

NATIONAL STEEL COUNCIL ACT

ARRANGEMENT OF SECTIONS

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An Act to establish the National Steel Council to be responsible for the central planning of the iron and steel industry, to provide for the exploration for iron ore and other related minerals and for other matters ancillary thereto.

[1979 No. 60.]

[18th September, 1979]

[Commencement.]

1. Establishment of National Steel Council

(1) There is hereby established a body to be known as the National Steel Council (in this Act referred to as "the Council"), which shall have the functions assigned to it by this Act.

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

2. Membership and tenure thereof

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

(a) one representative each of the following Federal Ministries-

(i) Industry;

(ii) Finance; and

(iii) Power and Steel;

(b) the chairman of the board of directors of the companies specified in subsection (2) of this section, being companies set up by the Federal Government-

(i) to mine iron ore, cooking coal and related minerals, necessary for the production of steel; or

(ii) to produce steel or by-products thereof;

(c) the Executive Secretary; and

(d) four persons to be appointed by the Minister, being persons who by reason of their ability, experience or specialised knowledge of the steel industry or of professional or business attainments, are in his opinion, capable of making useful contributions to the work of the Council.

(2) The companies referred to in paragraph (b) of subsection (1) of this section are as follows, that is to say-

(a) the Ajaokuta Steel Company Limited;

(b) the Delta Steel Company Limited;

(c) the Batagarawa Steel Company Limited;

(d) the Jos Steel Company Limited;

(e) the Oshogbo Steel Company Limited; and

(f) the Associated Ores Mining Company Limited,

and the Minister may, by order published in the *Federal Gazette*, add to, delete from or otherwise amend the foregoing list of companies and references to companies in paragraph (b) of subsection (1) of this section shall be construed accordingly.

(3) Subject to subsection (4) of this section, a person appointed as a member of the Council (not being an *ex-officio* member), shall hold office for three years and shall be eligible for reappointment for one further period of three years.

(4) The appointing authority may terminate the appointment of a member (not being an *ex officio* member), on grounds of misbehaviour or inability to discharge the duties of his office, by reason of physical or mental incapacity.

(5) The supplementary provisions contained in the First Schedule of this Act shall have effect with respect to the proceedings of the Council and the other matters therein mentioned.

[First Schedule.]

3. Functions of the Council

The Council shall have responsibility for the following, that is-

(a) central planning for the steel industry;

(b) research and development for the steel industry, including research and development of the technology and other aspects of iron and steel production and the utilisation of the products and by-products of iron and steel plants;

(c) co-ordination of exploration for iron ore, cooking coal, limestone, dolomite, refractory clay and other minerals related to iron and steel production in cooperation with the Federal Ministry of Power and Steel, the Nigerian Coal Corporation and the Nigerian Mining Corporation;

- (d) training of Nigerians in all aspects of the iron and steel industry and related fields and the deployment of senior Nigerian management staff and trainees to steel plants and other sectors of the industry;
- (e) research into the development and manufacture of equipment to be used for the purpose of and in relation to basic engineering in the steel industry;
- (f) the establishment of facilities and the carrying out of tests and operations for ascertaining and improving the qualities and performance of the materials and processes for iron and steel production, including iron and steel products;

- (g) advising the Federal Government on the establishment in Nigeria by that Government of additional iron and steel plants and generally on the formulation of policies relating to the development of the iron and steel industry and related industries in Nigeria;
- (h) assisting the steel plants in fixing the prices of their finished products and in purchasing raw materials required by them for steel production and, for this purpose, the collection of information on the supply and demand situation and comparative pricing of iron and steel products, as between Nigeria and other countries; and
- (i) carrying on such other activities as may be conducive to the discharge of the functions vested on the Council under or pursuant to this Act.

4. Power of the Minister to give directions to the Council

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 exercise by the Council of its functions under this Act, and it shall be the duty of the Council to comply with the directions.

5. Executive Secretary and other members of staff of the Council

(1) There shall be appointed by the President, on the recommendation of the Minister, an Executive Secretary of the Council, who shall be the chief executive officer of the Council and shall be responsible for the execution of the policies of the Council and the day-to-day running of the affairs of the Council.

(2) The Council may appoint such other persons as it may determine as employees of the Council to assist the Executive Secretary in the discharge of his duties.

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

6. Application of Pensions Act

(1) The Federal Civil Service Commission may, by order published in the *Federal Gazette*, declare the office of the Executive Secretary or of any other employee of the Council to be a pensionable office for the purposes of the Pensions Act.

