

NIGERIAN COAL CORPORATION ACT

ARRANGEMENT OF SECTIONS

Preliminary provisions

SECTION

I. Short title.

2. Interpretation.

The Nigerian Coal Corporation

3. Establishment and constitution of the Nigerian Coal Corporation.

4. General functions of the Corporation.

5. Appointment of general manager and delegation of functions.

6. Powers of the Minister in relation to the Corporation.

Transfer of assets, etc., to the Corporation

7. Transfer of assets.

8. Compensation for transferred assets.

9. Transfer of certain liabilities.

10. Transfer of rights and liabilities under contracts of Government colliery undertakings.

11. Pending proceedings and causes of action.

12. Acquisition of land.

Prospecting and mining by the Corporation

13. Certain provisions of the Minerals and Mining Act not to apply to the Corporation.

14. Restriction on issue or grant of rights, licences and leases under the Minerals and Mining Act in relation to coal.

15. Prospecting and mining by the Corporation under licence from the President.

16. Prospecting.

17. Prospecting right, etc., under the Minerals and Mining Act.

18. Lands excluded from prospecting and mining.

19. Underground wayleaves.
20. Compensation for disturbance of surface rights.
21. Determination of amount of compensation.

Financial provisions

22. Application of revenue and grant reserve fund.
23. Power to issue debenture stock for certain purposes.
24. Power to borrow money.
25. Investment of funds.

Accounts and reports

26. Accounts and audit.

SECTION

27. Annual report and periodical returns.

Provisions relating to staff

28. Employment of servants and agents.
29. Corporation empowered to establish pension schemes.
30. Corporation empowered to exercise functions through servants and agents.
31. Transitory provisions relating to government officers,

Miscellaneous provisions

32. Provisions relating to taxes, etc.
33. Power to vary the First Schedule.

SCHEDULES

FIRST SCHEDULE

Supplementary provisions as to the Corporation

SECOND SCHEDULE

Assets to be transferred to the Corporation

THIRD SCHEDULE

Transfer to the Corporation of rights and liabilities under contracts

FOURTH SCHEDULE

Provisions of the Minerals and Mining Act and regulations made thereunder which are not to apply to the Corporation

An Act to provide for the establishment of a corporation to be known as the Nigerian Coal Corporation, for the transfer to the Corporation of all colliery undertakings of the Government, and for purposes connected with the matters afore said.

[1950 No. 29.]

[27 th October, 1950]

[Commencement.]

Preliminary provisions

1. Short title

This Act may be cited as the Nigerian Coal Corporation Act.

2. Interpretation

In this Act, unless the context otherwise requires-

"coal" includes bituminous coal, sub-bituminous coal, cannel coal, anthracite, lignite and brown coal;

"colliery activities" includes searching or boring for, winning, working or getting coal, bringing it to the surface, treating it and rendering it saleable, and includes depositing spoil arising from working coal or from any other of the activities mentioned in these definitions;

"Corporation" means the Nigerian Coal Corporation established under the provisions of this Act;

"financial year" in relation to the Corporation means a period of twelve months beginning on the 1st of January;

"functions" includes powers and duties;

"mine of coal" means a space occupied by unworked coal or excavations underground for the

purposes of colliery activities, and includes a shaft or adit made for those purposes, a coal quarry and opencast workings of coal;

"Minister" means the Minister for the time being charged with responsibility for matters relating to mines and minerals;

"to mine", with its grammatical variations and cognate expressions, means intentionally to win minerals and includes any operations necessary for the purpose;

"to prospect", with its grammatical variations and cognate expressions, means to search for minerals and includes such working as is reasonably necessary to enable the prospector to test the mineral-bearing qualities of land, but does not include the removal of overburden from ground which can reasonably be sampled by pits not exceeding seven feet square or by boreholes;

"welfare activities" mean activities undertaken by the Corporation in fulfilment of the policy which the Corporation is charged to carry out by paragraph (a) of subsection (3) of section 4 of this Act.

