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- 369. Special Rules to be made for the litigation of disputes relating to Nigeria content
- 370. Prosecution of offences

PART XLII - MISCELLANEOUS PROVISIONS

- 371. Regulations
- 372. Superiority of this Bill over other enactments
- 373. Savings and Transitional
- 374. Interpretation
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# A BILL

## FOR

AN ACT TO ENACT THE NIGERIAN ECONOMIC DIVERSIFICATION BILL TO ESTABLISH THE NIGERIAN ECONOMIC DIVERSIFICATION COUNCIL AND TO PROVIDE FOR COMPREHENSIVE FRAMEWORK, STRUCTURES, PROGRAMMES AND SCHEMES FOR STRENGTHENING NIGERIAN CAPACITY DEVELOPMENT IN ORDER TO DIVERSIFY THE NIGERIAN ECONOMY FOR SELF SUFFICIENCY, JOB CREATION, INTERNATIONAL COMPETITIVENESS OF NIGERIAN DOMESTIC BUSINESSES AND FOR RELATED MATTERS

*Sponsored by Senator Aliyu Sabi Abdullahi*

[ ] Commencement

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

- 1 PART I - PRELIMINARY
- 2 1 . The objectives of this Bill include-
- 3 (1) to establish and maintain programmes for the overall
- 4 development of the Nigerian economy, more especially, to encourage the
- 5 growth of Nigerian industries, services, technologies in order to raise the
- 6 standard of living of persons living in Nigeria to a reasonable level;
- 7 (2) to ensure the active participation of Nigerians in the economic
- 8 development and diversification in respect of any transaction in which:
- 9 (a) any public fund belonging to the Federal Government of
- 10 Nigeria or any of its arms and/or agencies is used in any sector of the
- 11 Nigerian economy to which this Bill applies:
- 12 (b) in donor or loan funded projects undertaken in Nigeria in any
- 13 sector of the Nigerian economy to which the provisions of this Bill are
- 14 applicable: and
- 15 (c) in activities carried out by any entity in possession of an
- 16 investment agreement with any arm of the Federal Government of Nigeria

Objectives of  
the Bill

1 or any of its agencies in any of the sectors to which the provisions of this Bill  
2 apply.

3 (3) the prioritization of Nigerian citizens in employment in all  
4 activities where public money belonging to any arm or agency of the Federal  
5 Government of Nigeria is used, in any sector of the Nigerian economy, in donor  
6 or loan funded projects and in activities carried out by any entity in possession  
7 of an investment agreement with any arm of the Federal Government of  
8 Nigeria or any of its agencies;

9 (4) the encouragement of the transfer of skills and technology to  
10 Nigerians in the course of the execution of projects undertaken in Nigeria in  
11 any sector where the provisions of this Bill apply;

12 (5) the development and implementation of Nigerian Content Plans  
13 and Programmes by persons carrying out public works and persons in  
14 possession of a permit, license, lease, approvals in respect of any activity  
15 regulated by any arm and/or agency of the Federal Government of Nigeria;

16 (6) the maximization of value-addition and job creation through the  
17 use of Nigerian expertise, Made-in-Nigeria goods and services, businesses  
18 and financing in the value chain of all sectors in the Nigerian economy and  
19 their retention in Nigeria;

20 (7) the development of the domestic capacities in the value chain  
21 of the Nigerian economy through education, skills transfer and expertise  
22 development, transfer of technology and know-how and active research and  
23 development programmes;

24 (8) the achievement of minimum local employment level and in-  
25 country spend for the provision of the goods and services in the value chain  
26 of the Nigerian economy;

27 (9) the increment of the capability and international competitiveness  
28 of Nigerian domestic businesses with the aim of making Nigeria a net  
29 exporter country;

30 (10) the achievement and maintenance of a substantial degree of

1 control by Nigerians over development initiatives in Nigeria;

2 (11) the provision of a robust and transparent implementation,  
3 monitoring and reporting system to ensure delivery of Nigerian Content  
4 policy objectives in the Nigeria economy except in the oil and gas sector of  
5 the economy; and

6 (12) supervision and coordination of the implementation and  
7 monitoring of Nigerian Content in the Nigerian economy except, but subject  
8 to the provisions of this Bill, in the coordination, supervision and  
9 monitoring of the implementation of Nigerian Content in the oil and gas  
10 sector of the Nigerian economy.

