

NIGERIAN ENTERPRISES PROMOTION DECREE 1977



ARRANGEMENT OF SECTIONS

Sections

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SCHEDULES

- Schedule 1.
- Schedule 2.
- Schedule 3.

Decree No. 3

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

General

1.—(1) There shall continue to be a body to be known as the Nigerian Enterprises Promotion Board (in this Decree hereafter referred to as "the Board") which shall have and may exercise such functions as may be conferred on it by or under this Decree.

Establishment of Nigerian Enterprises Promotion Board, etc.

(2) The Board shall have general power to advance and promote enterprises in which citizens of Nigeria shall participate fully and play a dominant role and in particular, without prejudice to the generality of the foregoing, the Board shall have power—

(a) to advise the Commissioner on clearly defined policy guidelines for the promotion of Nigerian enterprises ;

(b) to advise the Commissioner on measures that would assist in ensuring the assumption of the control of the Nigerian economy by Nigerians in the shortest possible time ;

(c) to determine any matter relating to business enterprises in Nigeria generally in respect of commerce and industry that may be referred to it in accordance with any direction of the Commissioner and to make such recommendations as may be necessary on those matters in such manner as may be directed by the Commissioner ; and

(d) to perform such other functions as the Commissioner may determine or as may be conferred on it by this Decree or any other enactment.

(3) The members of the Board shall be appointed by the Federal Executive Council and shall comprise—

(a) five Nigerians from outside the Public Services of the Federation or the States who shall be persons of proven integrity (one of whom shall be appointed as the Executive Chairman of the Board) ;

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

(i) Industries ;

(ii) Finance ;

(iii) Economic Development ;

(iv) Trade ; and

(v) Internal Affairs,

who shall be persons of the rank of Deputy Secretary or above ;

(c) the Secretary of the Capital Issues Commission ; and

(d) the Director of each of the Stock Exchanges in Nigeria.

(4) (a) The Executive Chairman of the Board referred to in subsection (3)(a) above shall be appointed by the Federal Executive Council on the recommendation of the Commissioner and shall hold office on such terms as the Federal Executive Council may from time to time approve. The Executive Chairman shall preside over the meetings of the Board and shall be responsible for the day-to-day management of the affairs of the Board.

(b) There shall be a Secretary of the Board who shall be appointed by the Commissioner on the recommendation of the Board and who shall be the head of the Board's Secretariat and shall be responsible to the Chairman for

the efficient implementation of the Board's decisions. The Secretary shall be in attendance at all meetings of the Board.

(5) The Board shall have power to co-opt any person to attend its meetings.

(6) A member of the Board shall hold office for such period as may be specified in his instrument of appointment.

Establishment of Nigerian Enterprises Promotion Committees for the States, etc.

2.—(1) There shall continue to be for each State a Nigerian Enterprises Promotion Committee (hereafter in this Decree referred to as "the Committee").

(2) The Committee in each State shall consist of—

(a) the Permanent Secretary responsible for industries in the State who shall be chairman of the Committee ;

(b) an officer in the Ministry of Trade ;

(c) the Registrar of Co-operative Societies ;

(d) six other persons to be appointed by the State Commissioner or State Commissioners, as the case may be, for trade and industries, and of the six persons at least three shall be Nigerians from outside the Public Service of the Federation or the States who shall be persons with proven experience in commerce or industry ;

and members of such Committee shall hold office for such period as may be directed by the Military Governor of the State.

(3) The Committee shall have power to co-opt any person to attend its meetings.

(4) The Secretary of the Committee shall be an officer in the Ministry of Trade or Industry of the State or any other fit and competent person in the public service of the State appointed by the Military Governor of that State.

(5) The principal functions of the Committee shall be—

(a) to assist and advise the Board on the implementation of this Decree ;

(b) to ensure that the provisions of this Decree are complied with by any alien resident or carrying on business in the State ;

(c) to recommend to the Board such other measures as may be necessary in the opinion of the Committee to enable full effect to be given to the provisions of this Decree ; and

(d) to perform such other functions as may be assigned to it by the Board.

