil prospecting licences as defined in the Production Sharing Contracts and any oil mining leases derived therefrom.

Allocation of cost oil.

(2) All operating costs shall be recovered in U.S. Dollars through cost oil allocations in accordance with the terms of the Production Sharing Contract.

9. Tax oil shall be allocated to the Corporation or the Holder, as the case may be, in such quantum as shall generate an amount of proceeds equal to the actual petroleum profit tax liability payable during each month.

Allocation of tax oil.

10. Profit oil, being the balance of available crude oil after deducting royalty oil, tax oil and cost oil, shall be allocated to each Party in accordance with the terms of the Production Sharing Contract.

Allocation of profit oil.

11.-(1) The Corporation or the Holder, as the case may be, shall pay all royalty, concession rentals and petroleum profit tax on behalf of itself and the Contractor out of the allocated royalty oil and tax oil.

Payment of royalty.

(2) Separate tax receipts in the names of the Corporation or the Holder and the Contractor for the respective amounts of petroleum profit tax paid on behalf of the Corporation or the Holder and Contractor shall be issued by the Federal Inland Revenue Service (in this Decree referred to as "the Service") in accordance with the terms of the Production Sharing Contract.

12. The chargeable tax on petroleum operations in the contract area under the Production Sharing Contracts shall be split between the Corporation or the Holder and the Contractor in the same ratio as the split of profit oil as defined in the Production Sharing Contract between them.

Chargeable tax on petroleum operations.

Use of realisable price in determining royalty and petroleum profit tax in respect of crude oil, etc.

13.-(1) The realisable price as defined in the Production Sharing Contract established by the Corporation or the Holder in accordance with the provisions of the Production Sharing Contract, shall be used to determine the amount payable on royalty and petroleum profit tax in respect of crude oil produced and lifted pursuant to the Production Sharing Contract.

(2) The parameters for new crude oil streams produced from the contract area shall also be determined in accordance with the provisions of the Production Sharing Contract.

Submission of receipts.

14. The Corporation or the Holder, as the case may be, shall make available to the Contractor copies of the receipts issued by the Service bearing the names of each Party as defined in the Production Sharing Contract in accordance with each Party's tax oil allocation for the payment of petroleum profit tax under the provisions of the Production Sharing Contract.

Adaptation of laws.
Cap 350 LFN.
Cap 354 LFN.

15.-(1) The relevant provisions of all existing enactments or law, including but not limited to the Petroleum Act, as amended, and the Petroleum Profit Tax Act, as amended, shall be read with such modifications as to bring them into conformity with the provisions of this Decree.

(2) If the provisions of any other enactment or law, including but not limited to the enactments specified in subsection (1) of this section, are inconsistent with the provisions of this Decree, the provisions of this Decree shall prevail and the provisions of that other enactment or law shall, to the extent of that inconsistency, be void.

Management of production sharing contracts and joint venture.
1990 No. 1.

16.-(1) For the purpose of the efficient management of Production Sharing Contracts and joint ventures under this Decree, the National Petroleum Investment Management Services (in this Decree referred to as "NAPIMS") shall be incorporated into a limited liability company under the Companies and Allied Matters Decree 1990, as amended.

(2) Accordingly, NAPIMS shall be vested with the exploration and production properties and assets owned by the Federal Republic of Nigeria for the purposes of this Decree.

17. The provisions of this Decree shall be liable to review after a period of 10 years from the date of the commencement and every 5 years immediately thereafter. Periodic review.

18. In this Decree, unless the context otherwise requires - Interpretation.

"Corporation" means the Nigerian National Petroleum Corporation;

"Contractor" means any petroleum exploration and production company who has entered into a Production Sharing Contract agreement with the Corporation or entered into an agreement or arrangement with any Nigerian Holder of an oil prospecting licence or an oil mining lease within the Deep Offshore and Inland Basin;

"Deep Offshore" means any water depth beyond 200 metres;

"Holder" means any Nigerian company who holds an oil prospecting license or oil mining lease situated within the Deep Offshore and Inland Basin under the relevant provision of the Petroleum Act, as amended;

"Inland Basin" means any of the following Basins, namely, Anambra, Benin, Benue, Chad, Gongola, Sokoto and such other basins as may be determined, from time to time, by the Minister;

"Joint Ventures" means any agreement or arrangements under which the Corporation jointly owns and develops various oil and gas concessions in Nigeria;

"Minister" means the Minister charged with responsibility for matters relating to petroleum and "Ministry" shall be construed accordingly;

"Parties" includes the Corporation or any Nigerian company as the Holder and the Contractor;

"Production Sharing Contracts" means any agreement or arrangements made between the Corporation or the Holder and any other petroleum exploration and production company or companies for the purpose of exploration and production of oil in the Deep Offshore and Inland Basins;

"Service" means the Federal Inland Revenue Service.

Citation and
commencement.

19. This Decree may be cited as the Deep Offshore and Inland Basin Production Sharing Contracts Decree 1999 and shall be deemed to have come into force on 1st January, 1993.

MADE at Abuja this 23rd day of March 1999

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
*Head of State, 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 provides, amongst other things, for the amendment of certain enactments to give legislative effect to the fiscal incentives given to the oil and gas companies operating in the Deep Offshore and Inland Basin areas under Production Sharing Contracts or such other Production Sharing Contract type arrangements between the Nigerian National Petroleum Corporation or other holders of oil prospecting licenses and various petroleum exploration and production companies concerning the terms of the Production Sharing Contracts.

**NATIONAL COUNCIL OF NIGERIAN VISION
(ESTABLISHMENT), ETC. DECREE 1999**



ARRANGEMENT OF SECTIONS

Sections

1. Establishment of the National Council of Nigerian Vision.
2. Membership, etc.
3. Tenure of office.
4. Removal from office of members.
5. Allowances, etc. of members.
6. Objectives of the Council.
7. Functions of the Council.
8. Powers of the Council.
9. Technical Committees.
10. Membership of the Technical Committee.
11. Functions of Technical Committee.
12. Proceedings of the Technical Committee.
13. Secretary and other staff of the Council.
14. Fund of the Council.
15. Expenditure of the Council.
16. Power to accept gifts.
17. Annual estimates, accounts and audit.
18. Annual report.
19. Power to borrow.
20. Regulations.
21. Interpretation.
22. Citation and commencement.

NATIONAL COUNCIL OF AUSTRALIAN VISION
(ESTABLISHED 1991)



ARTS AND CRAFTS

Sections

1. Establishment of the Council
2. Membership of the Council
3. Terms of Office
4. Removal from Office
5. Allowance of Members
6. Officers of the Council
7. Functions of the Council
8. Finance of the Council
9. Technical Committee
10. Membership of the Technical Committee
11. Functions of the Technical Committee
12. Secretary and other staff of the Council
13. Seal of the Council
14. Signature of the Council
15. Power to accept gifts
16. Financial estimates, accounts and audit

Decree No. 10

[17th November 1997] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees
as follows:-

**PART I - ESTABLISHMENT, ETC. OF THE
NATIONAL COUNCIL OF NIGERIAN VISION**

1.-(1) There is hereby established a body to be known as Establishment of
the National
Council of
Nigerian Vision.
the National Council of Nigerian Vision (in this Decree referred
to as "the Council").

(2) The Council -

(a) shall be a body corporate with perpetual succession and
a common seal;

(b) may sue and be sued in its corporate name.

2.-(1) The Council shall consist of a Chairman, who shall Membership, etc.
be the Head of State, Commander-in-Chief of the Armed Forces
and the following other members -

(a) the Chief of Defence Staff;

(b) the Inspector-General of Police;

(c) the Ministers of the following Ministries, that is

(i) Agriculture,

(ii) Commerce and Tourism,

(iii) Communications,

(iv) Defence,

(v) Education,

(vi) Finance,

- (vii) Foreign Affairs,
 - (viii) Industries,
 - (ix) Information and Culture,
 - (x) Justice,
 - (xi) National Planning,
 - (xii) Power and Steel,
 - (xiii) Science and Technology,
 - (xiv) Solid Minerals Development,
 - (xv) Transport,
 - (xvi) Women Affairs and Social Development,
 - (xvii) Youths and Sports;
- (d) the Secretary to the Government of the Federation;
- (e) the Special Adviser to the Head of State, Commander-in-Chief of the Armed Forces on Petroleum;
- (f) President, Manufacturers Association of Nigeria;
- (g) the Chairman, Nigerian Investment Promotion Commission;
- (h) the President, Nigerian Association of Chambers of Commerce, Industry, Mines and Agriculture;
- (i) the President, Nigeria Association of Small Scale Industrialists;
- (j) the Chairman, Nigerian Economic Summit Group;
- (k) the National President, National Council of Women Societies;

(l) one representative each of -

(i) the Armed Forces,

(ii) the Inspector-General of Police;

(m) the Commandant, Police Academy;

(n) the President, Nigeria Labour Congress; and

(o) such other number of persons as may be determined by the Head of State, Commander-in-Chief of the Armed Forces to reflect a fair representation of national interests.