11 2. Notwithstanding anything to the contrary contained in any  
12 enactment or law except the Constitution of the Federal Republic of Nigeria,  
13 the provisions of this Bill shall be applicable to all ministries, arms and  
14 agencies of the Federal Government of Nigeria and more specifically, this  
15 Bill shall apply to any entity-

Application and  
Scope

16 (a) carrying out an activity where public money belonging to the  
17 Federal Government of Nigeria or any of its agencies is used;

18 (b) carrying out a public procurement in accordance with the  
19 Public Procurement Act, 2007 or any law succeeding that Act;

20 (c) carrying out a regulated activity or operation within the  
21 provisions of-

22 (i) Nigerian Minerals and Mining Act, 2007;

23 (ii) Electric Power Sector Reform Act, 2005;

24 (iii) the Nigerian Communications Act, 2003;

25 (iv) Nigerian Information Technology Development Agency Act;

26 and

27 (v) any other Act or deemed Act of the National Assembly except  
28 laws made to regulate petroleum production.

29 (d) who is in possession of an investment license or being an entity  
30 or individual, being a beneficiary of a tax remission or any such similar tax

	1	incentives granted by the Federal Government of Nigeria or any of its
	2	agencies;
	3	(e) being a private party under a Public Private Partnership
	4	Agreement;
	5	(f) carrying out a public works,
	6	(g) whose activities are financed through public borrowing or any
	7	such similar arrangement; and
	8	(h) that is executing any contract or subcontract awarded by the
	9	Federal Government of Nigeria or any of its arms or agencies.
	10	PART II - NIGERIAN ECONOMIC DIVERSIFICATION COUNCIL
Establishment of Nigerian Economic Diversification Council	11	3.-(1) There is hereby established, a Council to be known as Nigerian
	12	Economic Diversification Council(in this Bill referred to as "the Council")
	13	(2) The Council:
	14	(a) shall be a body corporate with perpetual succession and a common
	15	seal; and
	16	(b) may sue and be sued in its corporate name.
Functions of the Council	17	4.-(1) The functions of the Council shall be to-
	18	(a) promote the development and diversification of the Nigerian
	19	economy and to enhance the interests of Nigerian businesses in the sectors
	20	covered by this Bill;
	21	(b) implement the provisions of this Bill and Regulations made
	22	thereunder;
	23	(c) supervise, coordinate, administer, monitor, manage and enforce
	24	the implementation and development of Nigerian content and economic
	25	diversification programmes and projects in the Nigerian economy except in the
	26	oil and gas sector;
	27	(d) appraise, evaluate and approve the Nigerian Resource
	28	Development Plan and reports submitted in compliance with any provision of
	29	this Bill;
	30	(e) award Certificate of Authorization and conduct reviews of the

1 Nigerian Resource Development Plan and reports submitted in compliance  
2 with the provisions of this Bill;

3 (f) administer, control and operate e-market place and National  
4 Joint Qualifications System for the Nigerian content development and  
5 economic diversification in accordance with the provisions of this Bill;

6 (g) assist local contractors and Nigerian companies to develop  
7 their capabilities and capacities in the Nigerian economy to further the  
8 attainment of the goal of diversifying the Nigerian economy;

9 (h) make procedures to guide the implementation of this Bill in  
10 respect of the development and enforcement of Nigerian content in the  
11 Nigerian economy;

12 (i) monitor and coordinate the performances of Nigerian content  
13 and economic diversification programmes and projects in the Nigerian  
14 economy in accordance with the provisions of this Bill;

15 (j) make auditing procedures and conduct regular audits for the  
16 purposes of certifying Nigerian companies, monitoring and enforcing  
17 compliances with the provisions of this Bill and any Regulation made in  
18 pursuant to this Bill;

19 (k) provide guidelines, definitions and measurement of Nigerian  
20 content indicator to be utilized in all sectors covered by this Bill;

21 (l) conduct studies, researches and investigations that may further  
22 the attainment of the goal of developing Nigerian content and economic  
23 diversification in all sectors of the Nigerian economy covered by this Bill;

24 (m) organize conferences, workshops, seminars, symposia,  
25 trainings, road shows and other public education fora to further the  
26 attainment of the goal of developing Nigerian content and economic  
27 diversification in all sectors of the Nigerian economy covered by this Bill;

28 (n) take steps to encourage indigenous professionals in the  
29 Diaspora to collaborate with resident Nigerian professionals and technical  
30 facilities and use their expertise to develop Nigerian capacity in all sectors



1 of the Nigerian economy to which this bill applies;

2 (o) promote mutually beneficial Public Private Partnership (PPP) by  
3 encouraging direct collaboration in the production and manufacturing ventures  
4 of products, such as fittings, spare parts, domestic wares etc., between foreign  
5 manufactures and indigenous engineering facilities, and those to be brought in  
6 by foreign investors at reasonable cost;

7 (p) establish Centres for Acquisition of Technology in the Country for  
8 the promotion of industry specific technology utilization, strengthening of  
9 technology management capabilities and developing capacities;