The Nigerian Coal Corporation

3. Establishment and constitution of the Nigerian Coal Corporation

(1) So soon as may be after the commencement of this Act, there shall be established a corporation to be known as the Nigerian Coal Corporation.

(2) The Corporation shall consist of a chairman to be appointed by the President and the following other members, that is to say-

(a) seven persons appointed by the President being persons who, by reason of any requisite ability, experience and specialised knowledge, have skills that will enable them to make effective contributions to the work of the Corporation:

Provided that one of the seven persons to be appointed shall come from one of the main areas of the Corporation's activities;

(b) the Permanent Secretary, Federal Ministry of Solid Minerals Development and in his absence the Federal Director of Geological Survey; and

(c) the general manager of the Corporation.

(3) There shall be paid to members of the Corporation such salaries and allowances as may be determined by the President or, in the case of any member appointed to the Corporation after 1 May 1957, by the Minister, and, on the retirement or death of any of them as to whom it may be so determined to make such provision, such pensions or gratuities to them or to others by reference to their service as may be so determined:

Provided that-

(a) no such salary or allowances, except such allowances as may be expressly authorised by the President, shall be paid to any person who holds an office of profit under the State otherwise than as a member of the Corporation or as a member of a body corporate incorporated directly by a law enacted by any legislature in Nigeria;

(b) no such pension or gratuity shall be paid to, or by reference to the service of, any person to whom or by reference to whom service, a pension or gratuity is payable by the Government.

(4) The Corporation shall be a body corporate with perpetual succession and a common seal, and shall have power to sue or be sued in the corporate name and to acquire and hold, and, subject to the provisions of subsection (4) of section 12 of this Act, dispose of lands for the purposes of the functions of the Corporation.

(5) The supplementary provisions contained in the First Schedule to this Act shall have effect in relation to the Corporation.

[First Schedule.]

4. General functions of the Corporation

(1) It shall be the duty of the Corporation-

(a) to work and win the coal in the mines of coal transferred to the Corporation under the provisions of this Act;

(b) to work and win the coal in such other deposits as may from time to time be made available to the Corporation under licence issued by the Minister under the provisions of section 15 of this Act; and

(c) to make supplies of coal available of such qualities and sizes, in such quantities and at such prices, as may seem to them best calculated to further the public interest.

(2) The functions of the Corporation shall include the carrying on of all such activities as it may appear to the Corporation to be requisite, advantageous, or convenient for them to carry on for or in connection with the discharge of their duties under subsection (1) of this section, and in particular, but without prejudice to the generality of this section, the Corporation may-

(a) treat, render saleable, supply and sell coal;

(b) produce, manufacture, treat, render saleable, supply and sell products of coal, including coke;

(c) manufacture, treat, render saleable, supply, distribute and sell gas;

(d) bore for, work, win and mine clay, fire-clay, sand and limestone;

(e) manufacture, sell and distribute bricks, tiles, cement and glass;

(f) plant, maintain or grow plantations of trees and sell the timber and other products therefrom;

(g) produce or manufacture any goods which are of a kind required by the Corporation for or in connection with the working and winning of coal or any other of their activities, or which can advantageously be produced or manufactured by the Corporation by reason of their having materials or facilities for the production or manufacture thereof in connection with the working and winning of coal or any other of their activities, and supplying and selling goods so produced or manufactured;

(h) advertise the sale of coal or of any goods produced or manufactured by them whether by way of demonstration, exhibition or otherwise;

(i) carry out research and experimental work in matters connected with the functions of the Corporation;

(j) construct, maintain and improve or subscribe towards the construction, maintenance and improvement of roads; and

(k) engage in any other activity, whether similar to those specified in this section or not, which may be sanctioned by order of the President.