(2) The persons referred to in subsection (1)(m) of this section shall be appointed by the Head of State, Commander-in-Chief of the Armed Forces from persons who, in his opinion, possess necessary abilities, experience, specialised or professional knowledge to make special contributions to the work of the Council.

(3) The Head of State, Commander-in-Chief of the Armed Forces may, by order published in a *Gazette* amend, increase, delete, or otherwise vary the membership of the Council.

Schedule.

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

3. Subject to the provisions of section 4 of this Decree, a member of the Council, other than an *ex-officio* member, shall hold office -

Tenure of office.

(a) for a period of 5 years in the first instance and may be re-appointed for a further period of 5 years and no more; and

(b) on such terms and conditions as may be specified in his letter of appointment.

4. A member of the Council may, at any time -

Removal from office of members.

(a) be removed from office by the Head of State, Commander-in-Chief of the Armed Forces -

(i) for inability to discharge the functions of his office (whether arising from infirmity of mind or any other cause) or for misconduct, or

(ii) if he is satisfied that it is not in the interest of the Council or in the public interest that the member should continue in office;

(b) resign his appointment by notice in writing addressed to the Head of State, Commander-in-Chief of the Armed Forces.

Allowances, etc.
of members.

5. There shall be paid to every member of the Council such allowances and expenses as the Federal Government may, from time to time, direct.

PART II - OBJECTIVES, FUNCTIONS AND POWERS OF THE COUNCIL

Objectives of
the Council.

6. The objectives of the Council are to -

(a) ensure that all Nigerians, in and outside Nigeria, subscribe fully to the concept and spirit of the National Vision and are able to effectively define and carry out their specific roles in making the National Vision a reality;

(b) instil the virtues of the National Vision as a way of life for all Nigerians; and

(c) encourage the establishment of private institutions that propagate the ideals of the National Vision.

Functions of
the Council.

7. Subject to the provisions of this Decree, the Council shall -

(a) develop a coherent Vision 2010 implementation plan and methodology for all levels and agencies of Government and the private sector;

(b) assign responsibilities for the implementation of the Vision 2010 Report to institutions in both the public and private sectors;

- (c) supervise and co-ordinate the activities of other implementation agencies to ensure the quality of the process, total harmony in implementation, timely meeting of targets and goals and ensure that appropriate corrective actions are taken against deviations;
- (d) undertake regular performance reviews for set targets;
- (e) co-ordinate and monitor all inter-sectoral activities;
- (f) establish strategic alliances and continuous dialogue and consensus building with specialised institutions, the private sector and other interest groups;
- (g) supervise and ensure the full implementation of the Vision 2010 Report;
- (h) effectively and consistently disseminate the plans, programmes and achievements of the National Vision to all Nigerians;
- (i) ensure at all times that there is harmonious link between the National Vision, Perspective Plans, the Rolling and Annual Budgets;
- (j) maintain the technical integrity of the overall process of the implementation of the Vision 2010 Report;
- (k) provide clear interpretations of the recommendations of the Vision 2010 report to all stakeholders;
- (l) integrate the formal and informal private sectors into national planning process;
- (m) utilise and support any foundation established for the propagation and implementation of the Vision 2010 Report; and
- (n) perform such other functions as may be required to promote the implementation of the Vision 2010 Report.

8. For the purpose of implementing the Vision Programme, the Council shall have power to -

**Powers of
the Council.**

(a) direct and supervise any authority, body or agency, notwithstanding the provisions of the law establishing the authority, body or agency in the performance or assisting the Council in its work;

(b) request and obtain from any person, including any government authority, agency, institution or individual, statistical or other information relevant to the functions of the Council;

(c) assign responsibilities to any government authority agency, institution or individual in the public and private sectors;

(d) require any person to appear before the Council or any committee of the Council to -

(i) discuss matters which the Council deems necessary for the purpose of effectively discharging its functions under this Decree, and

(ii) give evidence or produce any document or thing which is likely to assist the Council or any of its committees in the discharge of its functions under this Decree;

(e) bring to the notice of the Head of State, Commander-in-Chief of the Armed Forces, areas where Vision 2010 programmes are being seriously hampered or violated;

(f) prescribe action for any government authority, agency, institution or individual for the attainment of identified specific Vision 2010 programmes;

(g) issue guidelines and circulars regarding plan preparation, implementation and control to all relevant bodies and persons;

(h) establish monitoring offices in States, Local Government Areas and Area Councils; and

(i) do such other things which, in the opinion of the Council, are calculated to facilitate the effective carrying out of the functions of the Council under this Decree.

PART III TECHNICAL COMMITTEES

9. The Council shall appoint such number of standing Technical Committees for such activities as the Council shall deem appropriate for the effective discharge of its functions under this Decree.

Technical
Committees.

10.-(1) A Technical committee shall consist of a chairman and such other persons as the Council may, from time to time, determine who shall be appointed mainly from among members of the Vision 2010 Committee and serve on such terms and conditions as may be specified in their letters of appointment.

Membership
of the Technical
Committee.

(2) The members of a Technical Committee shall be paid such remunerations, allowances and benefits as the Federal Government may, from time to time, determine.

(3) A member of the Council may be appointed to serve on any Technical Committee of the Council.

11. A Technical Committee shall -

Functions of
Technical
Committee.

(a) monitor and report to the Council, the overall implementation process in order to ensure that implementation agencies in the public and private sectors act in the spirit of the National Vision;

(b) ensure that the overall implementation of the Vision 2010 Report is on course and alert the Council on deviations;

(c) continually draw the attention of the Council to implementation lapses wherever;

(d) participate nationally and internationally in mass mobilisation and support building activities;

(e) provide the Council with periodic reports on all implementation activities;

(f) provide or propose to the Council any other technical input that may enhance quality implementation; and

(g) perform such other functions as may be assigned to it by the Council, from time to time.

Proceedings
of the Technical
Committee.

12. A Technical Committee of the Council shall, subject to the provisions of this Decree, regulate its own proceedings.

PART IV - STAFF

Secretary and
other staff of
the Council.

13.-(1) There shall be for the Council a Secretary, who shall not be below the rank of a Permanent Secretary to be appointed by the Head of State, Commander-in-Chief of the Armed Forces.

(2) Subject to the general direction of the Council, the Secretary shall -

(a) keep proper records of the proceedings and other affairs of the Council;

(b) be the head of the Council's Secretariat and be responsible for its day-to-day administration and the direction and control of all other employees of the Council;

(c) prepare quarterly reports on the activities of the Council; and

(d) perform such other functions as may, from time to time, be assigned to him by the Council.

(3) The other staff of the Council shall be drawn from the civil or public service of the Federation or of a State and from the private sector.

PART V - FINANCIAL PROVISIONS

Fund of the
Council.

14. There shall be established and maintained for the Council a fund into which shall be paid and credited -

(a) all subventions and budgetary allocation from the Federal Government;

(b) all sums and contributions from States, Local Governments and Area Councils;

(c) all sums accruing to the Council by way of gifts, endowment, bequests, grants or other contributions by persons and organisations;

(d) all sums received from donor agencies from within and outside Nigeria; and

(e) all other sums which may, from time to time, accrue to the Council.

15. The Council shall, from time to time, apply the funds at its disposal to -

Expenditure of
the Council.

(a) publicise and promote the activities of the Council;

(b) pay allowances, expenses and other benefits of members of the Council, Technical Committees and such other committees of the Council;

(c) pay salaries, allowances and benefits of members of staff of the Council;

(d) pay other overhead allowances, benefits and other administrative costs of the Council and such expenses as may, from time to time, be necessary in running the affairs of the Council; and

(e) undertake such activities as are connected with all or any of the functions of the Council under this Decree;

16.-(1) The Council may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.

(2) The Council shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Council under this Decree or the interest of the country.

17.-(1) The Council shall cause to be prepared, not later than 30th September in each year, an estimate of the expenditure and income of the Council during the next succeeding year.

Annual estimates,
accounts and
audit.

(2) The Council shall cause to be kept proper accounts of the Council and proper records in relation to those accounts and when approved by the Council, the accounts shall be audited by auditors appointed by the Council from the list and in accordance with the guidelines supplied by the Auditor-General of the Federation.

Annual report.

18. The Council shall, not later than 30th June in each year, prepare and submit to the Head of State, Commander-in-Chief of the Armed Forces a report on the activities and administration of the Council during the immediately preceding year and shall include in the report the audited accounts of the Council and the auditor's report on those accounts.

Power to borrow.

19.-(1) The Council may, from time to time, borrow by overdraft or otherwise such sums as it may require for the performance of its functions under this Decree.