(6) If in any State any office mentioned in this section does not exist or is combined with another office the reference in any provision to the office mentioned there shall be construed as a reference to that office or the offices so combined in the State which in the opinion of the Military Governor most nearly corresponds to the office so mentioned, and the decision of the Military Governor in this regard and as to the number of members of the Committee shall be final.

Supplementary provisions with respect to proceedings of the Board or of State Committees.

3.—(1) Subject to such directions as may be given by the Commissioner, the Board or any Committee established by this Decree may determine its own quorum, and may, subject as aforesaid, otherwise regulate its own proceedings.

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(2) There may be paid to the members of the Board or any Committee remuneration and allowances payable in accordance with the current regulations of the Government of the Federation.

(3) The validity of any proceedings of the Board or of any Committee shall not be affected by—

- (a) any vacancy in its membership ;
- (b) any defect in the appointment of any member ; or
- (c) the fact that any person not entitled to do so took part in the proceedings.

(4) The expenses of the Board in the exercise of its functions shall be paid out of funds provided by the Government of the Federation.

Promotion of Nigerian Enterprises

4.—(1) All enterprises specified in Schedule 1 to this Decree are hereby, subject to this Decree, exclusively reserved for Nigerian citizens or associations and accordingly—

Enterprises exclusively reserved for Nigerians. Schedule 1.

(a) as from the appointed day no person, other than a Nigerian citizen or association, shall be the owner or part owner of any such enterprise in Nigeria ; and

(b) no such enterprise shall be established in Nigeria by an alien on or after the commencement of this Decree.

(2) Nothing in this section shall as from the commencement of this Decree and before the appointed day preclude the sale or transfer in accordance with the provisions of this Decree by any person of any of the enterprises affected by this section.

5. Subject to this Decree, as from the appointed date no alien shall be the owner or part-owner of any of the enterprises specified in Schedule 2 to this Decree unless the equity participation of Nigerian citizens or associations in the enterprise is not less than sixty per cent.

Enterprises in respect of which 60 per cent of the equity must be owned by Nigerians. Schedule 2.

6. Subject as aforesaid, as from the appointed date no alien shall be the owner or part-owner of any of the enterprises specified in Schedule 3 to this Decree unless the equity participation of Nigerian citizens or associations in the enterprise is not less than forty per cent.

Enterprises in respect of which 40 per cent of the equity must be owned by Nigerians. Schedule 3.

7.—(1) Notwithstanding sections 4, 5 and 6 above any alien who immediately before the commencement of this Decree was the owner or part-owner of any body corporate carrying on an enterprise the business of which comprised enterprises specified in Schedules 1, 2 and 3 to this Decree or in any two of those Schedules may after the appointed date continue to be owner or part-owner of any such body corporate if—

Special provision in respect of certain enterprises holding companies

(a) the annual turn-over of the body corporate was not less than ₦25,000,000 ;

(b) the business of the body corporate was being carried on in not less than 10 States in the Federation ;

(c) the equity participation of Nigerian citizens or associations is by the 30th June 1977 not less than sixty per cent.

(2) Sections 4, 5 and 6 above shall not apply in the case of any non-trading holding company the subsidiary companies of which have in respect of the applicable enterprises by the appointed date, complied with the provisions of this Decree.

(3) For the purposes of subsection (2) above, the expressions "holding company" and "subsidiary company" have the meanings respectively assigned thereto in section 147 of the Companies Decree 1968.

1968 No. 53.

Definition of expressions used in section 4.

8. For the purposes of section 4 above, an enterprise shall be deemed to be an alien enterprise unless the entire capital or proprietary interest, whether financial or otherwise, in the enterprise in so far as it concerns any of the enterprises in Schedule 1 to this Decree is also owned and controlled by Nigerian citizens or associations.

Sale or transfer of enterprises to be subject to approval by the Board and the Capital Issues Commission.

9.—(1) As from the commencement of this Decree no enterprise to which section 4 of this Decree applies (whether or not operated by or as a company) and no enterprise to which section 5, 6 or 7 of this Decree applies which is being operated otherwise than by or as a private company shall be sold or in any manner transferred to Nigerian citizens or associations unless the terms and other conditions of and pertaining to the sale or transfer have been approved by the Board.

