

NATIONAL AUTOMOTIVE COUNCIL ACT

ARRANGEMENT OF SECTIONS

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SCHEDULE

Supplementary provisions relating to the Council

An Act to establish the National Automotive Council to, among other things, regularly study and review the automotive parts and components development industry in Nigeria.

[1993 No. 84,2007 No. 61.]

[25th August, 1993]

[Commencement.]

• **Establishment of the National Automotive Council**

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

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

1. Membership of the Council

(1) The Council shall consist of a chairman to be appointed by the President on the recommendation of the Minister, and the following other members who shall be appointed by the Minister on the recommendation of the bodies they represent, that is-

- (a) a representative of the Nigerian Society of Engineers;
- (b) a representative of the Federal Ministry of Industry;
- (c) a representative of the Manufacturers Association of Nigeria;
- (d) a representative of the Standards Organisation of Nigeria;
- (e) a representative of the Nigeria Automobile Manufacturers Association;
- (f) a representative of the Raw Materials, Research and Development Council;
- (g) a representative of the Association of Local Content Manufacturers Association of Nigeria;
- (h) an individual to be appointed on his merits; and
- (i) the executive secretary.

(2) The supplementary provisions contained in the Schedule to this Act shall have effect with respect to the tenure of office of members, the proceedings of the Council and the other matters therein contained.

[Schedule.]

1. Functions of the Council

The Council shall have responsibility to-

- (a) regularly study and review the automotive parts and components development industry in Nigeria;
- (b) evolve a local content programme specifying which components and parts are to be continually deleted from the imported CKD parts;
- (c) recommend incentive measures for ensuring compliance with approved local content programmes;

- (d) appraise and recommend new models of vehicles envisaged for the Nigerian market to ensure model rationalisation;
- (e) identify and classify the components and parts which can be standardised to ensure their inter-changeability;
- (f) monitor and ensure compliance of vehicles with environmental and technical safety regulations;
- (g) regularly evaluate the pricing structures and quality of the products of the assembly plants to ensure international competitiveness;
- (h) forecast the demand and supply patterns for various types of automotive vehicles produced in Nigeria and the basic raw materials requirement;
- (i) liaise with relevant organisations charged with the production of raw materials (such as sheet metal, alloy and special steel);
- (j) regularly review the penalties to be imposed for non-compliance with the guidelines and programmes specified by it;
- (k) handle all matters concerning the low cost vehicle projects;
- (l) carry out inspection and other quality assurance activities in factories, ports and roads in pursuance of the functions specified in this section; and
- (m) perform such other functions as may be assigned to it by the Minister from time to time

1. Power of Minister to give directions

Subject to this Act, the Minister may give to the Council directions of a general character or relating generally to particular matters (but not to any individual person or case) with regard to the carrying out of the functions of the Council under this Act and it shall be the duty of the Council to comply with such directions.

1. Appointment of the executive secretary and principal officers of the Council

(1) There shall be appointed for the Council an officer to be designated as the executive secretary of the Council who shall be the chief executive of the Council and shall be responsible for the day-to-day running and management of the affairs of the Council.

(2) The executive secretary shall be appointed by the President on the recommendation of the Minister.

(3) The executive secretary shall be a person who possesses appropriate professional qualifications.

(4) The executive secretary shall hold office in the first instance for a period of five years and shall be eligible for a re-appointment for such further term of five years as the President may, from time to time, determine.

(5) Subject to the provisions of this section, the executive secretary shall hold office on such terms as to emoluments and otherwise as may be specified in his letter of appointment.

(6) The secretariat of the Council shall be located in the Federal Ministry of Industry and under the general control of the executive secretary.

6. Other staff of the Council

(1) The Council may appoint such other persons as employees of the Council as it may consider necessary.

(2) Where the Council thinks it expedient that a staff vacancy in the Council should be filled by a person holding an office in any of the public services in the Federation, the Council may appoint that person by way of transfer or secondment from the service concerned.

(3) Where a person is seconded pursuant to subsection (2) of this section, he shall be notified of the terms and conditions of the secondment, and the secondment shall be without prejudice to any pension rights which, but for the secondment, would still accrue to him.

(4) A person seconded under subsection (2) of this section may elect to be transferred to the staff of the Council in which case any previous service in any of the public service shall count as service for the purposes of any pension subsequently payable to the person under the Council.

(5) Where a person is transferred from a public service to the Council-

(a) that person's former service in the relevant public service shall be taken into account in applying the provisions of the Pensions Act; and

[Cap. P4.]

(b) the Pensions Act shall have effect as if that person's service with the Council were service in the relevant public service.

1. Service in the Council to be pensionable

(1) Notwithstanding the provisions of the Pensions Act, service in the Council shall be approved service for the purposes of that Act and, accordingly, officers and other persons employed in the Council shall be entitled to such pensions, gratuities and other re-

tirement benefits as are prescribed thereunder, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.

(2) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a 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 Council and not by any other person or authority.

[Cap. P4.]

8. Conditions of service

Without prejudice to the provisions of section 6 of this Act, the terms and conditions of service including terms and conditions as to remuneration, allowances, retiring and other benefits of the officers and servants of the Council shall be such as may be determined by the Council with the approval of the Minister.

9. Funds of the Council

(1) The Council shall establish a fund which shall consist of-

- (a) such sums as may be provided to it by the Government of the Federation for running the affairs of the Council;
- (b) such sums as may be collected or received by the Council for services rendered by the Council;
- (c) contributions from the organised private section;
- (d) such sums as may, from time to time, be lent to the Council by any person; and
- (e) such other sums as may be received by the Council from any other source.