(2) The Council shall not, without the approval of the Head of State, Commander-in-Chief of the Armed Forces, borrow money which exceeds, at any time the limit set by the Head of State, Commander-in-Chief of the Armed Forces.

(3) Notwithstanding subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Council shall not borrow the sum without the prior approval, in writing, of the Head of State, Commander-in-Chief of the Armed Forces.

PART VI - MISCELLANEOUS

Regulations.

20. The Council may make regulations for the purpose of carrying out or giving full effect to the provisions of this Decree.

Interpretation.

21. In this Decree, unless the context otherwise requires -

"Committee" means a committee of the Council and includes a technical Committee;

"Council" means the National Council of Nigerian Vision established under section 1 of this Decree;

"National Vision" means the provisions and contents of the Vision 2010 Committee's Report;

"Secretary" means Secretary to the Council appointed under section 13 of this Decree;

"Technical Committee" means a technical committee established under section 9 of this Decree; and

"Vision Report" means the Vision 2010 Committee's Report.

22. This Decree may be cited as the National Council of Nigerian Vision (Establishment, etc.) Decree 1999 and shall be deemed to have come into force on 17th November, 1997.

Citation and commencement.

SCHEDULE

Section 2(4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Proceedings of the Council

1.-(1) Subject to this Decree and section 27 of the Interpretation Act, the Council may make standing orders regulating its proceedings or those of any of its committees.

Cap. 192 LFN.

(2).-(1) The quorum at any meeting of the Council shall be the Chairman and a simple majority of the members of the Council, and the quorum of any committee of the Council shall be as determined by the Council.

(2) At any meeting of the Council, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their number to preside at the meeting.

(3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him to the Council for such period as it may deem fit, but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

Committees

3.-(1) The Council may, in addition to its Technical Committees, appoint one or more other committees to carry out, on behalf of the Council, such functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Council, and such a person shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

4.-(1) The fixing of the seal of the Council shall be authenticated by the signatures of the Chairman or any person generally or specifically authorised by the Council to act for that purpose and the Secretary.

(2) 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 the Secretary or any person generally or specifically authorised by the Council to act for that purpose.

(3) A document purporting to be a document duly executed under the seal of the Council shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be executed.

5. The validity of any proceedings of the Council or of a committee shall not be affected by -

(a) a vacancy in the membership of the Council or committee; or

(b) a defect in the appointment of a member of the Council or committee; or

(c) reason that a person not entitled to take part in the proceedings of the Council or committee took part in such proceedings.

MADE at Abuja this 23rd day of March 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
*Head of State, 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, among other things, establishes the National Council of Nigerian Vision for the purpose of effective and consistent dissemination of ideas about the objectives and strategies of all the components of the Vision 2010 Programmes and for the effective implementation of the report.

(c) That a person not entitled to take part in the proceedings of the Council or its committees shall not be admitted to such proceedings.

MADE AT ABUJA THIS 23rd DAY OF MARCH 1992.

GENERAL ABUJAN AND ABUJAN ABUJAN
Hon. Mr. Speaker, Chairman of the
of the House of Representatives
Federal Republic of Nigeria

EXPLANATORY NOTES

(This note does not form part of the Bill, but is intended to assist in its interpretation.)

The Bill is intended to provide for the establishment of a Commission for the Promotion of the Rights of the Child in Nigeria. The Commission shall be established for the purpose of ensuring that the rights of the child are protected and promoted in accordance with the provisions of the United Nations Convention on the Rights of the Child, 1989, and for the effective implementation of the Convention.

**21 921 FAILED BANKS (RECOVERY OF DEBTS) AND
500 12 7 FINANCIAL MALPRACTICES IN BANKS
(AMENDMENT) DECREE 1999**



Decree No. 11

[16th November 1998] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

**1. The Failed Banks (Recovery of Debts) and Financial
Malpractices in Banks Decree 1994 (in this Decree referred to as
"the principal Decree"), as amended is hereby further amended as
set out in this Decree.**

Amendment of
1994 No. 18
1995 No. 18.

2. Section 2 of the principal Decree is amended -

Amendment of
section 2.

**(a) by inserting immediately after subsection (2) thereof the
following new subsection (3), that is -**

**"(3) Any part heard proceeding which is pending
before a Tribunal constituted under this Decree in
which the Judge has been -**

**(a) appointed as a Justice of the Court of
Appeal; or**

**(b) appointed as the Chief Judge of a State
or the Chief Judge of the High Court of the
Federal Capital Territory, Abuja; or**

**(c) transferred to another Court within the
jurisdiction of the Federal High Court, the
High Court of a State or the High Court of
the Federal Capital Territory, Abuja,**

shall be continued and completed by that Judge as if he had not been appointed or transferred as the case may be;";

(b) by renumbering the existing subsection (3) as subsection (4).

Amendment of
section 20.

3. Section 20 of the principal Decree is amended by substituting for subsection (2) thereof the following new subsection, that is -

"(2) The Tribunal shall order the refund of the value equal to the amount involved in the offence or such other value as the Tribunal may deem fair and just in the circumstance or the confiscation of the property, movable or immovable of a person convicted of an offence under this Decree."

Citation.

4. This Decree may be cited as the Failed Banks (Recovery of Debts) and Financial Malpractices in Banks (Amendment) Decree 1999.

MADE at Abuja this 23rd day of March 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
*Head of State, 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 amends the Failed Banks (Recovery of Debts and Financial Malpractice in Banks Decree 1994, as amended, to provide, among other things, for the conferment of powers on a Judge who is presiding over a part heard matter before a Tribunal constituted under the Decree and who has been appointed or transferred to another court to continue and complete the matter as if he had not been appointed or transferred.

**NATIONAL EMERGENCY MANAGEMENT AGENCY
(ESTABLISHMENT, ETC.) DECREE 1999**



Decree No. 12

[23rd March 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows -

**PART I - ESTABLISHMENT, ETC. OF THE NATIONAL
EMERGENCY MANAGEMENT AGENCY AND
THE GOVERNING COUNCIL**

1.-(1) There is hereby established a body to be known as the National Emergency Management Agency (in this Decree referred to as "the Agency").

Establishment
of the National
Emergency
Management
Agency, etc.

(2) The Agency -

(a) shall be a body corporate with perpetual succession; and

(b) may sue and be sued in its corporate name.

2.-(1) There is hereby established for the management of the Agency a governing council (in this Decree referred to as "the Council").

Establishment
and membership
of the Governing
Council of the
Agency.

(2) The Council shall consist of -

(a) the Chief of General Staff who shall be the Chairman;

(b) the Secretary to the Government of the Federation;

(c) one representative each of the following Federal Ministries who shall not be below the rank of a Director, that is -

(i) Aviation,

(ii) Foreign Affairs,

(iii) Health,

(iv) Internal Affairs,

(v) Transport,

(vi) Water Resources,

(vii) Works and Housing,

(d) one representative each of -

(i) the Armed Forces,

(ii) the Nigerian Police Force,

(iii) the Nigerian Red Cross Society,

(iv) such voluntary organisations as may be determined from time to time; and

(e) the Director-General of the Agency.

(3) The Chairman and other members of the Council, other than *ex officio* members, shall be -

(a) appointed by the Head of State, Commander-in Chief of the Armed Forces; and

(b) persons of proven integrity and ability.

Schedule.

(4) The supplementary provisions set out in the Schedule to this Decree shall have effect with respect to the proceedings of the Council and the other matters contained therein.

Tenure of office.

3. Subject to the provisions of section 4 of this Decree, a member of the Council, other than *ex-officio* members, shall each hold office -

(a) for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years and no more; and

(b) on such terms and conditions as may be specified in his letter of appointment.

4.-(1) Notwithstanding the provisions of section 3 of this Decree a person shall cease to hold office as a member of the Council if -

Cessation of membership.

(a) he becomes bankrupt, suspends payment or compounds with his creditors; or

(b) he is convicted of a felony or any offence involving dishonesty or fraud; or

(c) he becomes of unsound mind, or incapable of carrying out his duties; or

(d) he is guilty of a serious misconduct in relation to his duties; or

(e) in the case of a person possessed of professional qualifications, he is disqualified or suspended, other than at his own request, from practising his profession in any part of the world by an order of a competent authority made in respect of that member; or

(f) he resigns his appointment by a letter addressed to the Head of State, Commander-in-Chief of the Armed Forces.

(2) If a member of the Council ceases to hold office for any reason whatsoever, before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Council for the unexpired term.

(3) A member of the Council may be removed by the Head of State, Commander-in-Chief of the Armed Forces if he is satisfied that it is not in the interest of the Agency or the interest of the public that the member continues in office.

Allowances
of members.

5. There shall be paid to every member of the Council such allowances and expenses as the Federal Government may, from time to time, direct.