(2) As from the commencement of this Decree as aforesaid no shares in or in respect of any enterprise to which section 5, 6 or 7 of this Decree applies which is an enterprise operated by or as a public company shall with a view to securing compliance (to any extent whatsoever) with the provisions of section 5, 6 or 7 of this Decree be sold or in any manner transferred to Nigerian citizens unless the approval of the Capital Issues Commission (hereafter referred to as "the Commission") has been obtained with respect to—

(a) the price at which the shares are to be sold or transferred and the timing of the sale ; and

(b) the terms and other conditions pertaining to the sale or transfer, including the manner of the selection of the buyers or transferees or, where applicable, the manner of the allotment of the shares among the buyers or transferees.

(3) This section shall have effect notwithstanding any other requirement in any law (including, where applicable, the Companies Decree 1968) and such other law shall be construed subject to this Decree.

1973 No. 14.

(4) Without prejudice to subsection (3) above, the powers conferred on the Commission under the Capital Issues Decree 1973 shall be construed as including power to grant approvals for the purposes of this Decree and any rules made by the Commission may be adapted or otherwise modified by the Commission for the purposes of this Decree.

(5) Notwithstanding anything to the contrary in this section the Commission shall be charged with the function of determining the prices of shares in enterprises to which the Decree relates and in the case of public companies there shall be an Allotment Committee of that Commission which shall consist of the following persons that is—

- (i) a representative of the Board,
- (ii) a representative of the Lagos Stock Exchange, and
- (iii) a representative of the appropriate issuing house.

10.—(1) Where approval of the Board or, as the case may be, of the Allotment Committee of the Commission has not been obtained as required under section 9 of this Decree or if any application in relation thereto has been refused—

Provisions
supplement-
ary to
section 9

(a) any sale or transfer of any enterprise concerned or of any shares or other proprietary interest in or in respect of any affected enterprise shall be void and shall be of no effect; and

(b) any moneys received in relation to or connected with any of the transactions referred to in the section shall forthwith be repaid without interest by the vendor or transferor, and if any such money is not repaid within 14 days after the date of the notification of the refusal to give the approval the directors of any company concerned shall be jointly and severally liable to repay that money with interest at the rate of five *per cent* per annum from the expiration of the 14th day: Provided that a director shall not be liable if he proves that the default in the repayment of the money is not due to misconduct or negligence on his part, and that all the moneys involved had been kept in a separate bank account to facilitate repayment.

(2) The reference in paragraph (b) of subsection (1) above to "directors of a company" shall—

(a) in the case of a partnership be construed as a reference to the partners of the body concerned; and

(b) in the case of any other unincorporated body, be construed as a reference to the person in whom is vested the beneficial ownership of the enterprise concerned.

11.—(1) In considering applications for approval pursuant to section 9 of this Decree the Board or, as the case may be, the Allotment Committee of the Commission shall have regard to the following general guidelines, that is to say:—

General
guidelines
regarding
approval of
sales or trans-
fer by the
Board or
Commission

(a) Beneficial ownership of the enterprises affected should be as wide-spread as the circumstances of each case would justify and deliberate efforts must be made to prevent the concentration of ownership in a few hands.

(b) Except in the case of owner-managers, no enterprise should be sold or transferred to a single individual and in no case is a single individual to be allowed to have control of more than one enterprise.

(c) Where appropriate, allotment rules made or approved by the Board or the Allotment Committee of the Commission as appropriate shall be such that would ensure that—

(i) no individual holding more than 5 per cent of the equity of an enterprise or holding a portion of the equity valued at more than N50,000, whichever is the higher, is allotted any further portion of the equity in that enterprise;

(ii) no individual shall be allotted more than 5 per cent of the equity of an enterprise or any portion of the enterprise valued at more than ₦50,000, whichever is higher ;

(iii) no individual shall be allotted any portion of the equity of an enterprise that would make any holding of that individual of the equity of the enterprise concerned to exceed 5 per cent of the total equity of that enterprise or to attain a value exceeding ₦50,000, whichever is higher.

(d) Not less than 10 per cent total equity shares of any Schedule 2 or 3 enterprise or where only a fraction is being sold not less than 10 per cent of the amount of sale is reserved for the employees of the enterprise concerned and of the 10 per cent not less than one half shall be reserved for the non-managerial staff.