10 (q) collaborate with any reasonable and responsible entity or person  
11 to promote Research and Development in the Nigerian economy with a view to  
12 creating jobs and wealth for Nigerians;

13 (r) prosecute any person that violates any provision of this Bill,  
14 without prejudice to the powers of the Attorney General of the Federation to  
15 prosecute under the Constitution of the Federal republic of Nigeria;

16 (s) promote the acquisition of bulk product manufacturing licenses  
17 from foreign manufacturers for the use of locally trained small, medium and  
18 large scale manufacturers;

19 (t) provide a transparent and independent system for addressing  
20 grievances, complaints and resolving disputes arising from the  
21 implementation of the provisions of this Bill; and

22 (u) do legally anything necessary to be done to facilitate the carrying  
23 out of its functions under this Bill.

24 (2) The functions of the Council enumerated in sub clause (1) of this  
25 clause except as the nature of the function will otherwise dictate, shall be  
26 performed by the Council through the Board, Secretariat and Directorates  
27 established under this Bill.

Establishment  
of Directorates

28 5.-(1) There shall be established the following Directorates for the  
29 Council-

30 (a) Directorate of Nigerian Capacity Development and Monitoring on

1 Information Communication Technology;  
 2 (b) Directorate of Nigerian Capacity Development and Monitoring  
 3 on Solid Minerals and Metallurgy;  
 4 (c) Directorate of Nigerian Capacity Development and Monitoring  
 5 on Maritime and Logistics;  
 6 (d) Directorate of Nigerian Capacity Development and Monitoring  
 7 on Power;  
 8 (e) Directorate of Nigerian Capacity Development and Monitoring  
 9 on Manufacturing;  
 10 (f) Directorate of Nigerian Capacity Development and Monitoring  
 11 on Health; and  
 12 (g) Directorate of Nigerian Capacity Development on Agriculture  
 13 and Agro- Allied Products.

14 (2) Each Directorate shall have among others, the following  
 15 departments-

16 (a) Department of Finance and Supply;  
 17 (b) Department of Human Resources;  
 18 (c) Department of Monitoring, Evaluation and Enforcement;  
 19 (d) Department of Planning, Research and Statistics;  
 20 (e) Department of Legal Services;  
 21 (f) Department of Projects; and  
 22 (g) Department of Start Ups and Capacity Development.

23 6.-(1) The scope of the responsibilities for each of the  
 24 Directorates established under this Bill shall be as set out in the provisions  
 25 of this Bill.

Delimitation of  
the responsibilities  
of the Directorates

26 7.-(1) The Directorate of Nigerian Capacity Development and  
 27 Monitoring on Information Communication Technology shall be  
 28 exclusively responsible for overseeing, coordinating, monitoring,  
 29 administering and enforcing the implementation of Nigerian content in  
 30 relation to all operations, transactions and activities in the Nigerian

Directorate of  
Nigerian Capacity  
Development and  
Monitoring on  
Information  
Communication  
Technology

1 Information Communication Technology sector.

2 (2) For the avoidance of doubt, the responsibilities of the Directorate  
3 of Nigerian Capacity Development and Monitoring on Information and  
4 Communication Technology shall include:

5 (a) proactively address perception of quality of Made-in-Nigeria ICT  
6 products and services by working with leading national and global quality  
7 organizations, and Nigerian industry groups to train and assist indigenous  
8 Nigerian ICT companies and firms to improve their products, services and  
9 processes;

10 (b) promoting capacity development in the relevant ICT thematic  
11 proficiencies in primary, secondary and tertiary institutions and designated  
12 Centres of Excellence;

13 (c) empowering Centres of Excellence around key emerging  
14 technologies and promote the creation of a minimum of six Centres of  
15 Excellence in partnership with Nigerian tertiary institutions;

16 (d) to designate Centres of Excellence based on set eligibility criteria,  
17 application and evaluation in line with the defined criteria;

18 (e) to produce National ICT skills gap report in collaboration  
19 with relevant stakeholders;

20 (f) to support academic research projects being conducted by  
21 Nigerian scholars and educational institutions in Nigeria which focus on  
22 developing the ICT sector in the country;

23 (g) to promote and support the commercialisation of research  
24 activities in order to engender and encourage Nigerian entrepreneurship and  
25 skills development in the Nigerian Information and Communication  
26 Technology Sector;

27 (h) to provide incentives for indigenous Nigerian companies and  
28 firms to support and develop leading and emerging ICT;

29 (i) to support ICT technology incubation programs, Startups  
30 communities, ICT clusters and other IT development networks to stimulate the

1 growth and promotion of the Nigerian content in the Information and  
2 Communication Technology Sector;