PART II - FUNCTIONS AND POWERS OF THE AGENCY, ETC.

Functions
of the
Agency.

6.-(1) The Agency shall -

(a) formulate policy on all activities relating to disaster management in Nigeria and co-ordinate the plans and programmes for efficient and effective response to disasters at national level;

(b) co-ordinate and promote research activities relating to disaster management at the national level;

(c) monitor the state of preparedness of all organisations or agencies which may contribute to disaster management in Nigeria;

(d) collate data from relevant agencies so as to enhance forecasting, planning and field operation of disaster management;

(e) educate and inform the public on disaster prevention and control measures;

(f) co-ordinate and facilitate the provision of necessary resources for search and rescue and other types of disaster curtailment activities in response to distress call;

(g) co-ordinate the activities of all voluntary organisations engaged in emergency relief operations in any part of the Federation;

(h) receive financial and technical aid from international organisations and non-governmental agencies for the purpose of disaster management in Nigeria;

(i) collect emergency relief supply from local, foreign sources and from international and non-governmental agencies;

(j) distribute emergency relief materials to victims of natural or other disasters and assist in the rehabilitation of the victims where necessary;

(k) liaise with State Emergency Management Committees established under section 8 of this Decree to assess and monitor where necessary, the distribution of relief materials to disaster victims;

(l) process relief assistance to such countries as may be determined from time to time;

(m) liaise with the United National Disaster Reduction Organisation or such other international bodies for the reduction of natural and other disaster;

(n) prepare the annual budget for disaster management in Nigeria; and

(o) perform such other functions which in the opinion of the Agency are required for the purpose of achieving its objectives under this Decree.

(2) For the purpose of paragraph (e), (f), (j), (k) and (m) of subsection (1) of this section -

"natural or other disasters" includes any disaster arising from any crisis, epidemic, drought, flood, earthquake, storm, train, roads, aircraft, oil spillage or other accidents and mass deportation or repatriation of Nigerians from any other country.

7. The Council shall have power to -

**Powers of
the Council.**

(a) manage and superintend the affairs of the Agency;

(b) subject to the provisions of this Decree, make, alter and revoke rules and regulations for carrying on the functions of the Agency;

(c) fix the terms and conditions of service, including remuneration of the employees of the Agency after consultation with the Federal Civil Service Commission; and

(d) do such other things which in the opinion of the Agency are necessary to ensure the efficient performance of the functions of the Agency.

PART III - ESTABLISHMENT OF STATE EMERGENCY MANAGEMENT COMMITTEES, ETC.

Establishment
of State
Emergency
Management
Committees, etc.

8.-(1) There is hereby established for each State of the Federation, a State Emergency Management Committee (in this Decree referred to as "the State Committee").

(2) The State Committee shall consist of -

(a) the Administrator of the State, who shall be the Chairman;

(b) the Secretary to the State Government;

(c) one representative each from -

(i) the State Ministry of Women and Social Welfare,

(ii) the State Ministry of Health,

(iii) the State Ministry of Works,

(iv) the State Fire Service,

(v) the Federal Airport Authority of Nigeria,

(vi) the State Environmental Protection Agency,

(vii) the Agency,

(viii) the Commander of the Disaster Reaction Units,

(ix) the Nigerian Police Force,

(x) the Federal Road Safety Commission,

(xi) the Nigeria Security and Civil Defence Corps,

(xii) the Nigerian Red Cross Society,

(xiii) the National Maritime Authority in coastal States.

(3) The members of the State Committee shall -

(a) be persons of proven integrity;

(b) other than *ex-officio* members, hold office on such term as may be specified by the Administrator of the State;

(c) be appointed by the Administrator of the State; and

(d) be paid such allowances as the Administrator of the State may, from time to time, determine.

(4) The State Committee may make rules regulating its own proceedings.

(5) The provisions of section 4 of this Decree shall apply *mutatis mutandis* to the State Committee.

9. The State Committee shall -

Functions of
the State Committee.

(a) notify the Agency of any natural or other disasters occurring in the State;

(b) respond to any disaster within the State and may seek assistance from the Agency if it deems fit in each circumstance;

(c) carry out disaster management activities in the State as may, from time to time, be recommended by the Agency; and

(d) be accountable to the Agency for all funds accruing to it for purposes of discharging its functions under this Decree.

PART IV - STAFF

Appointment of
Director-General
of the Agency.

10.-(1) There shall be for the Agency, a Director-General, who shall be appointed by the Head of State, Commander-in-Chief of the Armed Forces.

(2) The Director-General shall be -

(a) the chief executive and accounting officer of the Agency;

(b) responsible for the day-to-day administration of the Agency.

(3) The Director-General shall hold office on such terms and conditions as are specified in his letter of appointment.

Appointment of
other staff of
the Agency.

11.-(1) The Council shall appoint for the Agency such number of employees as may in the opinion of the Council be expedient and necessary for the proper and efficient performance of the functions of the Agency.

(2) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of the employees of the Agency shall be as determined by the Council after consultation with the Federal Civil Service Commission.

Service in the
Agency to be
pensionable.
Cap. 346 LFN.

12.-(1) Service in the Agency shall be approved service for the purposes of the Pensions Act.

(2) The officers and other persons employed in the Agency shall be entitled to pensions, gratuities and other retirement benefits as are enjoyed by persons holding equivalent grades in the civil service of the Federation.

(3) Nothing in subsections (1) and (2) of this section shall prevent the appointment of a person to any office on terms which preclude the grant of pension and gratuity in respect of that office.

(4) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by the Minister or other authority of the Government of the Federation,

other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Board, and not by any other person or authority.

PART V - FINANCIAL PROVISIONS

13.-(1) The Agency shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Agency.

Fund of the Agency.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section -

(a) any allocation to the Agency from the Federation Account;

(b) 20 *per cent* of the 2 *per cent* of the Ecological Fund for the management of ecologically related disasters;

(c) such moneys as may, from time to time, be granted or lent to the Agency by the Federal Government or a State Government or a Local Government Council;

(d) such money as may, from time to time, be granted or received from -

(i) the organised private sector,

(ii) international or donor organisations and non-Governmental organisations;

(e) all moneys raised for the purposes of the Agency by way of gifts, loan, grants-in-aid, testamentary disposition or otherwise;

(f) such money as may be received from the National Emergency Trust Fund; and

(g) all other assets that may, from time to time, accrue to the Agency.

(3) The fund shall be managed in accordance with the rules made by the Head of State, Commander-in-Chief of the Armed

Forces, 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 assets or the fund of the Agency are to be held, and regulating the making of payments into and out of the fund; and

(b) requiring the keeping of proper accounts and records for the purpose of the fund in such form as may be specified in the rules.

Expenditure of
the Agency.

14. The Agency shall apply the proceeds of the fund established pursuant to section 13 of this Decree to -

(a) the cost of administration of the Agency;

(b) the payment of salaries, fees, remuneration, allowances, pensions and gratuities payable to the Council members and the employees of the Agency;

(c) the payment for all contracts, including mobilisation, fluctuations, variations, legal fees and cost on contract administration;

(d) the payment for all purchases; and

(e) undertaking such other activities as are connected with all or any of the functions of the Agency under this Decree.

Gifts to the
Agency.

15.-(1) The Agency may accept gifts of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift.

(2) The Agency shall not accept any gift if the conditions attached by the person or organisation making the gift are inconsistent with the functions of the Agency under this Decree.

Award of
contract.

16.-(1) The Agency shall have power to award contracts not exceeding the sum of ₦30 million for the performance of any of its functions under this Decree.

(2) The Agency shall not award a contract exceeding the said sum of ₦30 million without the prior approval of the Head of State, Commander-in-Chief of the Armed Forces.

17.-(1) The Agency may, with the consent of the Head of State, Commander-in-Chief of the Armed Forces, borrow, on such terms and conditions as the Agency may determine, such sums of money as the Agency may require in the exercise of its functions under this Decree. Power to borrow.

(2) The Agency shall not, without the approval of the Head of State, Commander-in-Chief of the Armed Forces, borrow money which exceeds, at any time, the limit set by the Head of State, Commander-in-Chief of the Armed Forces.

(3) Notwithstanding subsection (2) of this section, where the sum to be borrowed is in foreign currency, whether or not it exceeds the limit set by the Head of State, Commander-in-Chief of the Armed Forces, the Council shall not borrow the sum without the prior approval of the Head of State, Commander-in-Chief of the Armed Forces.

18.-(1) The Council shall, not later than 30th September in each year, submit to the Head of State, Commander-in-Chief of the Armed Forces an estimate of the expenditure and income of the Agency during the next succeeding year. Annual estimates and expenditure.