(e) Consideration in a form acceptable to the Board or the Commission should pass from the transferee to the seller or transferor and, where appropriate, all rights including agency rights, sole representation and all other ancillary rights should pass to the buyer or transferee.

(2) For the purposes of subsection (1) above, the Allotment Committee shall have regard to information as to the existing shareholdings of individuals seeking to acquire further interests in enterprises to which this Decree relates.

inspectors of enterprises.

12.—(1) Without prejudice to the operation of any enactment, there shall continue to be for the purposes of this Decree a number of inspectors of enterprises (in this Decree hereafter referred to as "inspectors") who shall be designated as such by an order published in the Federal Gazette by the Commissioner from among members of the public services of the Federation and of the States, and when so designated the inspectors shall, as respects any exercise of the functions conferred upon them by virtue of this Decree be responsible to the Board and no other person or authority.

(2) The inspectors shall, subject to this section, have such powers and carry out such functions as the Board may confer on them.

(3) Notwithstanding subsection (2) above, for the purpose of carrying out any of their functions, such inspectors—

(a) shall have a right of access at all times as may be necessary to any building or premises where any enterprise is being carried on or which they reasonably suspect is being used for any purpose to which this Decree relates ;

(b) may inspect such building or premises, or business in order to determine whether or not the building or premises is being used, or as the case may be, the business is being carried on, for the purposes authorised by this Decree, and may require the production of all books of account or other documents and inspect them for ensuring that the provisions of this Decree are being complied with ; and

(c) shall be entitled to require from the directors or other officers of the enterprise such information and explanation as may be deemed necessary.

(4) Any person, who—

(a) without lawful excuse the proof of which shall lie on him—

(i) refuses to admit into his building or premises any inspector appointed under this section ; or

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(ii) denies such inspector the right to inspect the building or premises or the business for the determination of the matter specified in subsection (3) (b) above ; or

(iii) refuses or neglects to give any information which any inspector may require from him ; or

(b) in respect of any request for information from any inspector, makes any statement which he knows to be false or which he has no reason to believe to be true ; or

(c) in any way obstructs any inspector in the discharge of such functions as may be conferred on him by this section, shall be guilty of an offence under this Decree.

13.—(1) If the Board is satisfied that—

(a) an alien has been engaging in any of the enterprises specified in Schedule 1 to this Decree ; or

(b) that an alien enterprise is being carried on in contravention of section 5, 6 or 7 or any other provision of this Decree,

the Chairman of the Board may direct an inspector to seal up any premises in which the offending enterprise is being carried on.

(2) Whenever an inspector has sealed up any premises he shall be deemed to have been duly directed to do so by the Chairman.

(3) Every police officer shall if called upon by an inspector give all reasonable assistance to the inspector necessary to effect the sealing up of any affected premises and to prevent unauthorised persons from having access to or interfering with the premises or any goods contained therein.

14.—(1) Where, on or after the appointed day, any alien continues to be the owner or part owner of any enterprise in contravention of section 4 of this Decree, it shall be lawful for the Board—

(a) to take over, sell or otherwise dispose of the enterprise, and

(b) to distribute the proceeds of such sale or disposal (if any)—

(i) in the case of partnerships, to the proprietors of the enterprise duly registered under the Registration of Business Names Act 1961 or any other applicable law ;

(ii) in the case of companies, to the share-holders of the company ; and

(iii) in any other case, in such manner as may be directed by the Board ; and

any expenses incurred by the Board in relation to the exercise of any of the powers conferred by this subsection shall be a charge upon and be defrayed by the Board from the proceeds of such sale or disposal.

(2) It shall be sufficient for the purposes of taking over any enterprise under subsection (1) (a) of this section—

(a) in the case of partnerships, if the certificate of registration or business permit of the enterprise is cancelled ;

(b) in the case of a company, if the certificate of registration or business permit of the company is cancelled ; and

(c) in other case, if the assets of the association are registered by the Registrar of Business Names, or as the case may be, the Registrar of Companies or any person duly authorised to do so, in the name of the Federal Military Government.

Power to seal up premises.

Additional penalty for contravention of the Decree.

1963 No. 6.

Supply of
information.

(3) In this section "business permit" means any business permit issued pursuant to section 8 of the Immigration Act 1963.