(3) The policy of the Corporation shall be directed to securing, consistently with the proper discharge of their duties, under subsection (I) of this section-

(a) the safety, health and welfare of their servants, and in particular and without prejudice to the generality of this paragraph may-

(i) provide for the educational and general social welfare of their servants by building, establishing, making or supporting houses, factories, stores, buildings, hospitals, dispensaries, schools, reading rooms, baths, parks, places of recreation and other institutions, and water, lighting, drainage and improvement works;

(ii) encourage the establishment and development of cooperative societies by their servants; and

(b) the benefit of the practical knowledge and experience of their servants in the organisation and conduct of operations in which they are employed.

(4) The policy of the Corporation shall also be directed to securing that their revenues shall be not less than sufficient for meeting all their outgoings properly chargeable to revenue account

on an average of good and bad years.

19. Appointment of general manager and delegation of functions

(1) There shall be an officer of the Corporation, to be known as the general manager, who shall be responsible for the execution of the policy of the Corporation and the transaction of its day-to-day business.

(2) The general manager shall be appointed by the Corporation with the prior approval of the Minister.

(3) The Corporation shall delegate to the general manager such of its functions as are necessary to enable him to transact efficiently the day-to-day business of the Corporation and, for this purpose, may, from time to time, issue written instructions under the common seal.

6. Powers of the Minister in relation to the Corporation

(1) The Minister may, after consultation with the Corporation, give to the Corporation directions of a general character as to the discharge by the Corporation of its functions in relation to matters appearing to the Minister to affect the public interest, and the Corporation shall give effect to any such directions.

(2) The Minister may, after consultation with the Corporation, give to the Corporation specific directions for the purpose of remedying any defect which may be disclosed in the general arrangement of the Corporation for the discharge of their functions under this Act, and the Corporation shall give effect to any such directions.

(3) The Corporation shall afford to the Minister facilities for obtaining information with respect to the property and functions of the Corporation, and shall furnish him with returns, copies of minutes of meetings, accounts and other information with respect thereto and afford to him facilities for the verification of information furnished, in such manner and at such times as he may require.

Transfer of assets, etc., to the Corporation

7. Transfer of assets

As from 18 January 1951, (in this Act referred to as "the vesting day"), the assets described in the Second Schedule to this Act shall vest in the Corporation by virtue of this section and without further assurance.

[Second Schedule.]

8. Compensation for transferred assets

(1) So soon as may be after the vesting day, the Corporation shall, in respect of any moneys advanced by the Government to the Government colliery undertakings since 1 April, 1949, from loan funds to provide for working capital, create and issue to the Government debenture stock of a total nominal value equivalent to the total amount of

such advances and bearing interest at a rate to be agreed upon by and between the Government and the Corporation.

(2) So soon as may be after the vesting day, the Corporation shall, in respect of the value of any fixed assets purchased out of the general revenues of Nigeria in connection with the transferred undertakings, create an advance account in favour of the Government of an amount to be agreed upon by and between the Government and the Corporation, and such advance amount shall be subject to such terms as to interest and repayment as the President may, from time to time, determine.

9. Transfer of certain liabilities

The Corporation shall accept all liabilities of the Nigerian Government Collieries as disclosed in the balance sheet of the said Collieries made up to the close of business on the day immediately preceding the vesting day.

10. Transfer of rights and liabilities under contracts of Government colliery undertakings
Contracts such as are mentioned in the Third Schedule to this Act shall have effect in favour of and against the Corporation as therein mentioned and to the extent therein mentioned as if in stead of the Government the Corporation had been named therein or had been a party thereto.

[Third Schedule.]

11. Pending proceedings and causes of action

Any proceeding or cause of action pending or existing immediately before the vesting day by or against the Government in respect of any of the assets transferred under the provisions of this Act, may be continued or enforced by or against the Government as if this Act had not been enacted.