(2) The Council shall cause to be kept proper accounts of the Agency in respect of each year and proper records in relation thereto and shall cause the accounts to be audited not later than 6 months after the end of each year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

19. The Council shall prepare and submit to the Head of State, Commander-in-Chief of the Armed Forces, not later than 30th June in each year, a report in such form as the Head of State, Commander-in-Chief of the Armed Forces may direct on the activities of the Agency during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Agency for that year and the auditor's report thereon. Annual report.

PART VI-MISCELLANEOUS

Requisition, etc.

20.-(1) In the exercise of its functions under this Decree, the Agency may demand by requisition from any organisation, any available equipment, facilities or personnel which may assist in a speedy and effective search and rescue operation and any other form of disaster operation during a period of emergency.

(2) Any organisation which -

(a) willfully obstructs or impedes the Agency or any person acting under the authority of the Agency in the exercise of any powers or duties under this Decree; or

(b) without reasonable excuse fails to -

(i) render assistance or release any available equipment, facility or personnel required for a search and rescue operation or other disaster curtailment activities, or

(ii) comply with a directive of the Agency,

is guilty of an offence and liable on conviction to a fine not exceeding ₦50,000 or imprisonment for a term of 6 months or to both such fine and imprisonment.

(3) The Agency shall provide compensation for loss or damage arising from the use of any equipment, facility or personnel required under this section of this Decree.

Offices and
premises of the
Agency.
Cap. 202 LFN.

21.-(1) For the purposes of providing offices and premises necessary for the performance of its functions under this Decree, the Agency may, subject to the Land Use Act -

(a) purchase or take on lease any interest in land, or other property; and

(b) construct offices and premises and equip and maintain same.

(2) The Agency may, subject to the Land Use Act, sell or lease out any office or premises held by it, which office or premises is no longer required for the performance of its functions under this Decree.

22. Subject to the provisions of this Decree, the Head of State, Commander-in-Chief of the Armed Forces may give to the Agency directives of a general nature or relating generally to matters of policy with regard to the performance by the Agency of its functions and it shall be the duty of the Agency to comply with the directives.

Directives by the Head of State, Commander-in-Chief of the Armed Forces.

23.-(1) The National Emergency Relief Agency Act is hereby repealed and accordingly the Agency established under that Decree (in this section referred to as "the dissolved Agency") is consequentially dissolved.

Repeal of Cap 257 LFN and saving provision, etc.

(2) By virtue of this Decree, there shall be vested in the Agency immediately at the commencement of this Decree, without further assurance, all assets, funds, resources and other movable and immovable property which immediately before the commencement of this Decree were vested in the dissolved Agency.

(3) As from the date of commencement of this Decree -

(a) all rights, interests, obligations and liabilities of the dissolved Agency existing before the commencement of this Decree under any contract or instrument, or in law or in equity, shall by virtue of this Decree be assigned to and vested in the Agency established by this Decree;

(b) any contract or instrument as is mentioned in paragraph (a) of this subsection shall be of the same force and effect against or in favour of the Agency established by this Decree and shall be enforceable as fully and effectively as if instead of the dissolved Agency, the Agency established by this Decree had been named therein or had been a party thereto;

(c) the Agency established by this Decree shall be subject to all the obligations and liabilities to which the dissolved

Agency was subject immediately before the commencement of this Decree and all other persons shall have the same rights, powers and remedies against the Agency as they had against the dissolved Agency immediately before the commencement of this Decree.

(4) Any proceedings or cause of action pending or existing immediately before the commencement of this Decree by or against the dissolved Agency in respect of any right, interest, obligation or liability of the dissolved Agency may be commenced or continued, as the case may be, and any determination of any court of law, tribunal or other authority or person may be enforced by or against the Agency to the same extent that the proceedings, cause of action or determination might have been continued, commenced or enforced by or against the dissolved Agency as if this Decree had not been made.

(5) Notwithstanding the provisions of this Decree but subject to such directions as may be issued by the Agency established by this Decree, a person who immediately before the commencement of this Decree held office in the dissolved Agency shall be deemed to have been transferred to the Agency established by this Decree on terms and conditions not less favourable than those obtaining immediately before the commencement of this Decree, and service in the dissolved Agency shall be deemed to be service in the Agency established by this Decree for purposes of pension.

(6) The Head of State, Commander-in-Chief of the Armed Forces, if he thinks fit, may, within twelve months after the commencement of this Decree, by order published in the *Gazette*, make additional transitional or savings provisions for the better carrying out of the objectives of this section.

Regulations.

24. The Agency may, with the approval of the Head of State, Commander-in-Chief of the Armed Forces, make regulations, generally for the purposes of giving full effect to this Decree.

Interpretation.

25. In this Decree, unless the context otherwise requires-

"Agency" means the National Emergency Management Agency established under section 1 of this Decree;

(c) reason that a person not entitled to do so took part in the proceedings of the Council or committee.

MADE at Abuja this 23rd day of March 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
*Head of State, 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)

This Decree provides, among other things, for -

- (a) the repeal of the National Emergency Relief Agency Act;
- (b) the establishment of a new National Emergency Management Agency which shall be charged with responsibility for disaster management in Nigeria.

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"Chairman" means the Chairman of the Council;

"Council" means the governing council established for the Agency under section 2(1) of this Decree;

"member" means a member of the Council and includes the Chairman.

25. This Decree may be cited as the National Emergency Management Agency (Establishment, etc.) Decree 1999. Citation.

SCHEDULE

Section 2(4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC.

Proceedings of the Council

1.-(1) Subject to this Decree and section 27 of the Interpretation Act, the Council may make standing orders regulating its proceedings or those of any of its committees. Cap. 192 LFN.

(2) The quorum of the Council shall be the Chairman or the person presiding at the meeting and 5 other members of the Council, and the quorum of any committee of the Council shall be as determined by the Council.

2.-(1) The Council shall meet whenever it is summoned by the Chairman and if the Chairman is required to do so by notice given to him by not less than 8 other members, he shall summon a meeting of the Council to be held within 14 days from the date on which the notice is given.

(2) At any meeting of the Council, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their number to preside at the meeting.

(3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him to the Council for such period as it deems fit, but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards a quorum.

Committees

3.-(1) The Council may appoint one or more committees to carry out, on behalf of the Council, such functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Council and a person shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

4.-(1) The fixing of the seal of the Agency shall be authenticated by the signatures of the Chairman, the Director General or any person generally or specifically authorised by the Council to act for that purpose.

(2) 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 Agency by the Director-General or any person generally or specifically authorised by the Council to act for that purpose.

(3) A document purporting to be a document duly executed under the seal of the Agency shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

5. The validity of any proceedings of the Council or of a committee shall not be adversely affected by -

(a) a vacancy in the membership of the Council or committee; or

(b) a defect in the appointment of a member of the Council or committee; or

**FAMILY SUPPORT TRUST FUND (AMENDMENT)
DECREE 1999**



Decree No. 13

[23rd March 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The Family Support Fund Decree 1995 (in this Decree referred to as "the principal Decree") is amended as set out in this Decree. Amendment of
1995 No. 10.

2. Section 2 of the principal Decree is amended in subsection (2) by substituting therefor the following new subsection, that is - Amendment of
section 2.

"(2) The Board shall consist of the following members, that is -

(a) a Chairman;

(b) six persons to represent the six geo-political zones of the Federation;

(c) a representative each of -

(i) the Federal Ministry of Justice,

(ii) the Federal Ministry of Women Affairs
and Social Development,

(iii) the Presidency; and

(d) the Secretary to the Board."

Amendment of
section 3.

3. Section 3 of the principal Decree is amended by -

(a) substituting for subsections (1) and (2) the following new subsection, that is -

"(1) The Chairman and members of the Board, other than *ex-officio* members, shall each hold office for a period of 3 years in the first instance and may be re-appointed for a further period of 3 years and no more.";

(b) renumbering the existing subsection (3) as subsection (2).

Citation.

4. This Decree may be cited as the Family Support Trust Fund (Amendment) Decree 1999.

MADE at Abuja this 23rd day of March 1999.

**GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
*Head of State, 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 amends the Family Support Trust Fund Decree 1995 to re-constitute the membership of the Management Board of the Fund.

**FEDERAL ENVIRONMENTAL PROTECTION AGENCY
(AMENDMENT) DECREE 1999**



Decree No. 14

[23rd March 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The Federal Environmental Protection Agency Decree 1992, as amended, is hereby further amended in section 2 -

Amendment of
section 2.
1992 No. 59.

(a) by substituting for subsection (1), the following new subsection, that is -

"(1) There shall be as the governing body of the Agency a Council which shall consist of a Chairman to be appointed by the Head of State, Commander-in-Chief of the Armed Forces and the following other members, that is -

(a) the Permanent Secretaries charged with responsibility for -

(i) Agriculture and Natural Resources,

(ii) Commerce and Tourism,

(iii) Communications,

(iv) Education,

(v) Finance,

(vi) Health,

(vii) Industry,

(viii) Petroleum Resources,

(ix) Science and Technology,

(x) Solid Minerals,

(xi) Transport,

(xii) Works and Housing,

(xiii) Youth and Sports; and

(b) two other persons from the private sector who shall have distinguished themselves in environmental matters."; and

(b) by deleting subsection (2) thereof.