15.—(1) The Board may by instrument in writing, request any person carrying on any enterprise to which this Decree relates to furnish such estimates, returns or other information as may be specified and he may by that instrument specify the time, manner and form in which such estimates, returns or information are to be furnished, and it shall be the duty of any such person to comply with the request.

(2) Any person, who—

(a) refuses or neglects to give any information which the Board may require pursuant to subsection (1) above ; or

(b) in respect of the information so required makes any statement which he knows to be false or which he has no reason to believe to be true, shall be guilty of an offence and shall on conviction be liable to a fine of ₦1,000 or to imprisonment for three years.

Alteration of
lists of enter-
prises.

16. The Commissioner may with the prior approval of the Federal Executive Council as from the commencement of this Decree and before the appointed day or such other day as may be specified for the purposes of any particular order (or in respect of any enterprise) by an order published in the Gazette—

(a) alter the list of enterprises specified, respectively in Schedules 1, 2 or 3 to this Decree by way of addition, substitution or deletion ;

(b) as respects section 6 or 7 above, vary the extent of the equity participation of Nigerian citizens or associations in the enterprise ;

(c) make such different provisions in relation to different enterprises or as respects different areas of the Federations, and impose such terms as he may deem necessary.

Offences and Penalties

Penalty for
acting as a
front.

17.—(1) Any person who—

(a) acts as a front or purports for the purpose of defeating or in manner likely to defeat the object of this Decree, to be the owner or part owner of any enterprise ; or

(b) operates any enterprise for or on behalf of any alien who is under this Decree—

(i) not permitted to operate the enterprise ; or

(ii) disqualified from operating the enterprise ; or

(iii) not permitted to own or be part owner of such enterprise,

shall be guilty of an offence under this section, and shall be liable on conviction to a fine of ₦15,000 or to imprisonment for a term of 5 years or to both such fine and imprisonment.

(2) It shall not be lawful for any Nigerian citizen or association to employ, whether on full time or part time basis, any alien for the operation of any enterprise previously owned wholly or partly by that alien which the alien has disposed of pursuant to the provisions of this Decree, except with the prior approval of the Federal Commissioner for Internal Affairs after consultation with the Board.

Offences and
penalties.

18.—(1) Any person found guilty of an offence under this Decree for which no penalty is provided shall upon conviction be liable to a fine of ₦10,000 or to imprisonment for 5 years or to both such fine and imprisonment.

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(2) Where an offence under this Decree is committed by a body of persons, therein—

(a) in the case of a body corporate, every director or officer of that body shall be deemed to be guilty of the offence;

(b) in the case of a partnership or other association, every partner or officer of that body shall be deemed to be guilty of the offence.

(3) No person shall, however, be deemed to be guilty of an offence under subsection (2) above, if he proves to the satisfaction of the court that the offence was committed without his consent and that he exercised all due diligence to prevent the commission of the offence having regard to all the circumstances.

19.—(1) Subject to section 104 of the Constitution of the Federation (which relates to the power of the Attorney-General of the Federation to institute, continue or discontinue criminal proceedings) any inspector or officer of the Board may in a court of competent jurisdiction prosecute an offender for an offence under this Decree.

Power of
inspector
to conduct
prosecutions,
etc.
1963 No. 20.

(2) It shall not be an objection to the competency of an inspector to give evidence as a witness in any prosecution for an offence under this Decree that the action is prosecuted or conducted by that inspector.

Miscellaneous Provisions

20.—(1) The Commissioner may make regulations generally for the purpose of giving effect to the provisions of this Decree, and may in particular, without prejudice to the generality of the foregoing provision, make regulations—

Regulations
and reports.

(a) prescribing the forms for returns and other information required under this Decree;

(b) prescribing the detailed powers and functions of inspectors;

(c) prescribing the procedure for obtaining any information required under this Decree;

(d) requiring returns to be made, within the period specified therein, by any enterprise to which this Decree applies;

(e) prescribing any fees payable under this Decree; and

(f) prescribing such other matters as may be referred to him by the Federal Executive Council.

(2) Any regulations made pursuant to subsection (1) above shall be presented to the Federal Executive Council for the approval of that Council together with any report and recommendations of the Board including any measures which the Commissioner proposes in relation thereto.