[Cap. P4.]

(2) Subject to subsections (3) and (4) of this section, the Pensions Act shall, in its application by virtue of subsection (1) of this section to any office, have effect as if the office were in the public service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1999.

[Cap. C23.]

(3) For the purposes of the application of the provisions of the Pensions Act and in accordance with this section-

(a) section 21 of that Act shall have effect as if for the references to that Minister, there were substituted references to the Council; and

(b) the power under subsection 4 (2) of that Act shall be exercisable by the Council and not by any other authority.

(4) Nothing in the foregoing provisions shall prevent the appointment of a person to any office on terms which preclude the granting of a pension or gratuity in respect of service in that office,

7. Financial provisions

(1) The Council shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Council.

(2) There shall be paid or credited to the fund established in pursuance of this section-

(a) such moneys as may be granted in each financial year to the Council by the Federal Government;

(b) all fees and charges for services rendered by the Council; and

(c) all other sums accruing to the Council from any other source.

8. Annual estimates, accounts and audit

(1) The Council shall cause to be prepared, not later than 31 October in each year, an estimate of the expenditure and income of the Council during the next succeeding financial year and when so prepared, it shall be submitted to the Minister for approval.

(2) The Council shall keep proper accounts and proper records in relation thereto and the accounts shall be audited, as soon as may be, after the end of each financial year by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation and the fees of the auditors and the expenses of the audit generally, shall be paid from the funds of the Council.

9. Dissolution of Nigeria Steel Development Authority, transfer of its assets and liabilities, etc.

(1) The Nigeria Steel Development Authority, established under the Nigeria Steel Development Authority Act, 1971 is hereby dissolved and the said Act is hereby repealed and the Nigeria Steel Development Authority (Amendment) Act 1974, is hereby consequentially repealed.

[1971 No. 19. 1974 No. 41.]

(2) The transitional and savings provisions in the Second Schedule to this Act, shall have effect in relation to the employees, assets and liabilities of the Authority dissolved under this section and the other matters mentioned therein, notwithstanding anything to the contrary in this Act or any other enactment.

[Second Schedule.]

10. Annual reports

The Council shall prepare and submit to the Minister not later than 30 June in each financial year, a report in such form as the Minister may direct on the activities of the Council during the immediately preceding financial year and the Council shall include in such a report a copy of its audited accounts for that year and auditors' report thereon.

11. Regulations

The President may make regulations generally for carrying into effect the provisions of this Act and the due administration thereof.

12. Interpretation

In this Act, unless the context otherwise requires-
"chairman" means the chairman of the Council;

"Council" means the National Steel Council, established pursuant to section 1 to this Act;

"Executive Secretary" means the Executive Secretary of the Council, appointed pursuant to section 5 of this Act;

"member" means any member of the Council and includes the chairman;
"Minister" means the Minister charged with responsibility for steel.

13. Short title

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

SCHEDULES

FIRST SCHEDULE

[Section 2 (5).]

Supplementary provisions relating to the Council

Proceedings of the Council

1. Subject to this Act and to section 27 of the Interpretation Act (which provides for the decisions of a statutory body to be taken by a majority of the members of the body and for the person presiding to have a second or casting vote), the Council may make standing orders regulating the proceedings of the Council or of any committee thereof.

[Cap. 123.]

2. The quorum of the Council shall be the chairman and four other members, and the quorum of any committee of the Council shall be determined by the Council.

3. The Minister may appoint one of the members of the Council to be the deputy chairman of the Council for such period as the Minister may determine, so however that a deputy chairman who ceases to be a member shall also cease to be deputy chairman.

4. At any time while the office of the chairman either is vacant or the chairman is, in the opinion of the Council, permanently or temporarily unable to perform the functions of his

office, the deputy chairman shall perform those functions, and references in this Schedule to the chairman, shall be construed accordingly.

5. (1) Subject to the provisions of any standing orders of the Council, the Council shall meet whenever it is summoned by the chairman; and if the chairman is required to do so by notice 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.

(2) At any meeting of the Council, the chairman or in his absence, the deputy chairman shall preside, but if both are absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

(3) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister.

6. (1) The chief executive officer (howsoever designated), of any company referred to in paragraph (b) of section 2 (1) of this Act, shall have a right to attend meetings of the Council and participate in its proceedings, but shall not be entitled to vote thereat or count towards a quorum.