Citation.

2. This Decree may be cited as the Federal Environmental Protection Agency (Amendment) Decree 1999.

MADE at Abuja this 23rd day of March 1999

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
*Head of State, 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 amends the Federal Environmental Protection Agency Decree 1992 to, among other things, provide for the re-constitution of the membership of the Governing Council of the Agency.

**NATIONAL JUDICIAL INSTITUTE (AMENDMENT)
DECREE 1999**



Decree No. 15

[23rd March 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The National Judicial Institute Decree 1991 is hereby
amended in subsection (2) of section 5 by substituting therefor the
following new subsection, that is -

Amendment of
1991 No. 28.

"(2) The Administrator, who shall be a serving or retired
Judicial Officer, shall be appointed by the Chief Justice of
Nigeria after consultation with the members of the Board."

2. This Decree may be cited as the National Judicial
Institute (Amendment) Decree 1999.

Citation.

MADE at Abuja this 23rd day of March 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR
*Head of State, 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 amends the National Judicial Institute Decree
1991 to provide for the Administrator of the Institute to be a
serving or retired Judicial Officer.



Seal of the National Judicial Institute

Amendment of

Decree No. 1900

THE FEDERAL MILITARY GOVERNMENT hereby

decrees as follows:

Amendment of
Decree No. 28

1. The National Judicial Institute (NJI) is hereby
amended in subsection (2) of section 1, and the following
language is added to the end of the section:

(2) The Administration of the NJI shall be under the
supervision of the Chief Justice of the Federal
Judicial Council, who shall be a member of the Board.

Citation

This Decree may be cited as the National Judicial

Decree, 1900.

Done at Washington, D.C., this 19th day of December, 1900.

WILLIAM H. TAFT, President

Chief Justice of the United States

Secretary of the Board

BY THE BOARD

Decree No. 1900, of the National Judicial Institute, is hereby
amended in accordance with the foregoing provisions.

Done at Washington, D.C., this 19th day of December, 1900.

**NATIONAL JUDICIAL INSTITUTE (AMENDMENT)
DECREE 1999**



Decree No. 15

[23rd March 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The National Judicial Institute Decree 1991 is hereby
amended in subsection (2) of section 5 by substituting therefor the
following new subsection, that is -

Amendment of
1991 No. 28.

"(2) The Administrator, who shall be a serving or retired
Judicial Officer, shall be appointed by the Chief Justice of
Nigeria after consultation with the members of the Board."

2. This Decree may be cited as the National Judicial
Institute (Amendment) Decree 1999.

Citation.

MADE at Abuja this 23rd day of March 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR
*Head of State, 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 amends the National Judicial Institute Decree
1991 to provide for the Administrator of the Institute to be a
serving or retired Judicial Officer.

**NATIONAL POPULATION COMMISSION
(AMENDMENT) DECREE 1999**



Decree No. 16

[23rd March 1999] • Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The National Population Commission Decree 1989, as amended, (in this Decree referred to as "the principal Decree") is further amended as set out in this Decree.	Amendment of 1989 No. 23. Cap. 270 LFN. 1991 No. 21.
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2. Section 9 of the principal Decree is amended in subsection (2) by inserting immediately after -	Amendment of section 9.
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(a) the word "be", appearing in paragraph (a), the words "the accounting officer and";

(b) paragraph (b), the following new paragraph -

"(bb) assist the Chairman in ensuring that all the rules and regulations relating to the management of the human, material and financial resources of the Commission are adhered to in accordance with the objectives of the Federal Government;".

3. Section 14 of the principal Decree is amended by deleting subsection (3).	Amendment of section 14.
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4. Section 15 of the principal Decree is amended in subsection (2), by substituting for the word "chairman", the word "Director-General".	Amendment of section 15.
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Citation.

5. This Decree may be cited as the National Population Commission (Amendment) Decree 1999.

MADE at Abuja this 23rd day of March 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
*Head of State, 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 amends the National Population Decree 1989 to implement the decision of the Federal Government contained in paragraph 22 of the White Paper on Civil Service Reforms.

Accordingly, the Director-General of the Commission has been assigned -

- (a) the role of accounting officer of the Commission; and
- (b) the duty of assisting the Chairman to ensure that all the rules and regulations relating to the management of the human, material and financial resources are adhered to in accordance with the objectives of the Federal Government.

**NATIONAL POPULATION COMMISSION
(AMENDMENT) DECREE 1999**



Decree No. 16

[23rd March 1999] • Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The National Population Commission Decree 1989, as amended, (in this Decree referred to as "the principal Decree") is further amended as set out in this Decree.	Amendment of 1989 No. 23. Cap. 270 LFN. 1991 No. 21.
---	---

2. Section 9 of the principal Decree is amended in subsection (2) by inserting immediately after -	Amendment of section 9.
--	----------------------------

(a) the word "be", appearing in paragraph (a), the words "the accounting officer and";

(b) paragraph (b), the following new paragraph -

"(bb) assist the Chairman in ensuring that all the rules and regulations relating to the management of the human, material and financial resources of the Commission are adhered to in accordance with the objectives of the Federal Government;"

3. Section 14 of the principal Decree is amended by deleting subsection (3).	Amendment of section 14.
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4. Section 15 of the principal Decree is amended in subsection (2), by substituting for the word "chairman", the word "Director-General".	Amendment of section 15.
---	-----------------------------

Citation.

5. This Decree may be cited as the National Population Commission (Amendment) Decree 1999.

MADE at Abuja this 23rd day of March 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
*Head of State, 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 amends the National Population Decree 1989 to implement the decision of the Federal Government contained in paragraph 22 of the White Paper on Civil Service Reforms.

Accordingly, the Director-General of the Commission has been assigned -

(a) the role of accounting officer of the Commission; and

(b) the duty of assisting the Chairman to ensure that all the rules and regulations relating to the management of the human, material and financial resources are adhered to in accordance with the objectives of the Federal Government.

**NATIONAL SALARIES, INCOMES AND WAGES
COMMISSION (AMENDMENT) DECREE 1999**



Decree No. 17

[23rd March 1999] Commencement.

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

1. The National Salaries, Incomes and Wages Commission Amendment of Decree 1993 is amended in section 4 by substituting for subsection 1993 No. 99. (2), the following new subsection, that is -

"(2) The Secretary shall -

(a) be the accounting officer of the Commission;

(b) assist the Chairman -

(i) in carrying out the day-to-day activities of the Commission, and

(ii) in ensuring that all the rules and regulations relating to the management of the human, material and financial resources of the Commission are adhered to in accordance with the objectives of the Federal Government; and

(c) carry out such other duties as may be required of him, from time to time, by the Chairman."

2. This Decree may be cited as the National Salaries, Incomes and Wages Commission (Amendment) Decree 1999.

Citation..

MADE at Abuja this 23rd day of March 1999

GENERAL ABDULSALAMI ALHAJI ABUBAKAR
Head of State, 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 amends the National Salaries, Incomes and Wages Commission Decree 1993 to implement the decision of the Federal Government, contained in paragraph 22 of the White Paper on Civil Service Reforms, by assigning to the Secretary of the Commission -

(a) the role of accounting officer of the Commission; and

(b) the duty of assisting the Chairman to ensure that all the rules and regulations relating to the management of the human, material and financial resources of the Commission are adhered to in accordance with the objectives of the Federal Government.

**NIGERIAN URBAN AND REGIONAL PLANNING
(AMENDMENT) DECREE 1999**



Decree No. 18

[23rd March 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The Nigerian Urban and Regional Planning Decree (in this Decree referred to as "the principal Decree") is amended as set out in this Decree. Amendment of
1992 No. 88.

2. Section 6 of the principal Decree is amended - Amendment of
section 6.

(a) in subsection (1)(a) by inserting after the word "Chairman" the words "who shall be appointed by the Head of State, Commander-in-Chief of the Armed Forces on the recommendation of the Minister";

(b) in subsection (1)(c) by deleting the word "and" after sub-paragraph (ix) and inserting after sub-paragraph (x), the following new sub-paragraphs (xi) and (xii) -

"(xi) the Federal Ministry of Education; and

(xii) the Federal Ministry of Solid Minerals."; and

(c) in subsection (1)(f) by deleting all the words after the word "Director" and substituting therefor the words "who shall be appointed by the Head of State, Commander-in-Chief of the Armed Forces on the recommendation of the Minister."

3. Immediately after section 6 of the principal Decree there is inserted a new section 6A as follows - Insertion of new
section 6A.