21. Any person aggrieved by any decision of the Board or by the exercise of any power under this Decree shall have the right to forward a petition on such grievance to the Commissioner who may notwithstanding anything to the contrary in this Decree and subject to the approval of the Federal Executive Council, confirm or reverse the decision of the Board or take such further measures in relation to the petition as he may think just and reasonable.

Right to
petition.

22. Except as otherwise prescribed by this Decree, there shall be no right of appeal against any act, matter or thing done or purported to be done by or under this Decree; and without prejudice to the operation of any other enactment excluding the jurisdiction of a court of law in respect of

Exclusion of
rights.

certain proceedings, and for the avoidance of doubt, no proceedings by way of originating summons, certiorari, mandamus, prohibition, injunction or any other prerogative writ shall lie or be instituted on account of or in respect of such act, matter or thing done or purported to be done.

Interpretation.

23.—(1) In this Decree, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them:—

“alien” means a person or association whether corporate or unincorporate other than a Nigerian citizen or association;

“appointed date” (a) in the case of any enterprise to which section 7 applies, means 30th June 1977; and

(b) in every other case, means 31st December, 1978.

“Commission” means the Capital Issues Commission established by section 1 of the Capital Issues Decree 1973;

“Commissioner” means the Federal Commissioner charged with responsibility for industries;

“company” means any company registered under the Companies Decree 1968 or under any enactment replaced by that Decree;

“enterprise” includes any industrial or commercial undertaking;

“Nigerian citizen or association” means—

(a) a person who is a citizen of Nigeria by virtue of the Constitution of the Federation;

(b) any person of African descent, not being a citizen of Nigeria, who is a national of any country in Africa which is a member country of the Organisation of African Unity, and who continues to reside and carry on business in Nigeria, if the country of which he is a national also permits citizens of Nigeria to establish and operate businesses or enterprises in that country on the basis of reciprocity; and

(c) any company registered under the Companies Decree 1968, partnership, association or body (whether corporate or unincorporate), and except as otherwise prescribed under this Decree, the entire capital or other financial interest of which is owned wholly and exclusively by citizens of Nigeria;

“ownership” in relation to any enterprise includes any proprietary interest in the enterprise beneficially, and any derivative of that word shall be construed accordingly;

“prescribed” means prescribed by this Decree or by regulations;

“shares” includes stocks.

(2) The reference in this Decree to “equity participation of Nigerian citizens or associations” is a reference to stocks and shares which Nigerian citizens or associations have in such industry which do not bear fixed interest or dividend.

(3) Section 22 of this Decree shall not be so construed as to exclude the right to appeal against any decision of a court in connection with any criminal offence created under this Decree.

Repeals and saving

24.—(1) The Nigerian Enterprises Promotion Decree 1972 is hereby repealed and the following enactments, that is to say—

1973 No. 28. (a) the Nigerian Enterprises Promotion (Amendment) Decree 1973;

1974 No. 7. (b) the Nigerian Enterprises Promotion (Amendment) Decree 1974;

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(c) the Nigerian Enterprises Promotion (Amendment) (No. 2) Decree 1974 No. 13,
1974; and

(d) Nigerian Enterprises Promotion Decree 1976,
are hereby, consequentially, repealed. 1976 No. 27.

(2) Without prejudice to section 6 of the Interpretation Act 1964 the
repeal of the enactments specified in subsection (1) of this section shall not
affect anything done under or pursuant to those enactments. 1964 No. 1

25.—(1) This Decree may be cited as the Nigerian Enterprises Pro- Citation and
motion Decree 1977. commencement.

(2) This Decree shall be deemed to have come into force on 29th June
1976.