[2007 No. 61, s. 2.]

(2) The other resources of the Council shall consist of all other assets which may, from time to time, be vested in or accrue to the Council in the course of discharging its functions under or pursuant to this Act.

(3) The Council may, from time to time, apply the proceeds of the fund established in pursuance of subsection (1) of this section for the following purposes, that is-

- (a) to the cost of administration of the Council and any research work carried on by or on behalf of the Council;
- (b) to the provision of such training for employees of the Council as the Council may deem necessary;
- (c) to reimburse members of the Council and the committees of the Council for such expenses as may be expressly authorised by the Council; and
- (d) in connection with all or any of its functions under this Act or under any other written law.

10. General reserve

- (1) Without prejudice to the power of the Council to set aside from revenue appropriate amounts for replacement, contingencies or other purposes, the Council may establish and maintain a general reserve.
- (2) The management of the general reserve, the sum to be carried, from time to time, to the credit of the general reserve, the charges to be made against the general reserve and any other application of the moneys comprised therein shall be as the Council may, with the approval of the Minister, determine.
- (3) No part of the money comprised in the general reserve shall be applied otherwise than for the purpose of the Council.

11. Power to borrow and invest

- (1) The Council may with the consent of or in accordance with any general authority given by the Minister, borrow by way of loan from the Federal Government or by way of temporary overdraft approved by the Minister, sums required by the Council for meeting its functions under this Act.
- (2) The Council may invest all or any of its funds in such manner as may be approved by the Minister.
- (3) Subject to section 4 of this Act, the Minister may issue to the Council directions as to the disposal of surplus funds.

12. Annual estimates accounts and audit

- (1) The Council shall prepare and submit to the Minister not later than the 30th day of September of the year in which this subsection comes into force (so however that the Minister may, if he considers it necessary, extend the period), and of each subsequent year, an estimate of its income and expenditure during the next succeeding year.

(2) The Council shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year to which the accounts relate by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

13. Annual report

(1) The Council shall prepare and submit to the Minister not later than eighteen clear months after its establishment, and once every year thereafter, a report in such form as the Minister may direct on the activities of the Council during the last preceding year, and shall include in the report a copy of the audited accounts of the Council for that year and of the auditor's report on the accounts.

(2) The Minister shall cause a copy of each report made to him under this section to be laid before the President so soon after the receipt thereof as may be convenient.

(3) For the purposes of the first report of the Council under this section, the last preceding year shall be deemed to include so much of any period before the beginning of that year as begins with the date of the first meeting of the Council.

14. Regulations

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

15. Interpretation

In this Act, unless the context otherwise requires-

“Council” means the National Automotive Council;

“chairman” means the chairman of the Council;

“member” means a member of the Council and includes the chairman;

“Minister” means the Minister charged with responsibility for industries.

16. Short title

This Act may be cited as the National Automotive Council Act.

SCHEDULE

[Section 2 (2).]

Supplementary provisions relating to the Council

Tenure of office of members

- 1.** Subject to paragraph 3 of this Schedule, a member who is not a public officer shall hold office on first appointment for a period of four years beginning with the date of his appointment and at the expiration of that period for a further period of four years.
- 2.** A member of the Council who is a public officer shall cease to be such a member upon his ceasing to hold the office entitling him to be appointed as a member of the Council.
- 3.** Any member of the Council may at any time be removed from office for inability to discharge the functions of his office or for misconduct or on his conviction for a criminal offence involving dishonesty, fraud or moral turpitude.
- 4.** A member of the Council shall be paid reasonable allowance as may be determined by the Council with the approval of the Minister.

Proceedings of the Council

- 5.** Subject to the provisions of this Schedule and section 27 of the Interpretation Act, the Council may make standing orders for regulating its proceedings or the proceedings of any of its committees.

[Cap. 123.]

- 6.** The quorum at any meeting of the Council shall be the chairman or an *ex-officio* member and three other members and the quorum of any committee set up by the Council shall be as determined by the Council.
- 7.** The chairman shall preside at all meetings at which he is present and in his absence, the members may elect one of their number to preside at the meeting.
- 8.** (1) The Council shall meet not less than once in every six months and subject to provisions of any standing orders of the Council, it shall meet at such times as it may be summoned by the chairman.

(2) If the chairman is required so to do by notice in writing given to him by not less than three other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.
- 9.** Where the Council desires to obtain the advice or services of any person on any particular matter, it may co-opt that person as a member for such period as it thinks fit, provided that a person so co-opted shall not be entitled to vote nor shall he count towards a quorum.
- 10.** The first meeting of the Council shall, notwithstanding the other provisions of this Schedule, be summoned by the Minister and subject as hereafter provided, any other meeting

shall be convened by the chairman.

Committees

11. (1) The Council may appoint such number of committees, whether standing or *ad hoc*, to perform such of its functions as the Council may direct.

(2) No decision of any committee of the Council shall take effect until it is confirmed by the Council.

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

Miscellaneous

12. The fixing of the seal of the Council shall be authenticated by the signatures of the chairman (or of some other members authorised either generally or specifically by the Council to act in that behalf) and of the executive secretary.

13. Any contract or instrument which if made or executed by a person not being a body corporate will not be required to be under seal, may be made or executed on behalf of the Council by any person generally or specially authorised by the Council to act for that purpose.

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

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

NATIONAL AUTOMOTIVE COUNCIL ACT

SUBSIDIARY LEGISLATION

No Subsidiary Legislation