"Terms and
conditions of
service of
Chief
Executive and
other staff.

6A. The Executive Director shall be the Chief Executive of the Commission.

(2) The Executive Director shall hold office for a term of five years in the first instance on such terms and conditions as may be determined in his letter of appointment and may be re-appointed for a further term of five years and no more.

(3) The Commission may appoint such other persons to be employees of the Commission as the Commission may deem fit and their remuneration and terms and conditions of service shall be as determined by the Commission with the approval of the Minister.

(4) The Commission may grant loans to its employees for such purposes as the Minister may approve."

**Amendment of
section 8.**

4. Section 8 of the principal Decree is amended -

(a) in subsection (1)(a) by inserting after the word "Chairman" the words "who shall be appointed by the Governor of the State on the recommendation of the Commissioner;"

(b) in subsection (1)(d) by deleting the word "and" after sub-paragraph (iii) and inserting the following new sub-paragraphs (iv) and (v) -

"(iv) Ministry of Education; and

(v) Ministry of Solid Minerals;"

(c) by substituting for subsection (1)(f) the following new subsection (1)(f) -

"(f) the Executive Secretary of the Board appointed by the Governor of the State on the recommendation of the Commissioner."; and

(d) in subsection (5) by inserting before the word "may", the words "with the approval of the Governor of the State,".

5. Section 10 of the principal Decree is amended -

Amendment of
section 10.

(a) in subsection (1)(a) by inserting after the word "Chairman" the words "who shall be appointed by the Chairman of the Local Government Council on the recommendation of the Commissioner;"

(b) by deleting the existing subsection (1)(f) and inserting a new subsection (1)(f) as follows -

"(f) the Executive Secretary appointed by the Chairman of the Local Government Council on the recommendation of the Commissioner."; and

(c) in subsection (5) by inserting before the word "may", the words "with the approval of the Chairman of the Local Government Council,".

6. Section 86 of the principal Decree is amended by inserting after the word "established" the words "at the Federal level".

Amendment of
section 86.

7. Section 87 of the principal Decree is amended in subsection (2)(c) by inserting immediately before the word "town" the word "registered".

Amendment of
section 87.

8. Immediately after section 89 of the principal Decree there is inserted a new section 89A as follows -

Insertion of
new section 89A.

"Dissolution
of the Urban
and Regional
Planning
Division of the
Federal
Ministry of
Works and
Housing.

89A.-(1) On the commencement of this Decree, the Urban and Regional Planning Division (in this section referred to as "the Division") shall cease to exist.

(2) The Division accordingly, is hereby dissolved and the provisions of the Schedule to this Decree shall apply in relation to the employees in the Division, the assets and liabilities of the Division and

the other matters connected with the Division set out therein."

Amendment of
section 91.

9. Section 91 of the principal Decree is amended by inserting after the definition of "Commission" the following new definition -

"Commissioner" means the Commissioner charged with responsibility for matters relating to urban and regional planning in the State;"

Insertion of
new Schedule.

10. Immediately after section 92 of the principal Decree there is inserted a new Schedule as follows -

"SCHEDULE *Section 89A(2)*

**TRANSITIONAL PROVISIONS RELATING TO THE
EMPLOYEES, ASSETS AND LIABILITIES OF THE
URBAN REGIONAL PLANNING DIVISION OF THE
FEDERAL MINISTRY OF WORKS**

1. By virtue of this Decree, there shall be vested in the Commission immediately at the commencement of this Decree, without further assurance, all assets, funds, resources and other movable or immovable property which immediately before the commencement of this Decree were vested in the Urban and Regional Planning Division of the Federal Ministry of Works and Housing (in this Schedule referred to as "the Division").

2. As from the commencement of this Decree -

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

(b) any contract or instrument as mentioned in subparagraph (a) of this paragraph shall be of the same force and effect against or in favour of the Commission and shall

be enforceable as fully and effectively as if, instead of the Division, the Commission had been named therein or had been a party thereto; and

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

3. Any proceeding or cause of action pending or existing before the commencement of this Decree by or against the Division in respect of any right, interest, obligation or liability of the Commission may be commenced, continued or enforced by or against the Commission as if this Decree had not been made.

4. Notwithstanding the provisions of this Decree but subject to such directions as may be issued by the Commission, any person who immediately before the date of commencement of this Decree held office in the Division shall be deemed to have been transferred to the Commission on terms and conditions not less favourable than those obtaining immediately before the commencement of this Decree and service under the Division shall be deemed to be service under the Commission for purposes of pension.

5. The Minister, if he thinks fit, may, within twelve months after the commencement of this Decree, by order published in the *Gazette*, make additional transitional or saving provisions for the better carrying out of the objectives of this Schedule."

11. This Decree may be cited as the Nigerian Urban and Regional Planning (Amendment) Decree 1999.

Citation.

MADE at Abuja this 23rd day of March 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
*Head of State, 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 amends the Nigerian Urban and Regional Planning Decree 1992 to among other things, provide for the effective carrying out of the functions of the Commission established under the Decree by dissolving the Urban and Regional Planning Division of the Federal Ministry of Works and Housing.

**NATIONAL AGENCY FOR FOOD AND DRUG
ADMINISTRATION AND CONTROL (AMENDMENT)
DECREE 1999**



Decree No. 19

[23rd March 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The National Agency for Food and Drug Administration and Control Decree 1993 (in this Decree referred to as "the principal Decree") is amended as set out in this Decree. Amendment of
1993 No. 15.

2. Section 5 of the principal Decree is amended by - Amendment of
section 5.

(a) deleting the word "and" at the end of paragraph (r) thereof;

(b) inserting immediately after paragraph (r), as amended, the following new paragraph (s) -

"(s) determine the suitability or otherwise of medicines, drugs, food products, cosmetics, medical devices or chemicals for human and animal use;"
and

(c) re-numbering the existing paragraph (s) as paragraph (t).

3. Section 25 of the principal Decree is amended by - Amendment of
section 25.

(a) re-numbering the existing section as section "25.-(1)";
and

(b) inserting immediately after subsection (1), as re-numbered, the following new subsections -

"(2) Any person who contravenes the provisions of any regulations made under this Decree is guilty of an offence and liable on conviction to the penalties specified in the regulations.

(3) Where no penalty has been specified, the person shall be liable to a fine of ₦50,000 or imprisonment for a term of 1 year or to both such fine and imprisonment.

(4) 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 similar officer of the body corporate or any person purporting to act in any of those capacities, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable on conviction to a fine of ₦100,000."

Insertion of
new section
25A

4. There shall be inserted immediately after section 25 of the principal Decree the following new section -

"Conduct of
proceedings.
Cap. 62 LFN.

25A.-(1) Subject to the provisions of section 160 of the Constitution of the Federal Republic of Nigeria 1979, as amended, (which relates to the power of the Attorney-General of the Federation to institute, continue or discontinue criminal proceedings against any person in a court of law), any officer of the Agency may, with the consent of the Attorney-General of the Federation, conduct criminal proceedings in respect of offences under this Decree or regulations made under this Decree.

(2) In a judicial proceeding for an offence under this Decree or any regulations made under it, the provisions of the Criminal Procedure Act or depending on the venue, the Criminal Procedure Code shall, with such modifications as the circumstance may require, apply in respect of such matter to the same extent as they apply to the trial of offences generally."

5.-(1) Section 30 of the principal Decree is amended by - Amendment of section 30.

(a) inserting in the proper alphabetical sequence the following new definitions -

"cosmetic" includes any substance or mixture of substance intended to be rubbed, poured, sprinkled or sprayed, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the complexion, skin, hair or teeth and includes deodorants and detergent powder;

"detergent powder" means a cleansing agent in powder or granulated form used primarily for laundry purposes which -

(a) contains suitable ionic and non-ionic surface - active agent; and

(b) is produced from either sulphornation of suitable hydrocarbon or the sulphornation of various hydroxy compounds;"

(b) substituting for the definition of "regulated products", the following new definition -

"regulated products" means food, drugs, cosmetics, medical devices, detergents, bottled water and chemicals."

Citation. 6. This Decree may be cited as the National Agency for Food and Drug Administration and Control (Amendment) Decree 1999.

MADE at Abuja this 23rd day of March 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
*Head of State, 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 amends the National Agency for Food and Drug Administration and Control Decree 1993 to, among other things, provide penalty for the contravention of regulations made under the Decree and for offences by bodies corporate.

DRUGS AND RELATED PRODUCTS (REGISTRATION, ETC.) (AMENDMENT) DECREE 1999



Decree No. 20

[23rd March 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The Drugs and Related Products (Registration, Etc.) Amendment of
Decree 1993 (in this Decree referred to as "the principal Decree") 1993 No. 19.
is amended as set out in this Decree.

2. The principal Decree is amended by substituting for the words "Drugs and Related Products" wherever they occur in the Decree, the words "Food, Drugs and Related Products". Change of
title, etc.