3 (j) to partner with relevant organizations and other appropriate  
4 bodies to setup a Technical & Vocational Skill Acquisition and Training  
5 Programme for ICT practitioners and small-scale entrepreneurs;

6 (k) to mandate all IT third service providers with existing IT  
7 contracts, partnerships or service agreements with the Federal Government  
8 to engage graduate interns as a necessary component of IT service delivery  
9 for Nigeria;

10 (l) taking all necessary steps to ensure that Nigerian companies  
11 independently produce critical Made -in - Nigeria components, parts,  
12 accessories, plants and equipment required in the Information and  
13 Communication Technology Sector by actively partnering with Nigerian  
14 companies to manufacture these and other allied products using totally or  
15 substantially locally sourced raw materials in Nigeria, to meet up domestic  
16 needs and for exports where there is a surplus in the quantities produced for  
17 domestic need;

18 (m) encouraging Nigerian businesses in the Information and  
19 Communication Technology Sector to immediately identify, incubate and  
20 execute commercially viable innovative ideas to increase Nigerian content  
21 development on Information and Communication Technology;

22 (n) ensuring that all stakeholders in the Information and  
23 Communication Technology Sector buy and support made in Nigeria goods,  
24 components, spare parts, plant and machinery for the development of  
25 Nigerian content in the Information and Communication Technology  
26 Sector;

27 (o) holding periodic meetings of not less than once in a month with  
28 selected stakeholders including Information Technology Association of  
29 Nigeria (ITAN), Nigerian Internet Registration Association and other  
30 associations and non-governmental bodies in the Information and

Directorate of  
Nigerian Capacity  
Development  
and Monitoring  
on Solid Minerals  
and Metallurgy

1 Communication Technology Sector on the challenges or otherwise that are  
2 militating against the attainment of the goal of diversification in the  
3 Information and Communication Technology of the Nigerian economy; and  
4 (p) briefing the Board of the Council established under this Bill on the  
5 challenges militating against the attainment of the goal of diversification in the  
6 Information and Communication Technology Sector of the Nigerian economy  
7 and suggestions on how to overcome such challenges.

8 **8.-(1)** The Directorate of Nigerian Capacity Development and  
9 Monitoring on Solid Minerals and Metallurgy shall be exclusively responsible  
10 for overseeing, coordinating, monitoring, administering and enforcing the  
11 implementation of Nigerian content in relation to all operations, transactions  
12 and activities in the Solid Minerals and Metallurgy Industry in Nigeria.

13 (2) For the avoidance of doubt, the responsibilities of the Directorate  
14 of Nigerian Capacity Development and Monitoring on Solid Minerals and  
15 Metallurgy shall include:

16 (a) taking all necessary steps to ensure that Nigerian companies  
17 independently produce critical Made-in-Nigeria components, parts,  
18 accessories, plants and equipment required in the Solid Minerals and  
19 Metallurgy sector by actively partnering with Nigerian companies to  
20 manufacture these and other allied products using totally or substantially  
21 locally sourced raw materials in Nigeria, to meet up domestic needs and for  
22 exports where there is a surplus in the quantities produced for domestic need;

23 (b) ensuring that indigenous small and medium scale producers of  
24 building and Infrastructural development materials are encouraged with  
25 incentives, including single digit interest on loans to Made-in-Nigeria goods to  
26 meet the need of the Solid Minerals and Metallurgy Sector in Nigeria;

27 (c) encouraging Nigerian businesses in the Solid Minerals and  
28 Metallurgy sector to immediately identify, incubate and execute commercially  
29 viable innovative ideas to increase Nigerian content development on  
30 construction;

1 (d) ensuring that all stakeholders in the Solid Minerals and  
2 Metallurgy Sector buy and support made in Nigeria goods, components,  
3 spare parts, plant and machinery for the development of Nigerian content in  
4 the Solid Minerals and Metallurgy Sector;

5 (e) holding periodic meetings of not less than once in a month with  
6 selected stakeholders including Miners Association of Nigerian and other  
7 associations and non-governmental bodies in the Solid Minerals and  
8 Metallurgy Sector on the challenges or otherwise that are militating against  
9 the attainment of the goal of diversification in the Solid Minerals and  
10 Metallurgy Sector of the Nigerian economy; and

11 (f) briefing the Board of the Council established under this Bill on  
12 the challenges militating against the attainment of the goal of diversification  
13 in the Solid Minerals and Metallurgy Sector of the Nigerian economy and  
14 suggestions on how to overcome such challenges.