12. Acquisition of land

(1) Where it is made to appear to the President by the Corporation that any land is required for the purpose of the functions of the Corporation under this Act but it is impossible for the Corporation to acquire such land upon fair and reasonable terms by private treaty or agreement, the President may by order direct that proceedings be taken under the Land Use Act for the acquisition of such land on behalf of the Government and for determining the compensation to be paid to the parties interested; and, upon the making of such order, the land to which it relates shall be deemed to be land required for a public purpose within the meaning of the said Act.

(2) Where land has been acquired under the provisions of section (1) of this section, the President shall, upon payment to the Government by the Corporation of the moneys due under the provisions of subsection (3) of this section, vest such land in the Corporation by means of a certificate under the land and seal of the Registrar of Deeds to the effect that the same has been made over to the Corporation, and such certificate shall confer on the Corporation the estate or interest referred to therein against all adverse or compet-

ing rights, titles, interests, trusts, claims and demands whatsoever.

(3) The compensation for such acquisition shall in the first instance be paid by the Government; but the Corporation shall refund to the Government any compensation so paid and all expenses incidental to such acquisition incurred by the Government.

(4) The Corporation shall not alienate, demise, mortgage or charge any land vested in the Corporation under the provisions of this section without the prior approval of the

Minister.

Prospecting and mining by the Corporation

13. Certain provisions of the Minerals and Mining Act not to apply to the Corporation

The provisions of the Minerals and Mining Act and of the regulations thereunder specified in the Fourth Schedule shall not apply in relation to the activities of the Corporation.

[Cap. M 12. Fourth Schedule.]

14. Restriction on issue or grant of rights, licences and leases under the Minerals and Mining Act in relation to coal

Notwithstanding any of the provisions of the Minerals and Mining Act, on and after the commencement of this Act, no prospecting right, exclusive prospecting licence, special exclusive prospecting licence, mining right, mining lease or special mining lease shall be issued or granted under the provisions of the said Act to any person in relation to coal, unless notice of the particulars of the application for the same has been given to the Corporation and unless the Corporation has either expressed to the appropriate authority their inability to undertake the functions in respect to which the application is made or, within such time as the appropriate authority may deem reasonable, failed to satisfy the appropriate authority of the ability to undertake such functions.

[Cap M 12. 1998 No. 26.]

(2) For the purposes of this section, the "appropriate authority" means, in case of a prospecting right, the Chief Inspector of Mines, and in any other case, the Minister.

15. Prospecting and mining by the Corporation under license from the President

Notwithstanding any of the provisions of the Minerals and Mining Act, it shall be lawful for the Corporation to prospect for or mine coal under the terms and conditions of a licence issued in that behalf by the President who is hereby empowered to issue, from time to time, such licences as are in his opinion requisite for the proper discharge by the Corporation of its duties under paragraph (b) of subsection (I) of section 4 of this Act.

16. Prospecting

(I) Subject to the provisions of section 17 of this Act, and of subsection (2) of this section, the Corporation may, when engaged in prospecting under a licence issued under section 15 of this Act, enter by its servants or agent with all necessary assistance upon any land within the territory to which the licence relates, and may-

- (a) sink shafts or wells and dig or bore adits, holes or trenches;
- (b) take and have samples of all minerals;
- (c) erect and maintain such machinery and plant and construct such ways as may be necessary for or in connection with such prospecting;
- (d) construct camps and take timber (other than protected trees) and water from any lake or watercourse (not the subject of a water licence granted under the provisions of the Minerals and Mining Act) for domestic purposes or for the purposes of prospecting.

(2) Before beginning prospecting operations on any land, the Corporation shall give notice of their intention so to do to the Chief Inspector of Mines and to the secretary of the local government of the local government area in which the land is situated and to the owner and the occupier of the land where practicable.

17. Prospecting right, etc., under the Minerals and Mining Act

For the avoidance of doubt and notwithstanding the provisions of this Act, the Minister may grant any of the rights, licences and leases under the Minerals and Mining Act to any person, other than the Corporation, for the prospecting and mining of the minerals referred to in this Act.

