

Extraordinary



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(319)

National Sugar Development Council A 1049
NATIONAL SUGAR DEVELOPMENT COUNCIL DECREE 1993



Decree No. 88

(25th August 1993)

Commencement

THE FEDERAL MILITARY GOVERNMENT hereby
decrees as follows:-

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

**Establishment of
the National Sugar
Development
Council**

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

2 - (1) The Council shall consist of a Chairman to be appointed by the President, Commander-in-Chief of the Armed Forces, on the recommendation of the Secretary and the following other members to be appointed by the Secretary on the recommendation of the bodies they represent, that is.

**Membership of
the Council**

- (a) two representatives of sugar producers;
- (b) one representative of the Food, Beverages and Tobacco Sectoral Group of the Manufacturers Association of Nigeria;

- (c) one representative of the Board of Customs and Excise;
- (d) one representative of the sugar outgrowers scheme;
- (e) one representative of sugar importers;
- (f) one representative of the Federal Ministry of Industry and Technology;
- (g) One representative of the Federal Ministry of Agriculture Water Resources and Rural Development;
- (h) One representative of the Federal Ministry of Finance; and
- (I) the Executive Secretary of the Council.

*Functions of
the Council*

(2) The supplementary provisions contained in the Schedule to this Decree shall have effect with respect to the proceedings of the Council and the other matters contained there in.

3 The functions of the Council shall be

(a) to draw policy guidelines and action programmes an sugar development;

(b) to provide guidance on the development of sugar estates and the organisation of the sugar cane outgrower scheme to enhance the viability of sugar plants;

(c) to facilitate the availability of credit for sugar outgrowers for land preparation and farm inputs in liaison with Federal, State and Local Government institutions and bodies corporate, whose objectives relate to the objectives of the sugar cane outgrower scheme;

(d) to establish, maintain and supervise the Sugar Cane Research and Development Centre to develop new and improved sugar cane technology and sugar cane varieties;

(e) to advise an the adaptation of machinery and other processes for sugar development;

(f) to set targets and measurements for the performance of local sugar producers;

(g) to set and regulate quality standards for local sugar producers and imported sugar;

(h) to advise, based on improvements in local sugar production, the Government of the Federation on the rate of tariff to be charged on imported sugar; and

(i) to consider and advise on any other matter which is aimed at enhancing the objectives of the Council.

*Tenure of office
of the Chairman
and members of
the Council*

4 -(1) The Chairman and members of the Council other than ex-official members, shall hold office for a term of four years, subject to renewal by the President, Commander-in-Chief of the Armed Forces for only one further term of four years and no more.

(2) Without prejudice to subsection (1) of this section the Secretary may appoint from among the members any person to act as the Chairman during the absence or temporary incapacitation by illness or otherwise of the Chairman and the person so appointed shall while the appointment subsists have the same powers as exercised by the Chairman.

*Secretariat and
other officers of
the Council*

5-1 (1) There shall be appointed by the Secretary, an Executive Secretary who shall be the chief executive of the Council and shall be responsible to the Council and the Chairman for the day to day administration of the Council.

(2) There may be appointed from time to time by the Council, such other staff as may be required for the purpose of the efficient performance of the functions of the Council and the staff appointed under this section shall be paid by the Council such remuneration and allowances as are payable to persons of equivalent grades in the public service of the Federation.

(3) The Secretariat of the Council shall be located in the Federal Capital Territory, Abuja.

6-(1) The Council shall establish and maintain a fund which shall be applied towards the promotion of the objectives for which the Council is established.

Fund of the Council

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section

(a) ten percent surcharge on sugar imports;

(b) fees charged for services rendered by the Council;

(c) contributions from the organised private sector; and

(d) all sums accruing to the Council by way of gifts, testamentary disposition and endowments or contributions from philanthropic organisations or persons,

7-(1) The Council may, with the approval of the Secretary, accept gifts of land, money or other property upon such terms and conditions if any, as may be specified by the person or organisation making the gift.

Power to accept gifts

(2) The Council shall not accept any gift if the conditions attached by the persons or organisation making the gift to the acceptance thereof are inconsistent with the function of the Council.

8. The Council may, with the consent of the Secretary or in accordance with any general guidelines as may be approved by the President, Commander-in-Chief of the Armed Forces, borrow by way of loan or overdraft from any source any money required by the Council for meeting its obligations and discharging its functions under this Decree so however that where the sum or the aggregate of the sums involved at anyone time does not exceed one-third of the Council's income no such consent or authority shall be required.

Power to borrow

(2) The Council may, subject to the provisions of this Decree and the conditions of any trust created in respect of any property, invest all or any of its funds with the consent of the Secretary or in accordance with any general guidelines approved by the President. Commander-in-Chief of the Armed Forces.