15 9.-(1) The Directorate of Nigerian Capacity Development and  
16 Monitoring on Maritime and Logistics shall be responsible for overseeing,  
17 coordinating, monitoring, administering and enforcing the implementation  
18 of Nigerian content in relation to the operations, transactions and activities  
19 in the Nigerian Maritime Industry.

Directorate of  
Nigerian Capacity  
Development and  
Monitoring on  
Maritime and  
Logistics

20 (2) For the avoidance of doubt, the responsibilities of the  
21 Directorate of Nigerian Capacity Development and Monitoring on  
22 Maritime and Logistics shall include:

23 (a) taking all necessary steps to ensure that Nigerian companies  
24 independently produce critical Made-in-Nigeria components, parts,  
25 accessories, plants and equipment for the building of ships and other vessels  
26 in the maritime industry in Nigeria by actively partnering with Nigerian  
27 companies to manufacture these and other allied products using totally or  
28 substantially locally sourced raw materials in Nigeria, to meet up  
29 domestic needs and for exports where there is a surplus in the quantities  
30 produced for domestic need;

1 (b) encouraging Nigerian businesses in the Maritime Industry to  
2 immediately identify, incubate and execute commercially viable innovative  
3 ideas to increase Nigerian content development in the Maritime Industry;

4 (c) ensuring that all stakeholders in the Nigerian Maritime Industry  
5 buy and support made in Nigeria goods, components, spare parts, plant and  
6 machinery for the development of Nigerian content in the Maritime Industry;

7 (d) holding periodic meetings of not less than once in a month with  
8 selected stakeholders including Shipowners Association of Nigeria and other  
9 associations and non-governmental bodies in the maritime industry on the  
10 challenges or otherwise that are militating against the attainment of the goal of  
11 diversification and Nigerian content development in the Nigerian Maritime  
12 Industry; and

13 (e) briefing the Board of the Council established under this Bill on the  
14 challenges militating against the attainment of the goal of diversification and  
15 Nigerian content development in the Nigerian Maritime Industry and  
16 suggestions on how to overcome such challenges.

Directorate of  
Nigerian Capacity  
Development and  
Monitoring on  
Power

17 **10.-(1)**The Directorate of Nigerian Capacity Development and  
18 Monitoring on Power shall be exclusively responsible for overseeing,  
19 coordinating, monitoring, administering and enforcing the implementation of  
20 Nigerian content in relation to all operations, transactions and activities in the  
21 power sector in Nigeria provided that such responsibility shall not extend to  
22 any transaction or activity which any other Directorate or body had been  
23 specifically assigned responsibility under this Bill.

24 (2) For the avoidance of doubt, the responsibilities of the Directorate  
25 of Nigerian Capacity Development and Monitoring on Power shall include:

26 (a) taking all necessary steps to ensure that Nigerian companies  
27 independently produce critical Made-in-Nigeria components, parts,  
28 accessories, plants and equipment like transformers, cable wire, smart meters  
29 for billing of electricity consumption, Relay & Control Panels, Instrument  
30 Transformers, Disconnect Switches and Surge Arresters etc. required in the

1 power sector by actively partnering with Nigerian companies to  
2 manufacture these and other allied products using totally or substantially  
3 locally sourced raw materials in Nigeria, to meet up domestic needs and for  
4 exports where there is a surplus in the quantities produced for domestic  
5 need;

6 (b) encouraging Nigerian businesses in the power sector to  
7 immediately identify, incubate and execute commercially viable Off Grid  
8 and mini grid renewable energy projects in solar, wind, biomass, small  
9 hydro power etc. in Country;

10 (c).engaging Nigerian professionals to undertake projects to  
11 enhance unabridged transmission and security of generated qualities and  
12 quantities of power from the point of generation to the point of distribution  
13 to final consumers.

14 (d). ensuring that all stakeholders in the Nigerian Power Sector buy  
15 and support made-in-Nigeria goods, components, spare parts, plant and  
16 machinery for the development of Nigerian content in the Nigerian Power  
17 Sector;

18 (e) holding periodic meetings of not less than once in a month with  
19 selected stakeholders including Nigerian Society of Engineers and other  
20 associations and non- governmental bodies in the power sector on the  
21 challenges or otherwise that are militating against the attainment of the goal  
22 of diversification in the power sector of the Nigerian economy; and

23 (f) briefing the Board of the Council established under this Bill on  
24 the challenges militating against the attainment of the goal of diversification  
25 in the power sector of the Nigerian economy and suggestions on how to  
26 overcome such challenges.