[1998 No. 26. Cap. MI2.]

18. Lands excluded from prospecting and mining

(1) Notwithstanding the provisions of section 15 of this Act, the Corporation shall not carry out any prospecting or mining operations on land of any of the descriptions following, that is-

- (a) land set apart for, or used for or appropriate or dedicated to, any public purpose (other than mining), without the prior consent of the Minister;
- (b) land included within the area of an oil pipeline licence granted under the Oil Pipelines Act, without the consent of the Minister as defined in section 2 of that Act;
- (c) land situate within any township or government station, without the prior consent of the owner or holder of the surface rights and of the Minister;
- (d) land appropriate for any railway or situate within 91.44 metres of any railway, without the prior consent in writing of the President and subject to such condi-

tions as the President may prescribe; or

(e) land which is the site of, or is within 45.72 metres of, any government or public building, reservoir, dam, public road or tramway, without the prior consent in writing of the Governor of the State concerned (or in the case of any such property which is a responsibility of the Government of the Federation, without the prior consent of the President) and subject to such conditions as the Governor (or the President, as the case may be) may prescribe;

(f) land which is held to be sacred, or upon which there is situate anything which is an object of veneration, according to local custom.

(2) If any question arises under paragraph (j) of subsection (1) of this section as to whether any land is sacred or whether anything is an object of veneration, such question shall be decided by the Governor of the State or the Minister of the Federal Capital Territory, Abuja, in the case of the Federal Capital territory, whose decision shall be final.

(3) Nothing in this section shall be deemed to place any restriction upon prospecting or running operations by the Corporation beneath any land or a description mentioned in

subsection 1) or this section, but the Corporation shall take all reasonable steps to carry out such operations without interference with surface rights.

19. Underground workings

In the discharge of its functions, the Corporation may make and use below the surface of any lands the subject of a licence issued under section 15 of this Act, such adits, drifts, tunnels, shafts and airways, and generally do and perform all such other acts and things beneath the surface of such lands as they shall find necessary or convenient for the purpose of the discharge of such functions.

20. Compensation for disturbance of surface rights

(1) The Corporation shall pay to the owner or occupier of any private land or the occupier of land held under a State lease or the subject of a right of occupancy, such sums as may be a fair and reasonable compensation for any disturbance of the surface rights of such owner or occupier and for any damage done to the surface of the land upon which any prospecting or mining is being or has been carried on, and shall in addition pay to the owners of any crops, economic trees, buildings or works damaged, removed or destroyed by the Corporation or by any agent or servant of the Corporation compensation for such damage, removal or destruction.

(2) The Corporation shall not be liable to pay compensation to any such owner or occupier in respect of any underground workings of the Corporation unless such underground workings have caused damage of a character mentioned in subsection (1) of this section.

(3) For the purpose of this section-

"private land" means any land in respect of which a person is entitled to exercise a right of occupancy under the Land Use Act;

"economic trees" means trees which are for the time being declared to be protected trees under any Forestry Law and all trees within a forest reserve.

21. Determination of amount of compensation

(1) The amount of the compensation payable under the provisions of section 20 of this Act shall be determined by agreement between the parties, or if the parties are unable to reach agreement, by the secretary of the local government, who after consultation with the parties shall, as soon as practicably possible, assess and determine the amount of the compensation payable at the date of such assessment and shall notify the parties of the sum awarded.

(2) The decision of such officer shall be final, unless any of the parties desires that the matters in dispute be determined by arbitration.

(3) Notice of such appeal shall be given to the officer concerned within fourteen days of the date on which his decision is notified to the party desiring to appeal.

(4) The Government of the State may direct that, in such areas as he may specify, an administrative officer shall negotiate on behalf of any person or community to whom compensation may be due.