SCHEDULES

SCHEDULE 1

Section 4

ENTERPRISES EXCLUSIVELY RESERVED FOR NIGERIANS

1. Advertising and public relations business.
2. All aspects of pool betting business and lotteries.
3. Assembly of radios, radiograms, record changers, television sets, tape recorders and other electric domestic appliances not combined with manufacture of components.
4. Blending and bottling of alcoholic drinks.
5. Blocks and ordinary tile manufacture for building and construction works.
6. Bread and cake making.
7. Candle manufacture.
8. Casinos and gaming centres.
9. Cinemas and other places of entertainment.
10. Commercial transportation (wet and dry cargo and fuel).
11. Commission agents.
12. Departmental stores and supermarkets having an annual turnover of less than ₦2,000,000.
13. Distribution agencies excluding motor vehicles, machinery and equipment and spare parts.
14. Electrical repair shops other than repair shops associated with distribution of electrical goods.
15. Establishments specialising in the repair of watches, clocks and jewellery, including imitation jewellery for the general public.
16. Estate agency.
17. Film distribution (including cinema films)
18. Garment manufacture.

19. Hairdressing.	11.
20. Ice-cream making when not associated with the manufacture of other dairy products.	12.
21. Indenting and confirming.	13.
22. Laundry and dry-cleaning.	14.
23. Manufacturers' representatives.	15.
24. Manufacture of jewellery and related articles, including imitation jewellery.	16.
25. Manufacture of suitcases, brief cases, hand-bags, purses, wallets, portfolios and shopping bags.	17.
26. Municipal bus services and taxis.	18.
27. Newspaper publishing and printing.	19.
28. Office cleaning.	20.
29. Passenger bus services of any kind.	21.
30. Poultry farming.	22.
31. Printing of stationery (when not associated with printing of books).	23.
32. Protective agencies.	24.
33. Radio and television broadcasting.	25.
34. Retail trade (except by or within departmental stores and supermarkets).	26.
35. Rice milling.	27.
36. Singlet manufacture.	28.
37. Stevedoring and shorehandling.	29.
38. Tyre retreading.	30.
39. Travel agencies.	31.
40. Wholesale distribution of local manufactures and other locally produced goods.	32.

SCHEDULE 2

Section 5

ENTERPRISES IN RESPECT OF WHICH NIGERIANS MUST HAVE MAJORITY INTEREST

1. Banking-commercial, merchant and development banking.
2. Basic iron and steel manufacture.
3. Beer brewing.
4. Boat building.
5. Bottling of soft drinks.
6. Business services (other than machinery and equipment rental and leasing) such as business management and consulting services; fashion designing.
7. Clearing and forwarding agencies.
8. Canning and preserving of fruits and vegetables.
9. Coastal and inland waterways shipping.
10. Construction industry.

11. Departmental stores and supermarkets having annual turnover of not less than ₦2,000,000.
12. Distribution agencies for machines and technical equipment.
13. Distribution and servicing of motor vehicles, tractors and spare parts thereof or similar objects.
14. Fish and shrimp trawling and processing.
15. Fertilizer production.
16. Grain mill products except rice milling.
17. Industrial cleaning.
18. Insecticides, pesticides and fungicides.
19. Internal air transport (scheduled and charter services).
20. Insurance—all classes.
21. Lighterage.
22. Manufacture of bicycles.
23. Manufacture of biscuits and similar dry bakery products.
24. Manufacture of cement.
25. Manufacture of cosmetics and perfumery.
26. Manufacture of cocoa, chocolate and sugar confectionery.
27. Manufacture of dairy products, butter, cheese, milk and other milk products.
28. Manufacture of food products like yeast, starch, baking powder, coffee roasting; processing of tea leaves into black tea.
29. Manufacture of furniture and interior decoration. Manufacture of metal fixtures for household, office and public building.
30. Manufacture of leather footwear.
31. Manufacture of matches.
32. Manufacture of metal containers.
33. Manufacture of paints, varnishes or other similar articles.
34. Manufacture of plastic products such as plastic dinnerware, tableware, kitchenware, plastic mats, plastic machinery parts, bottles, tubes and cabinets.
35. Manufacture of rubber products, rubber footwear, industrial and mechanical rubber specialities such as gloves, mats, sponges and foam.
36. Manufacture of tyres and tubes for bicycles and motorcycles; of tyres and tubes for motor vehicles.
37. Manufacture of soap and detergents.
38. Manufacture of wire, nails, washers, bolts, nuts, rivets and other similar articles.
39. Other manufacturing industries such as non-rubber and non-plastic toys, pens, pencils, umbrellas, canes, buttons, brooms and brushes, lampshades, tobacco pipes and cigarette holders.
40. Mining and quarrying.
41. Oil milling, cotton ginning and crushing industries.
42. Paper conversion industries.
43. Plantation sugar and processing.

