

CHAPTER 181

INDUSTRIAL PROMOTION ACT

ARRANGEMENT OF SECTIONS

SECTION

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CHAPTER 181

THE INDUSTRIAL PROMOTION ACT

An Act to promote the production of goods in Nigeria by prohibiting their importation absolutely for eight years and to ensure that the goods produced are of high quality so as to allow for competitive pricing pursuant to any order made in that regard.

1979 No. 40.

Commencement.

[3rd August, 1979]

1. (1) Subject to the provisions of this Act, goods the importation of which—

(a) is prohibited by Part II of the First Schedule to the Import Prohibition Order; or

Importation of certain goods prohibited for eight years. L.N. 10 of 1979.

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(b) is hereafter prohibited by the Customs and Excise Management Act or by any subsidiary legislation made thereunder,

shall remain prohibited for a period of eight years from the date of coming into force of the prohibition concerned.

(2) For the avoidance of doubt, the provisions of this Act shall not apply in respect of goods the importation of which is so prohibited if the production or manufacture, sale or purchase, possession or use of any such goods in Nigeria is unlawful pursuant to the aforesaid Act or any other enactment or law.

Duty of manufacturers of prohibited goods to ensure high quality of goods, etc.

2. (1) Every manufacturer of any of the goods mentioned in section 1(1) of this Act—

(a) shall, where production of the goods has started in Nigeria and the quality of the goods concerned is not already so, take steps to enhance the said quality as soon as may be after the coming into force of the prohibition concerned so as to ensure that it compares favourably with the quality of similar goods manufactured to the highest standards elsewhere;

(b) shall, where production of the goods has not started in Nigeria, take steps to ensure that upon starting production thereof in Nigeria, the quality of such goods shall compare favourably with the quality of similar goods manufactured to the highest standards elsewhere,

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and shall, subject to section 12 of the Standards Organisation of Nigeria Act (relating to Mandatory Industrial Standards), conform with any Nigerian industrial standards prescribed under that Act as may be directed by the Facilitation Committee established by section 4 of this Act in that behalf.

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(2) In addition to the exercise of powers conferred on any person or authority under the provisions of the Price Control Act, the Productivity, Prices and Incomes Board Act or any other enactment relating to prices of goods, the Minister may direct the Committee to specify the price at

which any such manufacturer may sell the goods concerned or to establish a scheme or arrangement relating to resale price maintenance for the manufacturers and distributors (whether selling by wholesale or retail) of such goods.

(3) Where any manufacturer directed by the Committee to comply with a Nigerian industrial standard feels aggrieved by the decision, it may within 30 days after receipt of any such direction appeal to the Minister against the decision and any determination of the Minister in respect of any such appeal shall be final and shall not be subject to any further appeal.

(4) Where pursuant to subsection (2) of this section the price of goods is specified or where any resale price maintenance scheme or arrangement is established by the Committee in relation thereto, then the goods concerned shall, as the case may require—

- (a) be deemed to be goods of the class specified in the First Schedule to the Price Control Act; or
- (b) be deemed to be goods in respect of which an order is in force pursuant to section 8 of the Price Control Act.

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(5) Any person, who contravenes the provisions of subsection (1), (2) or (4) of this section, shall be guilty of an offence and liable on conviction—

- (a) in respect of any offence under subsection (1) of this section, to the penalties prescribed in section 12 of the Standards Organisation of Nigeria Act; and
- (b) in respect of any offence under subsection (2) or (4) of this section, to the penalties prescribed in section 6 of this Act or, as the case may require, section 8 of the Price Control Act;

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and accordingly, the other provisions of those enactments shall be construed with such modifications as may be necessary to give effect to the provisions of this section.

3. For the purposes of the proper implementation and due administration of the provisions of this Act, the Minister may issue directions generally to manufacturers of the goods referred to in section 1(1) of this Act or specially

Power of Minister to issue directions to manufacturers.

to any manufacturer of any such goods and it shall be the duty of the manufacturers or manufacturer concerned to comply with such directions or cause them to be complied with.

Establishment of Facilitation Committee.

4. (1) There is hereby established a committee to be known as the Facilitation Committee (hereinafter referred to as "the Committee" which shall advise the Minister on the implementation of the provisions of this Act and discharge any other function conferred on it by this Act.