(2) Without prejudice to sub-paragraph (1) of this paragraph, where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as it thinks fit, but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote or count towards a quorum.

Committee

7. (1) The Council may appoint one or more committees to carry out on behalf of the Council such of its functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of the number of persons determined by the Council, and not more than one third of those persons may be persons who are not members of the Council; and a person other than a member of the Council shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

Miscellaneous

8. (1) The fixing of the seal of the Council shall be authenticated by the signature of the chairman or of some other member authorised generally or specially to act for that purpose by the Council.

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

(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 presumed to be so executed.

9. Members of the Council who are not public officers, shall be paid out of the moneys at the disposal of the Council such remuneration, fees or allowances in accordance with such scales as may be approved, from time to time, by the President.

10. The validity of any proceedings of the Council or of a committee thereof shall not be affected by any vacancy in the membership of the Council or committee, or by any defect in the appointment of a member of the Council or committee, or by reason only that a person not entitled to do so took part in its proceedings.

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

SECOND SCHEDULE

[Section 9 (2).]

Transitional and savings provisions relating to the employees and assets and liabilities of the dissolved authority

1. By virtue of this Act, there shall, on the appointed day, be vested in-

(a) the Council; and

(b) the companies referred to in paragraph (b) of section 2 (1) of this Act (in this Schedule referred to as "the beneficiary companies"), all assets, funds, resources and other movable or immovable property, which immediately before the appointed day were vested in the Nigeria Steel Development Authority (hereinafter in this Schedule referred to as the "dissolved Authority") and in accordance with such formula for apportionment between the bodies herein first mentioned, as the Minister may deem appropriate.

2. As from the appointed day and subject as provided in paragraph 1 above-

(a) the rights, interests, obligations and liabilities of the dissolved Authority existing immediately before the appointed day under any contract or instrument, or at law or in equity shall by virtue of this Act be deemed to have been assigned to and vested in the Council, as the case may be, the beneficiary companies;

(b) any such contract or instrument as is mentioned in sub-paragraph (a) of this paragraph, shall be of the same force and effect against or in favour of the Council, as the case may be, of any of the beneficiary companies and shall be enforceable as fully and effectively as if instead of the dissolved Authority, the Council or the relevant beneficiary company had been named therein or had been a party thereto; and

(c) the Council, or as the case may be, the relevant beneficiary company, shall be subject to all the obligations and liabilities to which the dissolved Authority was subject immediately before the appointed day and all persons shall, as from the appointed day, have the same rights, powers and remedies against the Council or the relevant beneficiary company as they had against the dissolved Authority immediately before the appointed day.

3. Any proceeding or cause of action pending or existing immediately before the appointed day by or against the dissolved Authority in respect of any right, interest, obligation or liability of the dissolved Authority, may be continued, or as the case may require, commenced, and the determination of a court of law, tribunal or other authority or person may be enforced by or against the Council or the relevant beneficiary company (and in cases of doubt, one of such bodies or combination thereof, as the Minister may specify in any particular case), to the same extent that such cause of action or determination might have been continued or commenced or enforced by or against the dissolved Authority as if this Act had not been made.

4. Notwithstanding the dissolution of the dissolved Authority by section 9 of this Act, but subject to such directions as the Minister may give to the Council and the beneficiary companies, any person who immediately before the appointed day held office under the dissolved

Authority shall, on the appointed day, be deemed to have been transferred to the Council or the relevant beneficiary company on terms and conditions not less favourable than those obtaining immediately before the appointed day; and service under the dissolved Authority shall be deemed to be service under the Council and such relevant beneficiary companies for pensions purposes.

5. For the purposes of paragraph 4 of this Schedule, the terms and conditions comprised in any transferred appointment, shall not be construed as being less favourable merely because they are not in all respects identical or superior to the terms and conditions enjoyed by any person concerned, immediately before the appointed day, if the first-mentioned terms and conditions taken as a whole offer substantially equivalent or greater benefits.

6. Within the twelve months next after the making of this Act, the Minister, if he thinks fit, may by order published in the Federal *Gazette* make additional transitional or saving provisions, for the better carrying out of the objectives of this Schedule.

7. In this Schedule-

“appointed day” means the day of coming into force of this Act;

“beneficiary companies” has the meaning assigned thereto by paragraph 1 of this Schedule and “beneficiary company” and “relevant beneficiary company” shall be construed accordingly;

“dissolved Authority” has the meaning assigned thereto by paragraph 1 of this Schedule.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation