

NIGERIAN EXPORT PROMOTION COUNCIL ACT

ARRANGEMENT OF SECTIONS

Establishment, etc., of the Nigerian Export Promotion Council

SECTION

1. Establishment of the Nigerian Export Promotion Council.
2. Composition of the Board.
3. Tenure of office.
4. Functions of the Council.
5. Powers of the Council.
6. Staff regulations.
7. Appointment of executives director and other employees of the Council.
8. Establishment of an export committee.
9. Fund of the Council.
10. Expenditure of the Council.
11. Annual estimates, accounts and audit.
12. Annual reports.
13. Regulations.
14. Repeal, savings and transfer of assets, liabilities, staff, etc.
15. Interpretation.
16. Short title.

SCHEDULE

Proceedings of the Board

An Act to establish the Nigerian Export Promotion Council to promote the development and diversification of Nigeria's export trade, assist in promoting the development of export oriented industries in Nigeria and other related matters.

[1988 No. 41.]

[1st December, 1987]

[Commencement.]

1. Establishment of the Nigerian Export Promotion Council

(1) There is hereby established a body to be known as the Nigerian Export Promotion Council (in this Act referred to as "the Council").

(2) The Council shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

2. Composition of the Board

(1) There shall be a governing board of the Council (in this Act referred to as "the Board").

[1992 No. 64.)

(2) The Board shall consist of a chairman to be appointed by the President on the recommendation of the Minister and the following members-

(a) a representative each of the following Federal Ministries, that is to say-

(i) Foreign Affairs;

(ii) Commerce;

(iii) Culture and Tourism;

(b) a representative of the Nigerian Customs Services;

(c) a representative each of the following associations, that is-

(i) the Nigerian Association of Chambers of Commerce, Industries, Mines and Agriculture;

(ii) the Manufacturers' Association of Nigeria;

(iii) the Association of Nigerian Exporters;

(iv) the Farmers' Association; and

(d) *one person to be appointed by the Minister from the private sector who shall be a person possessing practical experience in industry, commerce, finance*

and

export promotion; and

(e) the executive director of the Council.

[1992 No. 64.]

(3) The appointments under paragraph (d) of subsection (2) of this section shall be made by the Minister on the recommendation of the appropriate association.

[1992 No. 64.]

(4) The provisions set out in the Schedule to this Act shall have effect with respect to the tenure of office of members and proceedings of the Board and the other matters mentioned therein.

[Schedule.]

3. Tenure of office

(1) A member of the Board other than an *ex-officio* member shall, subject to the provisions of this Act, hold office for a period of four years from the date of his appointment as a member and shall be eligible for re-appointment for a further period of two years; thereafter, he shall no longer be eligible for re-appointment.

[1992 No. 64.]

(2) Notwithstanding subsection (1) of this section, the President may on the recommendation of the Minister require any member of the Board to vacate his office if his continued membership will not be in the interest of the Council.

[1992 No. 64.]

(3) Any member of the Board not being an *ex-officio* member may resign his appointment by a notice in writing under his hand addressed to the Minister.

[1992 No. 64.]

4. Functions of the Council

(1) It shall be the special responsibility of the Council to-

(a) promote the development and diversification of Nigeria's export trade;

(b) assist in promoting the development of export-oriented industries in Nigeria;

(c) spearhead the creation of necessary export incentives;

(d) actively promote the implementation of export policies and programmes of the

Federal Government;

(e) co-ordinate and monitor export promotion activities in Nigeria.

(2) The other functions of the Council shall be to-

(a) collect and disseminate information on products available for export;

(b) collect and disseminate to local manufacturers and exporters information on foreign markets;

(c) provide technical assistance to local exporters in such areas as export procedure and documentation, transportation, financing, marketing techniques, quality control, export packaging, costing and pricing, publicity and in other similar areas;

(d) maintain adequate and effective representation in other countries;

(e) provide, directly or jointly with training institutions, training for its staff and assist with the manpower development of the export community in Nigeria;

(f) organise the participation of Nigeria in trade fairs and exhibitions in other countries;

(g) administer grants and other benefits related to export promotions and development;

(h) undertake studies of the current economic conditions, with special attention to the export sector with a view to advising government on necessary policies and measures;

(i) co-operate with other institutions on matters relating to export financing, export incentives and specialised services to exporters;

(j) *establish special trade promotion facilities in Nigeria and in other countries including the establishment of permanent showrooms at important commercial centres in other countries;*

(k) engage in export promotion publicity;

(l) *pursue the simplification and streamlining of export procedure and documentation on a continuous basis;*

(m) provide services to trade delegations on matters relating to export;

(n) perform such other functions as may be conducive to the achievement of the objectives of this Act.

