

**CHAPTER T12**

**TRADE MALPRACTICES (MISCELLANEOUS OFFENCES) ACT**

**ARRANGEMENT OF SECTIONS**

SECTION

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**CHAPTER T12**

**TRADE MALPRACTICES (MISCELLANEOUS OFFENCES) ACT**

**An Act to create certain offences relating to trade malpractices.**

[1992 No. 67.]

[23rd November, 1992]

[Commencement.]

**1. Trade malpractices offences**

(1) Notwithstanding anything to the contrary in any law, as from the commencement of this Act, any person who—

- (a) labels, packages, sells, offers for sale or advertises any product in a manner that is false or misleading or is likely to create a wrong impression as to its quality, character, brand name, value, composition, merit or safety; or
- (b) for the purpose of sale, contract or other dealing, uses or has in his possession for use any weight, measure, weighing instrument or measuring instrument which is false or unjust; or
- (c) for the purpose of sale, contract or other dealing, uses or has in his possession for use, any weight, measure, weighing instrument or measuring instrument not stamped or marked as required under the Weights and Measures Act or any other law in respect of which no certificate of verification is in force; or
- (d) sells any products by weight or measures in any warehouse, market, store or other public place and refuses to weigh or measure the product in the presence

[Cap. W3.]

of the person to whom the product was delivered when requested to do so by that person; or

- (e) with intent to defraud, alters any weight, measure, weighing instrument or measuring instrument stamped or marked pursuant to the Weights and Measures Act or uses in any sale, contract or other dealing, any such altered weight, measure, weighing instrument or measuring instrument; or
- (f) sells any products by weight, measure or number and delivers or causes to be delivered to the purchaser a less weight, measure or number, as the case may be, than is purported to be sold or corresponds with the price charged; or
- (g) in connection with the sale or the exposing or offering for sale of anything, makes any misrepresentation howsoever or does or omits to do any act, matter or thing calculated or likely to mislead the seller or purchaser or prospective seller or purchaser, as the case may be, as to its weight or measure or as to the number to be sold or offered for sale; or
- (h) advertises or invites subscription for any product or project which does not exist,

commits an offence under this Act and is liable on conviction to a fine of not less than ₦50,000.

(3) Except where the context otherwise requires, any word or expression used in this section shall have the same meaning as assigned thereto under the Weights and Measures Act.

[Cap. W3.]

## 2. Establishment of the Malpractices Investigation Panel

(1) For the purpose of investigating whether any offence has been or is being committed under section 1 of this Act, there is hereby established, under the Federal Ministry of Commerce, a Special Trade Malpractices Investigation Panel (in this Act referred to as "the Panel") which shall consist of one person to represent each of the following Federal Ministries and bodies, that is—

- (a) the Ministry of Commerce;
- (b) the Ministry of Internal Affairs;
- (c) the Ministry of Health;
- (d) the Ministry of Petroleum Resources;
- (e) the Ministry of Solid Minerals Development;
- (f) the Ministry of Industry;
- (g) the Ministry of Science and Technology;
- (h) the Ministry of Finance;
- (i) the Central Bank of Nigeria;
- (j) the Standards Organisation of Nigeria.

(2) The person representing the Federal Ministry of Commerce shall be the chairman of the Panel.

**3. Report by the Panel**

The Panel constituted under section 2 of this Act shall, on completing an investigation into any case, make a report to the Attorney-General of the Federation.

**4. Prosecution of offences**

If the Attorney-General of the Federation, after considering the report made to him by the Panel under section 3 of this Act, is of the opinion that an offence under this Act has been or is being committed, he, or such officer of the Federal Ministry of Justice as he may authorise in that behalf, may institute proceedings against the person accused of the offence in the tribunal established under the Miscellaneous Offences Act in accordance with the procedure set out in the said Act.

[Cap. M17.]

**5. Offences by bodies corporate**

Where an offence under this Act is 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 who was purporting to act in any such capacity, any such director or other person mentioned in this section, as the case may be, as well as the body corporate shall be deemed to be guilty of that offence, and shall be liable to be proceeded against and punished as provided under subsection (1) of section 1 of this Act.

**6. Application of the Weights and Measures Act**

For the purpose of prosecuting offences under this Act, this Act shall be read together with the Weights and Measures Act, so however that where there is a conflict between the provisions of this Act and the said Act, the provisions of this Act shall prevail.

[Cap. W3.]

**7. Short title**

This Act may be cited as the Trade Malpractices (Miscellaneous Offences) Act.

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**CHAPTER T12****TRADE MALPRACTICES (MISCELLANEOUS OFFENCES) ACT****SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*

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