27 **11.** The Directorate of Nigerian Capacity Development and  
28 Monitoring on Manufacturing shall be exclusively responsible for  
29 overseeing, coordinating, monitoring, administering and enforcing the  
30 implementation of Nigerian content in relation to all operations,

Directorate of  
Nigerian Capacity  
Development and  
Monitoring on  
Manufacturing



- 1 transactions and activities in the manufacturing sector in Nigeria, and shall-
- 2 (a) collaborate with other Directorates to undertake joint ventures and
- 3 programmes to promote locally manufactured goods to aid industrialisation of
- 4 the Nigerian economy;
- 5 (b) shall ensure that standardized quality and sufficient quantities of
- 6 goods including parts, components, spare parts, plant and machinery are
- 7 Made-in-Nigeria for utilisation by stakeholders in all the sectors of the
- 8 Nigerian economy;
- 9 (c) ensure that companies assembling goods in Nigeria use
- 10 components, parts and accessories manufactured in Nigeria for the assembling
- 11 of the goods, provided, such components meet the standard quality approved
- 12 by the Standard Organisation of Nigeria or any legally recognized Nigerian or
- 13 international agency for standardization;
- 14 (d) hold periodic meetings of not less than once in a month with
- 15 selected stakeholders including Manufacturers Association of Nigeria and
- 16 other associations and non-governmental bodies in the manufacturing sector
- 17 on the challenges or otherwise that are militating against the attainment of the
- 18 goal of diversification in the manufacturing sector of the Nigerian economy;
- 19 (e) brief the Board of the Council established under this Bill on the
- 20 challenges militating against the attainment of the goal of diversification in the
- 21 manufacturing sector of the Nigerian economy and proffer suggestions on how
- 22 to overcome such challenges; and
- 23 (f) collaborate with the Nigerian Export Promotion Council, Central
- 24 Bank of Nigeria, financial institutions, investors, foreign agencies and any
- 25 reasonable and responsible organization to promote and ensure the
- 26 implementation of factoring and for factoring as instruments of financing the
- 27 export of, and trading in, Made-in-Nigeria goods under Regulations to be
- 28 prescribed, within not more than twelve months of the coming into effect of
- 29 this Bill, by the Central Bank of Nigeria.

- 1                   12.-(1) The Directorate of Nigerian Capacity Development on  
2                   Health shall be exclusively responsible for overseeing, coordinating,  
3                   monitoring, administering and enforcing the implementation of Nigerian  
4                   content in relation to all operations, transactions and activities in the health  
5                   sector in Nigeria.
- 6                   (2) For the avoidance of doubt, the responsibilities of the  
7                   Directorate of Nigerian Capacity Development on Health shall include:
- 8                   (a) to collaborate with Governments of State, Nigerian Health Insurance  
9                   Scheme (NHIS) and/or the private sector for the establishment of at least a  
10                  world class Nigerian Content Development Specialist Hospital in each State  
11                  of the Federation, which shall be managed under Public Private Partnership;
- 12                  (b) taking all necessary steps to ensure that indigenous Nigerian  
13                  companies independently produce medicines and medical equipment to  
14                  meet up domestic needs and for exports where there is a surplus in the  
15                  quantity produced for domestic need;
- 16                  (c) the promotion of the use of locally produced pharmaceutical  
17                  products and medical devices in Nigeria;
- 18                  (d) prioritising pharmaceutical preparations, paying attention to  
19                  the use of locally sourced raw materials, medical devices and equipment at  
20                  different stages of the preparations;
- 21                  (e) ensuring that all stakeholders in the Nigerian health sector buy  
22                  and support made in Nigeria goods, components, spare parts, plant and  
23                  machinery for the development of Nigerian content in the Nigerian health  
24                  sector;
- 25                  (f) holding periodic meetings of not less than once in a month with  
26                  selected stakeholders including Nigerian Medical Association and other  
27                  associations and non-governmental bodies in the health sector on the  
28                  challenges or otherwise that are militating against the attainment of the goal  
29                  of diversification in the health sector of the Nigerian economy; and
- (g) briefing the Board of the Council established under this Bill on

Directorate of  
Nigerian Capacity  
Development and  
Monitoring Health

Directorate of  
Nigerian Capacity  
Development and  
Monitoring on  
Agriculture and  
Agro-Allied  
Products

1 the challenges militating against the attainment of the goal of diversification in  
2 the health sector of the Nigerian economy and suggestions on how to  
3 overcome such challenges.

4 **13.-(1)** The Directorate of Nigerian Capacity Development and  
5 Monitoring on Agriculture and Agro- Allied Products shall be exclusively  
6 responsible for overseeing, coordinating, monitoring, administering and  
7 enforcing the implementation of Nigerian content in respect of all operations,  
8 transactions and activities relating to agriculture and agro allied products in  
9 Nigeria.