3. Section 1 of the principal Decree is amended by substituting for subsection (1), the following new subsection - Amendment of
section 1.

"(1) No processed food, drug, drug product, cosmetic, medical device or water shall be manufactured, imported, exported, advertised, sold or distributed in Nigeria unless it has been registered in accordance with the provisions of this Decree or regulations made under it."

4. Sections 2 and 4 of the principal Decree are amended by inserting immediately before the word "drug" wherever it occurs in those sections, the words "processed food,". Amendment of
sections 2 and 4.

5. There shall be inserted immediately after section 7 of the principal Decree, the following new sections - Insertion of
new sections
7A, 7B and 7C.

"Forfeiture
after
conviction.

7A.-(1) A person convicted of an offence under this Decree or regulations made under it shall forfeit to the Federal Government -

(a) any asset or property constituting, or derived from any proceeds the person obtained, directly or indirectly, as a result of the offence;

(b) any of the person's property or instrumentalities used in any manner to commit or to facilitate the commission of the offence.

(2) In this section, "proceeds" means any property derived or obtained, directly or indirectly, through the commission of the offence.

Jurisdiction.

1984 No. 20.

7B.-(1) The Tribunal established under the Special Tribunal (Miscellaneous Offences) Decree 1984, as amended, (in this Decree referred to as "the Tribunal") shall have jurisdiction to try offenders under this Decree.

(2) The Tribunal shall have power, notwithstanding anything to the contrary in any other enactment, to impose the penalties provided for in this Decree.

(3) Any part-heard proceeding, relating to a matter for which the Tribunal has jurisdiction, which is pending before any court on the date of the making of this Decree shall be continued and completed as if this Decree had not been made.

(4) All new proceedings shall be brought before the Tribunal in accordance with the provisions of the Special Tribunal (Miscellaneous Offences) Decree 1984.

(5) A person who has been tried and convicted or acquitted for an offence charged under any other enactment shall not be tried a second time for the same offence,

notwithstanding that he could be proceeded against in accordance with the provisions of this Decree.

Forfeited
drugs, etc.

7C. Any processed food, drug, drug product, cosmetic, medical device or water seized by the Agency shall be forfeited to the Federal Government and shall be dealt with in such manner as the Minister may, from time to time, determine."

6. Section 8 of the principal Decree is amended -

Amendment of
section 8.

(a) in the side-note and in subsection (1), by inserting immediately before the word "Drug", the words "Food and"

(b) in subsection (2)(a), by inserting immediately before the word "drugs", the words "food, food products,"; and

(c) by deleting subsection (4).

7. There shall be inserted immediately after section 8 of the principal Decree, the following new section -

Insertion of
new section 8A

"Regula-
tions.

8A. The Governing Council of the Agency may, with the approval of the Minister, make regulations for the purpose of giving effect to the provisions of this Decree."

8. Section 9 of the principal Decree is amended by -

Amendment of
section 9.

(a) substituting for the definition of the word "cosmetic", the following new definition, that is -

"cosmetic" includes any substance or mixture of substance intended to be rubbed, poured, sprinkled or sprayed, introduced into or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness or altering the complexion, skin, hair or teeth and includes deodorants and detergent powder;"

(b) inserting in the proper alphabetical sequence, the following new definitions -

"detergent powder" means a cleansing agent in powder or granulated form used primarily for laundry purposes which -

(a) contains suitable ionic and non-ionic surface-active agent; and

(b) is produced from either sulphornation of suitable hydrocarbon or the sulphornation of various hydroxyl compounds;

"food" includes any article manufactured, processed, packaged, sold or advertised for use as food or drink for human consumption, chewing gum and any ingredient which may be mixed with food for any purpose whatever and excludes -

(a) live animals, birds and fish;

(b) articles or substances used as drugs;"

Citation.

9. This Decree may be cited as the *Drugs and Related Products (Registration, Etc.) (Amendment) Decree 1999*.

MADE at Abuja this 23rd day of March 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
*Head of State, 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 amends the *Drugs and Related Products (Registration, Etc.) Decree 1993*, among other things, to change the title of the Decree and to provide for the forfeiture of any asset or property obtained by any person who commits an offence under the Decree.

FOOD AND DRUGS (AMENDMENT) DECREE 1999



Decree No. 21

[23rd March 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows:-

1. The Food and Drugs Act (in this Decree referred to as "the principal Act") is hereby amended as set out in this Decree. Amendment of Cap 150 LFN.

2. Section 1 of the principal Act is amended by inserting immediately after the word "sell" wherever it occurs, the words ",import, manufacture or store". Amendment of section 1.

3. Section 12 of the principal Act is amended in paragraph (c) by inserting immediately before the word "article", the words "HOLD LABEL tag or". Amendment of section 12.

4. Section 15 of the principal Act is amended by substituting for subsection (1), the following new subsection - Amendment of section 15.

"(1) The Minister may make regulations for carrying out the purpose and provisions of this Act and with respect to any other matter connected with this Decree."

5. Section 17 of the principal Act is amended by - Amendment of section 17.

(a) by substituting subsection (1) the following new subsection, that is -

"(1) Any person who contravenes any of the provisions of this Act or the regulations made under it or fails to comply with any requirement imposed on him by a notice under subsection (1) of section

9021 3

4 of this Act shall be guilty of an offence and liable on conviction to a fine of not less than fifty thousand naira or imprisonment for a term not exceeding two years or to both such fine and imprisonment.";

(b) deleting subsection (3) thereof.

Amendment of
section 19.

6. Section 19 of the principal Act is amended by -

(a) deleting subsection (3) thereof; and

(b) re-numbering subsections (4) and (5) as subsections (3) and (4), respectively.

Amendment of
section 20.

7. Section 20 of the principal Act is amended by -

(a) inserting in the proper alphabetical sequence, the following new definition -

"'food" includes any article manufactured, processed, packaged, sold or advertised for use as food or drink for human consumption, chewing gum and any ingredient which may be mixed with food for any purpose whatsoever and excludes -

(a) live animals, birds or fish;

(b) articles or substances used as drugs;"

(b) substituting for the definition of the word "inspecting officer", the following new definition -

"'inspecting officer" means any person designated as a food and drug inspecting officer under section 9 of this Decree by the National Agency for Food and Drug Administration and Control;"

(c) substituting for the definition of the word "package", the following new definition -

"package" includes anything in which any food, water, drug, cosmetic or device is wholly or partly contained, wrapped, placed or packed;"

8. The First Schedule to the principal Act is amended by inserting immediately before the word "Alcoholism" the words "Acquired Immune Deficiency Syndrome". Amendment of
First Schedule.

9. This Decree may be cited as the Food and Drugs (Amendment) Decree 1999. Citation.

MADE at Abuja this 23rd day of March 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
*Head of State, 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 amends the Food and Drugs Act to provide, among other things, for the prohibition of sale or advertisement of food, etc. as treatment, etc. for certain diseases, including Acquired Immune Deficiency Syndrome.

"package" includes anything in which any food, water, drug, cosmetic or device is wholly or partly contained, wrapped, placed or packed."

8. The First Schedule to the principal Act is amended by inserting immediately before the word "Alcoholism" the words "Acquired Immune Deficiency Syndrome".

9. This Decree may be cited as the Food and Drugs (Amendment) Decree 1992.

MADE at Abuja this 23rd day of March 1992

GENERAL ABUJSALAMI ALKHALIL ABUBAKAR
Head of State, Commander
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 meaning)

The Decree amends the Food and Drugs Act to provide among other things, for the prohibition of sale or advertisement of food, etc. as treatment, etc. for certain diseases, including Acquired Immune Deficiency Syndrome.

**MARKETING (BREAST-MILK SUBSTITUTES)
(AMENDMENT) DECREE 1999**



The Decree of the
President of the Federal Republic of Nigeria
in exercise of his powers

Decree No. 22

[23rd March 1999] Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

1. The Marketing (Breast-Milk Substitutes) Decree 1990 is
amended in section 14 by substituting for the definitions of the
words "appropriate authority" and "infant formula" the following
new definitions -

Amendment of
1990 No. 41.

"appropriate authority" means the National Agency for
Food and Drug Administration and Control;" and

"infant formula" means a breast-milk substitute formulated
and adapted to satisfy the normal nutritional requirements
of an infant not exceeding twelve months old in accordance
with applicable regulations under the Food and Drug Act;"

2. This Decree may be cited as the Marketing (Breast-Milk
Substitutes) (Amendment) Decree 1999.

Citation.

MADE at Abuja this 23rd day of March 1999.

GENERAL ABDULSALAMI ALHAJI ABUBAKAR,
*Head of State, 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 amends the Marketing (Breast-Milk Substitutes) Decree 1990 to re-define the words "appropriate authority" and "infant formula."