(2) The Committee shall consist of the Director-General, Federal Ministry of Industries, as the Chairman thereof and the following other members, that is—

(a) a representative of each of the following Federal Ministries, that is—

(i) Agriculture,

(ii) Finance and Economic Development;

(b) a representative each of the following bodies, that is—

(i) the Standard Organisation of Nigeria,

(ii) the Price Control Board, and

(iii) the Customs, Immigration and Prisons Services Board;

(c) two representatives of the Manufacturers Association of Nigeria;

(d) two representatives of the Nigerian Chamber of Commerce, Industry, Mines and Agriculture; and

(e) two representatives of consumers' interests (at least one of whom shall be a woman),

to be appointed by the Minister.

(3) Members of the Committee (not being public officers) shall hold office for two years and shall be eligible for re-appointment for a further period of two years.

5. (1) The quorum for meetings of the Committee shall be six, at least one of whom shall be a member appointed under paragraph (c), (d) or (e) of section 4(1) of this Act.

Proceedings of the Committee, etc.

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(2) The Committee may co-opt persons who are not members thereof to any meeting of the Committee and such persons may take part in the deliberations of the Committee but shall not be entitled to vote at a meeting of the Committee.

(3) The Committee shall have power to regulate its proceedings and may make standing orders for that purpose and, subject to any such standing orders, may function notwithstanding any vacancy in its membership or the absence of any member.

(4) There shall be a Secretary to the Committee who shall be a public officer designated as such in the Federal Ministry of Industries.

(5) The administrative expenses of the Committee shall be borne by the Federal Government.

6. (1) For the purposes of this Act, the Secretary of the Committee may by notice in writing addressed to or served on any person carrying on an industrial undertaking in respect of goods referred to in section 1(1) of this Act require that person to furnish in such form as he may direct information on such matters as may be specified by him.

Power to obtain information.

(2) A person required to furnish returns pursuant to subsection (1) of this section, shall within 42 days of the notice comply with the notice.

7. (1) Any manufacturer of goods mentioned in subsection (1) of section 1 of this Act who, for the purpose of complying with section 6 of this Act—

Offence and penalty

(a) makes or presents any declaration or statement which is false; or

(b) produces any invoice or other document which is false in any material particular or has not been given by the person by whom it purports to have been given or which has in any way been altered or tampered with,

shall be guilty of an offence under this section unless such manufacturer proves that it had taken all reasonable steps to

ascertain the truth of the statement made, or contained in any document so presented or produced or to satisfy itself of the genuineness of the invoice or undertaking.

(2) Any manufacturer found guilty of an offence under this section shall be liable on conviction—

(a) in the case of an individual, to a fine of ₦1,000 or imprisonment for two years or to both such fine and imprisonment; and

(b) in the case of a body corporate, to a fine of not less than ₦5,000.

Offences  
by bodies  
corporate  
and unin-  
corporate.

8. (1) Where an offence under this Act is committed by a body corporate or firm or other association of individuals—

(a) every director, manager, secretary or other similar officer of the body corporate;

(b) every partner or officer of the firm;

(c) every person concerned in the management of the affairs of the association; or

(d) every person who was purporting to act in any such capacity as aforesaid,

shall severally be guilty of that offence and liable to be prosecuted and punished for the offence in like manner as if he had himself committed the offence in an individual capacity, unless he proves that the act or omission constituting the offence took place without his knowledge, consent or connivance.

Trial and  
prosecution  
of offences.

9. (1) Offences under this Act shall, unless otherwise provided for under any other enactment, be triable by the Federal High Court.

(2) The prosecution of offences under this Act shall, subject as aforesaid, be at the instance of the Attorney-General of the Federation.

Interpreta-  
tion.

10. In this Act, unless the context otherwise requires—  
“Chairman” means the Chairman of the Committee;  
“Committee” means the Facilitation Committee established under section 4 of this Act;

“consumer” includes any person (whether or not another manufacturer) who buys goods from a wholesale or retail trader in the goods concerned;

“manufacturer” means any person who carries on a business in Nigeria of manufacturing goods, whether directly from raw materials or by way of assembly of imported parts or otherwise howsoever, and includes—

(a) a person who, in the course or for the purposes of his business, applies a chargeable process in the course of making goods; and

(b) a person who manufactures goods for or in use in or in connection with a business carried on by him or any other manufacturer;

“member” includes the Chairman;

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

11. This Act may be cited as the Industrial Promotion Act. Short title.

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**INDUSTRIAL PROMOTION ACT**

**CHAPTER 181**

**SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*