Financial provisions

22. Application of revenue and grant reserve fund

(1) The revenues of the Corporation shall be applied in defraying the following charges-

(a) the salaries, allowances, pensions and gratuities of or in respect of the services of members of the Corporation;

(b) the salaries, fees, remuneration, superannuation, allowances and gratuities of servants, agents and technical or other advisers of the Corporation;

(c) expenditure incurred by the Corporation in connection with the discharge of any of its functions properly chargeable to revenue account;

(d) any interest on any stock issued or temporary loan raised by the Corporation; and

(e) such minor works of a capital nature as the Corporation may deem necessary from time to time.

(2) The Corporation shall create a general reserve fund, and the Minister may, from time to time, determine the maximum amount which may at any time stand to the credit of such fund.

23. Power to issue debenture stock for certain purposes

(1) The Corporation may, from time to time, and with the approval of the Minister, borrow money or raise capital by the issue of debenture stock upon such terms touching the issue, transfer, interest and redemption as may be approved by the Minister for all or any of the following purposes-

- (a) the provision of working capital;
- (b) the fulfilling of the functions of the Corporation under this Act;
- (c) the redemption of any stock which they are required or entitled to redeem;
- (d) any other expenditure properly chargeable to capital account.

(2) The Government may guarantee, in such manner and on such conditions as it may think fit, the redemption or repayment of, and the payment of any interest on, any debenture stock issued by or any temporary loan raised by the Corporation.

24. Power to borrow money

The Corporation may, with the consent of or in accordance with any general authority given by the Minister, borrow by way of loan, overdraft or otherwise such sums as it may require for meeting its obligations and discharging its functions under this Act, and the moneys aforesaid may be borrowed from the Government or from such other person and upon such terms and conditions as may be approved by the Minister.

25. Investment of funds

The Corporation may invest all or any portion of the monies of the Corporation in such manner as may be approved by the Minister.

Accounts and reports

26. Accounts and audit

(1) The Corporation shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year a statement of accounts.

(2) The accounts of the Corporation shall be audited by auditors to be appointed annually by the Corporation from the list of auditors and in accordance with guidelines supplied by the Auditor-General for the Federation.

(3) As soon as the accounts of the Corporation have been audited, the Corporation shall dispatch a copy of the statement of accounts to the Minister together with a copy of any report made by the auditors on that statement or on the accounts of the Corporation.

(4) The Minister shall lay a copy of every such statement and report before each House of the National Assembly.

27. Annual report and periodical returns

(1) The Corporation shall, as soon as possible after the end of each financial year, make to the Minister a report dealing generally with the activities of the Corporation during that year.

(2) The Minister shall lay a copy of every such annual report before each House of the National Assembly.

(3) The Corporation shall furnish to the Minister such financial and statistical returns as he may, from time to time, require.

Provisions relating to staff

28. Employment of servants and agents

The Corporation shall employ such servants and agents as it may think necessary for the due discharge of its functions under this Act, upon such terms as to remuneration or otherwise as it may determine.

29. Corporation empowered to establish pension schemes

(1) It shall be lawful for the Corporation to establish a scheme or schemes for the payment of pensions, superannuation allowances or gratuities to servants on the establishment of the Corporation who become incapable of discharging their duties by reason of permanent infirmity of body or mind or of old age or upon their resigning or otherwise ceasing to serve the Corporation, and to the dependants of such servants who die while in the service of the Corporation.

(2) Any pension scheme established by the Corporation under the provisions of subsection (1) of this section shall be such as to make it possible for service with the Corporation to be regarded as approved service under the provisions of the written law relating to pensions of officers of the Government in force at the time the scheme is established.

30. Corporation empowered to exercise functions through servants and agents

The Corporation may exercise any of its functions under this Act by or through any servant or agent authorised in that behalf by the Corporation.

31. Transitory provisions relating to government officers

(1) Officers on the established staff of the Government who are employed in any Government colliery undertaking immediately before the vesting day shall be seconded from the service of the Government to the service of the Corporation.

