

CHAPTER 178

INDUSTRIAL DEVELOPMENT CO-ORDINATION ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Establishment of Industrial Development Committee
2. Composition of the Committee.
3. Functions of the Committee.
4. Modification of certain related enactments.
5. Director, etc.
6. Establishment of Industrial Development Co-ordination Department.
7. Proceedings of the Committee.
8. Applications for Approval.
9. Committee to fix period for grant of approval, etc.
10. Interpretation.
11. Short title.

CHAPTER 178

INDUSTRIAL DEVELOPMENT CO-ORDINATION ACT

An Act to establish the Industrial Development Co-ordination Committee to serve as a co-ordinating and approving centre for all necessary governmental approvals prior to establishment of industries or business in Nigeria.

1988 No. 36.

[30th September, 1988]

Commencement.

1. There is hereby established a body to be known as the Industrial Development Co-ordination Committee (in this Act referred to as "the Committee") which shall have the powers and the functions conferred on it by this Act.

Establishment of Industrial Development Committee.

Composition
of the
Committee.

2. (1) The Committee shall consist of—
- (a) the Minister of Industries who shall be the chairman; and
 - (b) the following other members, that is—
 - (i) the Minister of Trade and Tourism,
 - (ii) the Minister of Finance and Economic Development,
 - (iii) the Minister of Internal Affairs,
 - (iv) the Minister of Science and Technology,
 - (v) the Minister of Agriculture, Water Resources and Rural Development, and
 - (vi) the Minister of Employment, Labour and Productivity.

(2) The Director of the Committee shall serve as the Secretary for the purposes of this Act.

Functions of
the Com-
mittee.

3. (1) It shall be the duty of the Committee to serve as a co-ordinating and approving centre, at the Federal level, for all governmental approvals with respect to the establishment of new industries or business undertakings, and with respect to the operation of governmental measures and schemes aimed at promoting industrialisation of the country.

(2) Without prejudice to the generality of subsection (1) of this section, matters with respect to which the Committee shall have responsibility include—

- (a) approvals for the establishment of any new business or industry in Nigeria in cases where any part of the proprietary interest in the business or industry is held by an alien;
- (b) granting approved status in respect of capital imported into the country by an alien;
- (c) powers under the Immigration Act, to grant permission to any alien to accept employment in Nigeria or to practice a profession or establish any trade or business or register or take over any company with limited liability, for such purpose;

Cap. 171.

- (d) power to grant approvals on fiscal concessions on industry related incentives on—
- (i) pioneer industries,
 - (ii) local raw material utilisation,
 - (iii) export oriented industry,
 - (iv) inplant training,
 - (v) investment on infrastructural facilities,
 - (vi) research and development,
 - (vii) investment in economically disadvantaged areas:

Provided that the fiscal incentives for which approvals are given shall allow for tax concessions on sub-paragraphs (i) to (vi) of this paragraph;

- (e) approvals of pre-investment agreement or contract registrable under the National Office of Industrial Property Act, particularly on such matters as—
- (i) feasibility study,
 - (ii) engineering design services,
 - (iii) procurement of machinery, component and plant,
 - (iv) plant installation and commissioning;
- (f) advising the Federal Government on policy matters, including tariff measures designed to promote the industrialisation of the country or the general development of the economy.

Cap. 268.

(3) Industries related investments that are wholly owned by Nigerians shall be notified to the Committee within sixty days of such investment by the investors.

(4) The notification required under subsection (3) of this section shall be in the form as may be prescribed by the Committee from time to time.

4. (1) All enactments pertaining to the functions conferred on the Committee under this Act and in particular—

Modification of certain related enactment. Cap. 179.

- (a) the Industrial Development (Income Tax Relief) Act, as amended;
- (b) the Exchange Control Act;

Cap. 113.

- Cap. 171. (c) the Immigration Act;
- Cap. 180. (d) the Industrial Inspectorate Act;
- Cap. 268. (e) the National Office of Industrial Property Act;
- Cap. 303. (f) Nigerian Enterprises Promotion Act;
- Cap. 405. (g) the Second-Tier Foreign Exchange Market Act,
- shall be construed subject to this Act.

(2) The responsibilities for approval of matters relating to preinvestment approvals contained in the enactments listed in subsection (1) of this section shall be vested only in the Committee to the exclusion of any other Government body or authority exercising powers on pre-investment approvals before the commencement of this Act.

Director, etc. 5. (1) There shall be an officer of the Committee who shall be styled the Director, Industrial Development Co-ordination Committee (in this Act referred to as "the Director").

(2) The Director shall be the head of the Committee's secretariat established pursuant to section 6 of this Act, and shall be responsible for the efficient implementation of the Committee's decisions.

Establishment of Industrial Development Co-ordination Department. 6. (1) There shall be established as an integral part of the Federal Ministry of Industries, a Department to be known as the Industrial Development Co-ordination Department.

(2) The Department shall be the secretariat for the Committee.

(3) The Department shall consist of the Director and such number of other officers as may be required for the efficient administration of the Department.

(4) The Director and other officers of the Department shall be members of the civil service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria, as amended.

Cap. 62.

Proceedings of the Committee.

7. (1) The Committee shall meet not less than once every month.

(2) The quorum for meetings of the Committee shall be three and subject thereto and to subsection (1) of this section, the Committee may regulate its own proceedings.

(3) If the chairman is absent from any meeting of the Committee, the members present shall appoint one of their number to preside at that meeting.

(4) The Committee may co-opt any person to attend its meeting but such person shall not count towards a quorum nor have a vote.

8. (1) As from the commencement of this Act, applications in respect of any matter to which this Act relates shall be made to the Committee and the Committee shall have power to specify the form of such applications.

Applications for approval.

(2) Applications pending at the commencement of this Act, shall be transferred to the Committee for consideration and approval.

(3) Any approval for the commencement of business granted before the commencement of this Act shall remain valid.

(4) The provisions of subsection (3) of this section shall apply to any locational approval or business permit issued before the commencement of this Act.

9. (1) The Committee shall, from time to time, fix the maximum period, not in any case exceeding 30 days, that may elapse between the receipt by the Committee of an application under this Act and the notification to the applicant of the Committee's decision in respect thereof.

Committee to fix period for grant of approval, etc.

(2) Any period fixed by the Committee under this section shall be displayed in conspicuous places in the secretariat of the Committee to which members of the public have access.

10. In this Act, unless the context otherwise requires—
“alien” means a person or association, corporate or unincorporate, other than a Nigerian citizen or association;
“chairman” means the chairman of the Committee;

Interpretation.

“Committee” means the Industrial Development Co-ordination Committee established by section 1 of this Act;

“Director” means the Director, Industrial Development Co-ordination Committee appointed pursuant to section 5 of this Act.

Short title.

11. This Act may be cited as the Industrial Development Co-ordination Act.

INDUSTRIAL DEVELOPMENT CO-ORDINATION ACT

CHAPTER 178

SUBSIDIARY LEGISLATION

No Subsidiary Legislation