(3) The Council may invest any surplus funds of the Council in such securities as may be approved by the President Commander-in-Chief of the Armed Forces.

*Annual
estimates
of accounts*

9-(1) The Council shall cause to be prepared not later than 30th October in each year, an estimate of the expenditure and income of the Council during the next succeeding year and when prepared they shall be submitted to the Secretary.

(2) The Council shall cause to be kept proper accounts of the Council and proper records in relation thereto and when certified by the Council such accounts shall be audited as provided in subsection (3) of this section.

(3) The accounts of the Council shall be audited not later than six months after the end of the year to which the accounts relate by auditors appointed by the Council from the list and in accordance with the guidelines supplied by the Auditor-Gen-eral of the Federation.

Annual report

10. The Council shall, not later than 30th June in each year, submit to the Secretary a

report on the activities of the Council and its administration during the immediately preceding year and shall include in such report a copy of the audited accounts of the Council for that year and the auditor's report thereon.

Staff regulations 11-(1) The Council may, subject to the provisions of this Decree, make staff regulations relating generally to the conditions of service of the staff of the Council and without prejudice to the generality of the foregoing, such regulations may provide for

(a) the appointment, promotion, termination, dismissal and disciplinary control of the staff of the Council; and

(b) appeals by such staff against dismissal or other disciplinary measures,

and until such regulations are made, any instrument relating to the conditions of service of officers in the civil service of the Federation shall be applicable, with such modifications as may be necessary to the staff of the Council.

(2) Staff regulations made under subsection (1) of this section, shall not have effect until approved by the Secretary and when so approved the same shall not be published in the *Gazette* but the Council shall cause them to be brought to the notice of all affected persons in such manner as it may from time to time, determine.

12. No suit shall be commenced against the Council before the expiration of a period of one month after written notice of intention to commence the suit shall have been served on the Council by the intending plaintiff or his agent and the notice shall explicitly state-

Procedure in respect of suits against the Council

- (a) the cause of action;
- (b) the particulars of the claim;
- (c) the name and place of abode of the intending plaintiff, and
- (e) the relief which he claims.

13. The notice referred to in section 12 of this Decree and any summons, notice or other document required or authorised to be served upon the Council under the provisions of this Decree or any other enactment or law may be served by delivering the same to the Chairman or the Executive Secretary of the Council, or by sending it by registered post addressed to the Executive Secretary at the principal office of the Council.

Service of documents

14. In any action or suit against the Council, no execution or attachment or process in the nature thereof shall be issued against the Council, but any sum of money which may, by the judgment of the court, be awarded against the Council shall, subject to any directions given by the Council, be paid from the general reserve fund of the Council.

Restriction on execution against the property of the Council

15. The Secretary, may make regulations generally for the purpose of giving effect to the provisions of this Decree.

Restrictions

16. Subject to the provisions of this Decree, the Secretary, may give to the Council directives of a general nature or relating generally to matters of policy with regards to the exercise by the Council of its functions and it shall be the duty of the Council to comply with such directives.

Power of the Secretary to give directives

17. In this Decree, unless the context otherwise requires;

Interpretation

“Council” means the National Sugar Development Council established by section 1 of this Decree.

“Chairman” means Chairman of the Council;
“Member” means a member of the Council and includes the Chairman;

“Secretary” means the Secretary charged with responsibility for industry and technology.

Citation

18. This Decree may be cited as the National Sugar Development Council Decree 1993.

SCHEDULE Section 2 (2)

Proceedings of the Council

1-(1) The Council shall meet for the conduct of its business at such time place and on such day as the Chairman may appoint but shall meet not less than twice in a year.

(2) At every meeting of the Council the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

2. The Council shall have power to regulate its proceedings or those of any of its committees and may make standing order for that purpose and subject to any such standing orders and to paragraph 3 of this Schedule, may function notwithstanding.

(a) any vacancy in its membership or the absence of any member;

(b) any defect in the appointment of a member; or

(c) that a person not entitled to do so took part in its proceedings

3. The quorum at any meeting of the Council shall be simple majority of the members.

4. Where standing orders made under paragraph 2 of this Schedule provide for the Council to co-opt persons who are not members of the Council such persons may attend meetings of the Council and advise it on any matter referred to them by the Council but shall not count towards a quorum and shall not be entitled to vote at any meeting of the Council.

Committees

5. The Council may appoint one or more committees to advise it on the exercise and performance of its functions under this Decree and shall have power to regulate the proceedings of its committees.

Miscellaneous

6-(1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not be required to be under seal may be entered into or executed on behalf of the Council by any person generally or specifically authorised in that behalf by the Council.