(2) Subject to such limitation upon their periods of service as may be provided by their existing terms of service as government officers, and subject to the provisions of subsection (6) of this section, the period for which such officers are seconded shall, in the first instance, be a period of two years reckoned from the vesting day.

(3) The Corporation shall within the period aforesaid offer to each such officer who is still seconded to the service of the Corporation employment by the Corporation upon such terms and conditions as the Corporation may determine.

(4) Where an officer accepts the terms and conditions offered, his service with the Government shall cease from the date of acceptance.

(5) The Corporation may, from time to time, with the approval of the Federal Civil Service Commission or of the State Civil Service Commission, as the case may be, and the consent of the officer concerned, extend any period for which an officer is seconded upon terms to be agreed between such Civil Service Commission, the Corporation and the officer.

(6) The Corporation may at any time by notice in writing to the Federal Civil Service Commission or of the State Civil Service Commission, as the case may be, and to the officer concerned terminate the secondment of an officer.

Miscellaneous provisions

32. Provisions relating to taxes, etc.

(1) Notwithstanding anything contained in any other enactment, the income tax payable upon the chargeable income of the Corporation shall be calculated at the rate for the time being prescribed by the Companies Income Tax Act.

(2) Except as is provided in subsection (1) of this section, nothing in this Act shall be deemed to exempt the Corporation from liability for any tax, duty or rate, whether general or local.

33. Power to vary the First Schedule

The Minister may, by order, add to or delete from or amend the provisions contained in the First Schedule to this Act.

[First Schedule.]

SCHEDULES

FIRST SCHEDULE

[Section 3 (5).]

[As amended by 24 of 1957.]

Supplementary provisions as to the Corporation

1. (I) A member of the Corporation may at any time by a resignation under his hand addressed to the Minister resign his membership, but except as aforesaid and subject to the other

provisions of this Schedule, the chairman shall hold and vacate office in accordance with the terms of the instrument appointing him to be the chairman, and members other than the chairman shall hold office for three years from the date of their respective appointments.

(2) If the chairman is appointed to be a member of the Corporation, he shall cease to be chairman.

(3) If the chairman is absent from Nigeria or is for any other cause prevented from or incapable of discharging the functions of his office, another person may be appointed to that office in accordance with the provisions of section 3 of this Act, and for the purpose of the exercise of any function conferred upon the holder of that office the person last appointed shall be deemed from the date that the appointment is effective to be sole holder of the office.

Eligibility for reappointment

2. A member of the Corporation who has ceased to be a member shall be eligible for reappointment.

Vacation of office

3. If the Minister is satisfied that a member of the Corporation-

(a) has been absent from two consecutive meetings of the Corporation without permission of the Corporation; or

(b) is incapacitated by physical or mental illness; or

(c) is otherwise unable or unfit to discharge the functions of a member,

the Minister may declare the office of such member vacant and that fact shall be notified in such manner as the Minister thinks fit, and thereupon the office shall become vacant.

Vacancies

4. The Corporation shall not be disqualified for the transaction of business by reason only of any vacancy among the members.

Temporary incapacity or absence from Nigeria

5. Where a member is temporarily incapacitated by illness or is temporarily absent from Nigeria, the Minister may appoint any person to be temporarily a member of the Corporation in his stead during such incapacity or absence.

Meetings

6. Ordinary meetings of the Corporation shall be convened by the chairman but where not less than four members of the Corporation request the chairman by notice in writing signed by them to convene an extraordinary meeting of the Corporation for the purposes specified in

such notice, the chairman shall, upon receipt of such notice, convene an extraordinary meeting for such purpose at the earliest convenient date.

Quorum

7. The quorum of the Corporation shall be four.

Person to preside

8. At all meetings of the Corporation the chairman or, in his absence, such member as the members present shall select, shall preside.