44. Plantation agriculture for tree crops, grains and other cash crops.	14. I
45. Printing of books.	15. M
46. Production of sawn timber, plywood, veneers and other wood conversion industries.	16. M
47. Petro-chemical feedstock industries.	17. M
48. Publishing of books, periodicals and such like.	
49. Pulp and paper mills.	18. M
50. Restaurants, cafes and other eating and drinking places.	19. M
51. Salt refinery and packaging.	
52. Screen printing on cloth, dyeing.	20. M
53. Inland and coastal shipping.	21. M
54. Slaughtering, storage associated with industrial processing and distribution of meat.	22. Ma
55. Tanneries and leather finishing.	23. Ma
56. Wholesale distribution of imported goods.	s.
57. Photographic studios, including commercial and aerial photography.	fi
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SCHEDULE 3

Section 6

ENTERPRISES TO WHICH SECTION 6 APPLIES

1. Distilling, rectifying and blending of spirits such as ethyl alcohol, whisky brandy, gin and the like.	
2. Tobacco manufacture.	
3. Manufacture of basic industrial chemicals (organic and inorganic) except fertilizers.	
4. Manufacture of synthetic resins, plastic materials and man-made fibres except glass.	
5. Manufacture of drugs and medicines.	
6. Manufacture of pottery, china and earthenware.	
7. Manufacture of glass and glass products.	
8. Manufacture of burnt bricks and structural clay products.	
9. Manufacture of miscellaneous non-metallic mineral products such as concrete, gypsum and plastering products, including ready-mixed concrete; mineral wool, abrasive; asbestos products; graphite products.	
10. Manufacture of primary non-ferrous metal products such as ingots, bars and billets; sheets, strips, circles, cecrous, rods, tubes, pipes and wire rods; casting and extrusions.	
11. Manufacture of (fabricated metal) cutlery, hand tools and general hardware.	
12. Manufacture of structural metal products-components of bridges, tanks, metal doors and screens, window frames.	
13. Manufacture of miscellaneous fabricated metal products, except machinery and equipment, such as safes and vaults, steel springs furnaces, stoves, and the like.	
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14. Manufacture of engines and turbines.
15. Manufacture of agricultural machinery and equipment.
16. Manufacture of metal and wood working machinery.
17. Manufacture of special industrial machinery and equipment, such as textile and food machinery, paper industry machinery, oil refining machinery and equipment, and the like.
18. Manufacture of office, computing and accounting machinery.
19. Manufacture of other machinery and equipment except electrical equipment, pumps, air and gas compressors ; blowers, air-conditioning and ventilating machinery ; refrigerators, and the like.
20. Manufacture of electrical industrial machinery and apparatus.
21. Manufacture of radio, television and communication equipment and apparatus.
22. Manufacture of electrical appliances and houseware.
23. Manufacture of electrical apparatus and supplies not elsewhere classified, such as insulated wires and cables, batteries, electric lamps and tubes, fixtures and lamp switches, sockets, switches, insulators, and the like.
24. Ship building and repairing (excluding boat building).
25. Manufacture of railway equipment.
26. Manufacture of motor vehicles and motorcycles.
27. Manufacture of aircraft.
28. Manufacture of professional and scientific and measuring and controlling equipment, such as laboratory and scientific instruments, surgical, medical and dental equipment, instruments and supplies and orthopaedic and prosthetic appliances.
29. Manufacture of photographic and optical goods.
30. Manufacture of watches and clocks.
31. Ocean transport/shipping.
32. Oil servicing companies.
33. Storage and warehousing—the operation of storage facilities and warehouses (including bonded and refrigerated warehouses) for hire by the general public.
34. Textile manufacturing industries.
35. Hotels, rooming houses, camps and lodging places.
36. Data processing and tabulating services (on a fee or contract basis).
37. Production of cinema and television films (or motion picture production).
38. Machinery and equipment rental and leasing.
39. All other enterprises not included in Schedule 1 or 2 not being public sector enterprises.

MADE at Lagos this 12th day of January 1977.

LT-GENERAL O. OBASANJO,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*