(2) Any member of the Council or of a committee thereof, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof, shall forthwith disclose his interest in the Council or the committee, as the case may be, and shall not vote on any question relating to such contract or arrangement.

7-(1) The common seal of the Council shall not be used or affixed to any document except in pursuance of a resolution duly passed at a properly constituted meetings of the Council and recorded in the minutes of the meeting.

(2) The fixing of the seal of the Council shall be authenticated by the signature of the Chairman or some other member authorised generally or specifically by the Council to act for that purpose.

(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 deemed to be so executed.

Made at Abuja this 25th day of August, 1993

GENERAL I.B. BABANGIDA,
President; Comander-In-Chlef
of the Armed Forces,
Federal Republic of Nigeria

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purport)

The Decree provides for the establishment of the National Sugar Development Council to among other things, provide guidance on the development of sugar estates and the organisation of the sugar cane outgrower schemes to enhance the local production of sugar;

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**NSDC
(AMENDMENT) ACT, 2015**

Extraordinary



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Government Notice No. 72

The following is published as supplement to this *Gazette* :

<i>Act No.</i>	<i>Short Title</i>	<i>Page</i>
11	National Sugar Development Council (Amendment) Act, 2015	.. A311-316

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January should apply to the Federal Government Printer, Lagos for amended Subscriptions.



ARRANGEMENT OF SECTIONS

Section :

1. Amendment of Cap. N78 LFN, 2004.
2. Amendment of Section 2.
3. Amendment of Section 3.
4. Amendment of Section 4.
5. Amendment of Section 5.
6. Substitution for Section 6.
7. Amendment of Section 8.
8. Amendment of Section 10.
9. Amendment of Section 11.
10. Deletion of Section 12.
11. Substitution for Section 13.
12. Deletion of Section 14.
13. Amendment of Section 15.
14. Amendment of Section 17.
15. Citation.

**NATIONAL SUGAR DEVELOPMENT COUNCIL
(AMENDMENT) ACT, 2015**

ACT No. 11

AN ACT TO AMEND THE NATIONAL SUGAR DEVELOPMENT COUNCIL ACT,
CAP. N78 LAWS OF THE FEDERATION OF NIGERIA, 2004, BY GIVING
ADDITIONAL POWERS TO THE COUNCIL TO ENABLE IT DISCHARGE ITS
FUNCTIONS MORE EFFICIENTLY ; AND FOR RELATED MATTERS.

[26th Day of May, 2015]

Commence-
ment.

ENACTED by the National Assembly of the Federal Republic of Nigeria :

1. The National Sugar Development Council Act Cap. N78 Laws of the Federation of Nigeria, 2004 (in this Act referred to as "the Principal Act") is amended as set in this Act.

Amendment
of Cap. N78
LFN, 2004.

2. Section 2 of the Principal Act is amended in—

Amendment
of Section 2.

(a) sub-section (1), by deleting in lines 1 and 2, the words, "on the recommendation of the Minister" ;

(b) sub-section (1) (f), by substituting for the words, "and technology" the words, "responsible for Industry" ;

(c) sub-section (1) (g), by substituting for the existing paragraph (g), a new paragraph "(g)"—

"(g) one representative each of Federal Ministry of—

(i) Agriculture and Rural Development ; and

(ii) Water Resources."

(d) in sub-section (1) (h), by substituting for the word "of" after the word "Ministry", the words "responsible for".

3. Section 3 of the Principal Act is amended by—

Amendment
of Section 3.

(a) substituting for the existing paragraphs (a), (c), (d), (e), (f), (g), (i) and (j) "new paragraphs "(a)", "(c)", "(d)", "(e)", "(f)", "(g)" and "(j)"—

"(a) to draw policy guidelines and action programmes on sugar development and implement approved policies on the development of the sugar sub-sector including the extant Nigerian Sugar Master Plan (NSMP)" ;

"(c) to facilitate the availability of fund for sugar out-growers for land preparation and farm inputs in liaison with Federal, State and Local Government institutions and bodies" ;

“(d) to collaborate with and support the activities of Sugarcane and Sugar Research Development and Training Institutions and Centers towards the development of improved sugar technologies, sugarcane varieties and capacity development for the industry” ;

“(e) to advise on adoption of machinery, monitor and enforce sugar backward integration programmes and other processes for rapid sugar development” ;

“(f) to determine and recommend at appropriate intervals, raw and refined sugar import and export quota for operators who have signed on to an auditable Backward Integration Programme (BIP) with timelines with the targets set out in NSMP” ; and

“(g) set benchmark and regulate sugar imports and exports based on local sugar production and consumption projection and grant approvals for the establishment of new sugar industries, including refineries” ; and

(b) inserting a new paragraph “(j)” —

“(j) request and receive annual base line data and returns from relevant agencies and companies for planning purposes and determine and effect appropriate sanctions for non-compliance with set regulations and standard for the sugar industry”.