10 (2) For the avoidance of doubt, the responsibilities of Directorate of  
11 Nigerian Capacity Development and Monitoring on Agriculture and Agro-  
12 Allied Products shall include:

13 (a) taking all necessary steps to ensure that Nigerians and indigenous  
14 Nigerian companies independently or in partnership with foreigners, foreign  
15 companies, domestic and international donor agencies, national and  
16 international institutions, engage in agricultural transformation and  
17 advancement activities to promote food security and produce raw materials for  
18 agro- allied industries in Nigeria.

19 (b) the promotion of the use of Made-in-Nigeria agro allied products  
20 in Nigeria;

21 (c) the promotion of the cultivation and use of locally sourced raw  
22 materials for companies operating in Nigeria and for export;

23 (d) ensuring that all stakeholders in the Nigerian Agriculture and  
24 Allied Products sector buy and support made in Nigeria goods, components,  
25 spare parts, plant and machinery for the development of Nigerian content in  
26 the Nigerian Agriculture and Agro Allied Products sector; and

27 (e) holding periodic meetings of not less than once in a month with  
28 selected stakeholders including Federation of Agricultural Commodity  
29 Associations of Nigeria and other associations and non- governmental bodies  
30 in the agriculture and agro allied products sector on the challenges or otherwise

1 that are militating against the attainment of the goal of diversification in the  
2 agricultural and agro allied products sector of the Nigerian economy; and

3 (f) briefing the Board of the Council established under this Bill on  
4 the challenges militating against the attainment of the goal of diversification  
5 in the agricultural and agro allied products sector of the Nigerian economy  
6 and suggestions on how to solve such challenges.

7 14.-(1) Each Directorate shall be headed by an Executive  
8 Commissioner who shall be appointed by the President and Commander in  
9 Chief of the Armed Forces of the Federal Republic of Nigeria subject to the  
10 approval of the Senate.

Appointment of  
heads of Directorates

11 (2) The President and Commander in Chief of the Armed Forces of  
12 the Federal Republic of Nigeria shall pursuant to sub clause (1) of this clause  
13 appoint-

14 (a) in the case of clause 7 of this Bill, a person who is a graduate of  
15 at least 15 years out of which he has gained cognate experience in matters  
16 relating to Nigerian Content Development in the Information  
17 Communication Technology Industry and shall be appointed on the  
18 recommendation of the Minister responsible for Information  
19 Communication Technology who shall make such recommendation only  
20 upon proof that he had consulted with various stakeholders in the  
21 Information Communication Technology Industry;

22 (b) in the case of clause 8 of this Bill, a person who is a graduate of  
23 at least 15 years out of which he has gained cognate experience in matters  
24 relating to Nigerian Content Development in the solid minerals and  
25 metallurgy industry and shall be appointed on the recommendation of the  
26 Minister responsible for solid minerals development who shall make such  
27 recommendation only upon proof that he had consulted with various  
28 stakeholders in the solid minerals and metallurgy industry;

29 (c) in the case of clause 9 of this Bill, a person who is a graduate  
30 of at least 15 years out of which he has gained cognate experience in matters

1 relating to Nigerian Content Development in the construction industry and  
2 shall be appointed on the recommendation of the Minister responsible for  
3 works who shall make such recommendation only upon proof that he had  
4 consulted with various stakeholders in the construction industry;

5 (d) in the case of clause 10 of this Bill, a person who is a graduate of  
6 at least 15 years out of which he has gained cognate experience in matters  
7 relating to Nigerian Content Development in the power sector and shall be  
8 appointed on the recommendation of the Minister responsible for power who  
9 shall make such recommendation only upon proof that he had consulted with  
10 various stakeholders in the power sector;

11 (e) in the case of clause 11 of this Bill, a person who is a graduate of  
12 at least 15 years out of which he has gained cognate experience in matters  
13 relating to Nigerian Content Development in the manufacturing sector and  
14 shall be appointed on the recommendation of the Minister responsible for  
15 Industry, Trade and Investment who shall only recommendation such person  
16 on the recommendation of the Manufactures Association of Nigeria;

17 (f) in the case of clause 12 of this Bill, a person who is a graduate of at  
18 least 15 years out of which he has gained cognate experience in matters relating  
19 to Nigerian Content Development in the health sector and shall be appointed  
20 on the recommendation of the Minister responsible for Health who shall make  
21 such recommendation only upon proof that he had consulted with various  
22 stakeholders in the power sector; and

23 (g) in the case of clause 13 of this Bill, a person who is a graduate of  
24 at least 15 years out of which he has gained cognate experience in matters  
25 relating to Nigerian Content Development in the agriculture and agro allied  
26 products sector and shall be appointed on the recommendation of the Minister  
27 responsible for Agriculture who shall make such recommendation only upon  
28 proof that he had consulted with various stakeholders in the power sector.