5. Powers of the Council

The Council shall have power to-

(a) receive within Nigeria or elsewhere, any trademarks, licences, protection or concessions relating to export;

(b) subject to the Land Use Act, acquire, by purchase or lease, any landed property required for its functions under this Act;

[Cap. L5.]

(c) invest in any activity which would facilitate the development or promotion of exports;

(d) solicit for funds from sources other than its budgetary allocation and invest all or any of such funds;

[1992 No. 64.]

(e) exercise disciplinary control (including dismissal) over its employees.

6. Staff regulations

The Council may make staff regulations relating generally to the conditions of service of the employees of the Council and without prejudice to the generality of the foregoing, such regulations may provide for-

(a) the appointment, promotion and disciplinary control of all employees of the Council; and

(b) appeal by such employees against dismissal or other disciplinary measures,

and until such regulations are made, the regulations relating to the conditions of service of officers in the civil service of the Federation and the provisions of the Pensions Act shall be applicable with such modifications as may be necessary to the staff of the Council.

[Cap. P4. 1992 No. 64.]

7. Appointment of executive director and other employees of the Council

(1) There shall be appointed by the President, on the recommendation of the Council, an executive director of the Council.

(2) The executive director shall be the chief executive of the Council and be responsible for the execution of the policy of the Council and the day-to-day running of the affairs of the Council.

(3) The Council may appoint such other persons as it may determine to be employees of the Council to assist the executive director in the performance of his functions under this Act.

(4) The Council may, subject to such conditions as it may think fit, delegate any of its powers relating to the appointment of or exercise of disciplinary control (including dismissal) over its employees to the executive director or to any other employees of the Council.

(5) There shall be appointed by the Board a secretary who shall be a legal practitioner with not less than ten years' post-qualification experience.

[1992 No. 64.]

8. Establishment of an export committee

(1) The Council may establish an export committee in each State of the Federation.

(2) The export committee shall-

(a) constitute a forum for the promotion of exportation of the principal export products of that State;

(b) advise the Council on the best means of achieving the objectives of this Act in the State;

(c) carry out such other functions as the Council may, from time to time, direct.

9. Fund of the Council

(1) The Council shall establish and maintain a fund which shall be applied towards the attainment of the Council's objectives and from which shall be defrayed all expenditure incurred by the Council.

[1992 No. 64.]

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

(a) ten percent of levies of freight collected by the Nigerian Maritime Authority;

(b) such sums as may, from time to time, be granted to the Council by the Federal Government;

(c) all monies raised for the purpose of the Council by way of gifts, grants-in-aid and income from investments; and

(d) all subscriptions, fees and charges for services rendered by the Council and all other sums as may accrue to the Council from any other source.

[1992 No. 64.]

10. Expenditure of the Council

The Council may, from time to time, apply the proceeds of the fund established pursuant to section 9 of this Act to-

- (a) meet the cost of administration of the Council and any research work carried out by or on behalf of the Council with its approval;
- (b) provide such training for the employees of the Council;
- (c) pay the salaries and other allowances and benefits of its employees;
- (d) reimburse members of the Council and committees of the Council as the Council may deem necessary;
- (e) meet other expenses in connection with its functions and this Act.

11. Annual estimates, accounts and audit

(1) The Board shall cause to be prepared not later than 30 June in each year, an estimate of the expenditure and income of the Council during the next succeeding year and when prepared they shall be submitted to the Minister.

[1992 No. 64.]

(2) The Board shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Board such accounts shall be audited as provided in subsection (3) of this section.

[1992 No. 64.]

(3) The accounts of the Council shall be audited within six months after the end of the year by an external auditor appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

[1992 No. 64.]

12. Annual reports

The Council shall, not later than six months after the end of each financial year, submit through the Minister to the President, a report of the activities of the Council and its administration during the immediately preceding year and shall include in such report the audited accounts of the Council and the auditor's comments thereon.

13. Regulations

The Council may make regulations for carrying into effect the provisions of this Act.

[1992 No. 64.]

14. Repeal, savings and transfer of assets, liabilities, staff, etc.

(1) The Nigerian Export Promotion Council Act 1976 is hereby repealed and the Council established thereunder is hereby dissolved.

[1976 No. 26.]

(2) By virtue of this Act, there shall be vested in the Council all assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act were vested in the Council dissolved by and under subsection (1) of this section.

(3) The rights, interests, obligations and liabilities of the dissolved Council existing before this Act under any contract or instrument, or in law or in equity apart from any contract or instrument shall, by virtue of this Act, be assigned to and vested in the Council established by this Act.