Amendment
of Section 4.

4. Section 4 of the Principal Act is amended by substituting for the existing sub-sections (1) and (2), new sub-sections “(1)” and “(2)” —

“(1) The Chairman and members of the Council other than ex-official members shall hold office for a term of four years, subject to renewal by the President, Commander-in-Chief, for one further term of four years and no more.

(2) Without prejudice to sub-section (1) of this section, the Minister may appoint from among the members any person to act as the Chairman during the absence, temporary incapacitation by illness of the Chairman and the person so appointed shall, while the appointment subsists, have the same powers as exercised by the Chairman.”

Amendment
of Section 5.

5. Section 5 (1) of the Principal Act is amended by substituting for the words, “on the recommendation of the Minister” the word, “President”.

Substitution
for
Section 6.

6. Substitute for section 6 of the Principal Act a new section “6” —

“Fund of the Council. “6—(1) The Council shall establish and maintain a Fund which shall be paid into a dedicated account domiciled in the Bank of Industry (BOI) and managed by the Council under Management Fund Agreement (MFA) with the bank towards the promotion of the objectives for which the Council is established.

(2) There shall be paid and credited to the account established pursuant to sub-section (1) of this Section—

(a) at least ten percent surcharge of CIF value of raw and refined sugar imports ;

(b) consequent to the attainment of sugar self-sufficiency, surcharge of ₦100/50kg bag of Refined sugar and ₦5.00/litre of Ethanol produced by all operating sugar companies and mini-plants (above 500tcd)."

(c) insert a new paragraph (e) in Section 2—

“(e) funds appropriated by the National Assembly for specified purposes through the National Budget.”

7. Section 8 of the Principal Act is amended in sub-section (2) by substituting for the word, “Minister” the word, “Secretary”. Amendment of Section 8.

8. Section 10 of the Principal Act is amended by inserting immediately after the word, “Minister” the words, “who shall forward same to the National Assembly.” Amendment of Section 10.

9. Section 11 (2) of the Principal Act is amended by substituting for the word, “Minister” the word, “Secretary”. Amendment of Section 11.

10. Section 12 of the Principal Act is deleted. Deletion of Section 12.

11. Substitute for Section 13 of the Principal Act a new Section “13”— Substitution for Section 13.

“Service of documents0.

“13 Any summons, notice or other document required or authorized to be served upon the Council under the provisions of this Act or any other enactment or law may be served by delivering the same to the Chairman or the Executive Secretary of the Council, or by sending it by registered post addressed to the Executive Secretary at the principal office of the Council.”

12. Section 14 of the Principal Act is hereby deleted. Deletion of Section 14.

13. Section 15 of the Principal Act is amended by substituting for the word, “Minister” the word, “Secretary”. Amendment of Section 15.

Amendment of Section 17. **14.** Section 17 of the Principal Act is amended by inserting in alphabetical order the following new definitions—

“*Minister*” means the Minister charged with the responsibility for sugar development ;

“*President*” means the President and Commander-in-Chief of the Armed Forces of Nigeria.”

Citation. **15.** This Act may be cited as the National Sugar Development Council (Amendment) Act, 2015.

I certify, in accordance with Section 2 (1) of the Acts Authentication Act, Cap. A2, Laws of the Federation of Nigeria, 2004 that this is a true copy of the Bill passed by both Houses of the National Assembly.

SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
25th Day of May, 2015.

EXPLANATORY MEMORANDUM

This Act amends the National Sugar Development Council Act, Cap. N78 Laws of the Federation of Nigeria, 2004 by giving additional powers to the Council so as to enable it discharge its functions more efficiently.

SCHEDULE TO NATIONAL SUGAR DEVELOPMENT COUNCIL (AMENDMENT) BILL, 2015

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date Passed by the Senate</i>	(5) <i>Date Passed by the House of Representatives</i>
National Sugar Development Council (Amendment) Bill, 2015.	An Act to amend The National Sugar Development Council Act, Cap. N78, Laws of the Federation of Nigeria, 2004 by giving additional powers to the Council to enable it discharge its functions more efficiently ; and for related matters.	This Bill amends the National Sugar Development Council Act, Cap. N78, Laws of the Federation of Nigeria, 2004 by giving additional powers to the Council so as to enable it discharge its functions more efficiently.	10th July, 2014.	23rd April, 2015.

Federation of Nigeria, 2004.

I ASSENT



SALISU ABUBAKAR MAIKASUWA, OON, mni
Clerk to the National Assembly
25th Day of May, 2015

DR. GOODLUCK EBIKE JONATHAN, GCFR
President of the Federal Republic of Nigeria
26th Day of May, 2015