Determination of questions

9. (1) All questions at a meeting of the Corporation shall be determined by the majority of the votes of the members present and voting.

(2) The member presiding shall have an original vote and also, if upon any question the votes are equally divided, a casting vote.

Disclosure, etc., of interest by members

10. If a member of the Corporation is directly or indirectly interested in any contract, proposed contract, or other matter and is present at a meeting of the Corporation at which the contract or other matter is the subject of consideration, he shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on, any question with respect to that contract or other matter.

Standing orders

11. Subject as aforesaid, the Corporation shall, with the approval of the Minister, make standing orders with respect to the holding of meetings of the Corporation, the notices to be given of such meetings, the proceedings thereat, the keeping of minutes of such proceedings and the custody and production for inspection of such minutes.

Procedure

12. Subject to the provisions of this Act and of any standing orders made under paragraph 11 of this Schedule, the procedure of the Corporation shall be such as the Corporation may determine.

The seal

13. The affixing of the seal of the Corporation shall be authenticated by the signatures of the chairman or some other member of the Corporation authorised, either generally or specially, by the Corporation to act in his stead for that purpose, and of some other person authorised, either generally or specially, by the Corporation to act for that purpose.

Contracts and instruments

14. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Corporation by any person generally or specially authorised by it for that purpose.

Presumption as to execution of documents

15. Any document purporting to be a document duly executed or issued under the seal of the Corporation or on behalf of the Corporation shall, until the contrary is proved, be deemed to be a document so executed or issued as the case may be.

Nigerian Coal Corporation Act

SECOND SCHEDULE

[Section 7.]

Assets to be transferred to the Corporation

1. The interests of the State in fixed and movable property used for colliery activities or in connection therewith.
2. The interests of the State in any land or timber plantations owned or leased by the State in connection with any colliery activities.
3. The interests of the State in dwelling houses, offices or in land owned or leased by the State for the purpose of providing housing accommodation for staff or other persons employed in connection with colliery activities or colliery welfare activities.
4. The interest of the State in any land or buildings owned or leased by the State for the purpose of providing any hospital, dispensary, canteen or other building used exclusively in connection with the welfare of persons employed in colliery activities.
5. The interest of the State in stocks or products of Colliery activities.
6. The interest of the State in consumable or spare stores available for use for colliery production, electricity, transport, sales or welfare activities.
7. The interest of the State in any current floating or liquid assets of the Nigerian Government collieries, not specifically mentioned in this Schedule, as disclosed in the balance sheet of the said collieries made up to the close of business on the day immediately preceding the vesting day.

THIRD SCHEDULE

[Section ID.]

Transfer to the Corporation of rights and liabilities under contracts

1. The provisions of any contract to which the Government is a party so far as they are provisions entered into in the course or for the purposes of any colliery activities or for the purposes of the utilisation or disposal of things owned or used for any such activities.

2. Where, under a contract of service, provision is made for the payment of a pension, gratuity or other similar benefit, the Corporation shall not be liable in respect of any part of any such pension, gratuity or benefit which is attributable to service before the vesting day.

3. The provisions of a contract being provisions to which this Schedule applies shall have effect in favour of and against the Corporation so far as the performance thereof is due under the contract on or after the vesting day as if the Corporation had been a party to the contract instead of the Government.

FOURTH SCHEDULE

[Section 13.]

[As amended by 23 of 1956.]

Provisions of the Minerals and Mining Act and regulations made thereunder which are not to apply to the Corporation

1. The provisions of section 4, subsection (I) of section 6, sections 8, 26, 43 and section 95 of the Minerals and Mining Act.

2. All the provisions of the Minerals Regulations, except such provisions relating to the calculation and payment of royalties as may be expressly declared to apply to the Corporation.

3. Regulations 34, 35, 36, 106, 108, 123, 131, 132, 133, and 134 of the Minerals Safe Mining Regulations.