(4) Any such contract or instrument as is mentioned in subsection (3) of this section shall be of the same force and effect against or in favour of the Council established by this Act and shall be enforceable as fully and effectively as if instead of the dissolved Council the Council established by this Act has been named therein or had been a party thereto.

(5) The Council shall be subject to all the obligations and liabilities to which the dissolved Council was subject immediately before the commencement of this Act and all other persons shall have the same rights, power and remedies against the Council as they had against the dissolved Council immediately before the commencement of this Act.

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

(7) All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act were vested in the dissolved Council shall by virtue of this Act and without further assurance be vested in the Council.

(8) Notwithstanding the repeal of the enactment referred to in this section of this Act, if the Council thinks it is expedient that any vacancy in the Council should be filled by a person holding office at the commencement of this Act in the Council dissolved by this section, it may employ such person by way of transfer to the Council and the previous service in the dissolved Council by such person shall count as service for the purposes of any pension subsequently payable by the Council.

15. Interpretation

In this Act, unless the context otherwise requires-

"Board" means the governing Board of the Council established by section 2 (1) of this Act;

[1992 No. 64.]

"chairman" means the chairman of the Board;

[1992 No. 64.]

"Council" means the Nigerian Export Promotion Council established under section 1 of this Act;

[1992 No. 64.]

"member" means any member of the Board and includes the chairman; and
[1992 No. 64.]

"Minister" means the Minister charged with the responsibility for matters relating to commerce.

[1992 No. 64.]

16. Short title

This Act may be cited as the Nigerian Export Promotion Council Act.

SCHEDULE
[Section 2 (4).]

Proceedings of the Board

1. (1) The Board shall meet for the conduct of business at such times, places and on such days as the chairman may appoint but shall meet not less than twice in a year.

[1992 No. 64.]

(2) The chairman may at any time, and shall at the request in writing of not less than six members summon a meeting.

(3) Particulars of the business to be transacted at any meeting shall be circulated to members with the notice of the meeting of the Board.

[1992 No. 64.]

(4) Every question put before the Board at a meeting shall be decided by a majority of the votes of the members present and voting.

[1992 No. 64.]

(5) Seven members shall form a quorum at any meeting of the Board. [1992 No. 64.]

(6) The chairman shall, at any meeting, have a vote and in the case of an equality of votes, may exercise a casting vote.

(7) The chairman shall preside at every meeting of the Board but in his absence, the members present shall elect one of their number present to preside at the meeting.

[1992 No. 64.]

(8) Subject to the provisions of this Act, the Board may make standing orders with respect to the holding of meetings, the nature of notice to be given, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

[1992 No. 64.]

Committees

2. (1) The Board may appoint one or more committees to advise it on the exercise and performance of its functions under this Act.

[1992 No. 64.]

(2) Every such committee shall consist of-

(a) a chairman who shall be appointed by the Board from among the members of the Board;

(b) not more than five persons (who may or may not be members of the Board), so however that any non-members of the Board co-opted to serve on any committee shall enjoy all the rights and privileges of a member except the right to vote and be counted towards a quorum.

[1992 No. 64.]

(3) In this paragraph, "**chairman**" means the chairman of a committee.

Miscellaneous

3. (1) Any contract or instrument which if entered into or executed by a person not being a

body corporate would not be required to be under seal, may be entered into or executed on behalf of the Council by any person generally or specifically authorised in that behalf by the Board.

[1992 No. 64.]

(2) A member of the Board who-

(a) is either directly or indirectly interested in any company or enterprise the affairs of which are being deliberated upon by the Board; or

(b) has a personal interest in any contract made or proposed to be made by the Board,

shall as soon as possible after the relevant facts has come to his knowledge disclose the nature of his interest at a meeting of the Board.

[1992 No. 64.]

(3) Every disclosure in sub-paragraph (2) of this paragraph shall be recorded in the minutes of the meeting of the Board and the member concerned shall-

(a) not take part after such disclosure in any deliberation or decision of the Board with regard to the subject matter in respect of which his interest is thus disclosed; and

(b) be excluded for the purpose of constituting a quorum of the Board for any such deliberation or decision.

[1992 No. 64.]

4. (1) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meeting of the Board and recorded in the minutes of the meeting.

[1992 No. 64.]

(2) The fixing of the seal of the Council shall be authenticated by the signature of the chairman or some other members authorised generally or specifically by the Board to act for that purpose.

[1992 No. 64.]

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

SUBSIDIARY LEGISLATION

No Subsidiary Legislation