29 (3) A person to be appointed an Executive Commissioner under sub  
30 clauses (1) and (2) of this clause shall also be a person of proven integrity,

1 experience, knowledge and interest in the development of Nigerian Content  
2 in the Nigerian economy and who by reason of his professional, business or  
3 occupational attainment is a fit and proper person capable of making useful  
4 contribution to the work of the Directorate he is appointed executive  
5 commissioner.

6 **15.-(1)** A Directorate established under this Bill shall have the Powers of the  
7 following powers- Directorates

8 (a) verification of Nigerian indigenous companies' capacities and  
9 capabilities in relation to the Nigerian Content requirements of this Bill as  
10 applicable to the responsibility of the Directorate;

11 (b) evaluation of application of Nigerian content plan, reports and  
12 other documents submitted by Nigerian Content Entities or other entities  
13 upon whom obligation to submit such plan, report and other documents is  
14 imposed under this Bill;

15 (c) tracking and monitoring of performance of Nigerian Content  
16 entities in fulfilling Nigerian content obligations in respect of any work,  
17 transaction or operation that the Directorate issued a Certificate of  
18 Authorisation;

19 (d) ranking and categorization of companies or entities operating  
20 in the sector that the Directorate oversees Nigerian content development  
21 based on capabilities and capacities; and

22 (e) ensure that development of Nigerian content under this Bill is  
23 geared towards the diversification of the Nigerian economy.

24 (2) A Directorate shall have and exercise powers to oversee,  
25 coordinate, monitor, administer and enforce the implementation of the  
26 provisions of this Bill and ensure measurable and continuous growth in  
27 Nigerian content in relation to the responsibilities of the Directorate under  
28 this Bill.

29 (3) Each Directorate established under this Bill shall also have and  
30 exercise all the powers and rights of a natural person.

Independence and synergies among Directorates	1	<b>16.-(1)</b> In the exercise of the functions and powers conferred upon the
	2	Directorates under this Bill, the Directorates shall not be subject to the
	3	direction or control of any other person except the Board of the Council which
	4	shall ensure that the Directorates implement the tenor and spirit of the
	5	provisions of this Bill in relation to the responsibilities of the Directorates.
	6	(2) Directorates established under this Bill shall cooperate with one
	7	another in the implementation of the provisions of this Bill and where
	8	necessary, Directorates may enter into joint venture arrangements to finance
	9	and execute projects that are mutually beneficial to the sectors of the Nigerian
	10	economy that the Directorates oversee.
Headquarters of the Directorates	11	<b>17.-(1)</b> For the purposes of close proximity to the areas of greater
	12	activities of the sectors for which the directorates are responsible, and also to
	13	foster frequent beneficial interactions between the directorates and key
	14	stakeholders of the sectors, the headquarters of the Directorates shall be as set
	15	out hereunder-
	16	(a) The headquarters of the Directorate of Nigerian Capacity
	17	Development and Monitoring on Information Communication Technology
	18	shall be sited in Lagos, Lagos State;
	19	(b) The headquarters of the Directorate of Nigerian Capacity
	20	Development and Monitoring on Solid Minerals and Metallurgy shall be sited
	21	in Lafia, Nasarawa State;
	22	(c) The headquarters of the Directorate of Nigerian Capacity
	23	Development and Monitoring on Maritime and Logistics shall be sited in
	24	Lagos;
	25	(d) The headquarters of the Directorate of Nigerian Capacity
	26	Development and Monitoring on Power shall be sited in Abuja;
	27	(e) The headquarters of the Directorate of Nigerian Capacity
	28	Development and Monitoring on Manufacturing shall be sited in Ota in Ogun
	29	State;
	30	(f) The headquarters of the Directorate of Nigerian Capacity

1 Development and Monitoring on Health shall be sited in Abuja; and

2 (g) The headquarters of the Directorate of Nigerian Capacity  
3 Development and Monitoring on Agriculture and Agro- Allied Product  
4 sshall be sited in Markurdi in Benue.

5 (2) Each of the Directorates may set up an office in any state of the  
6 Federation.

7 PART III - NIGERIAN RESOURCE DEVELOPMENT PLAN

8 **18.**-(1) Any company participating in any Federal Government  
9 tender bidding, or applying for, any licence, permit, lease or any interest to  
10 undertake the development of any mineral or other natural resources in any  
11 sector of the Nigerian economy to which this Bill applies, shall submit a  
12 Nigerian Resource Development Plan ("the Plan") to the relevant  
13 Directorate and also to submit along with the Bid or application, "the Plan".

Submission of  
Nigerian Resources  
Development Plan

14 (2) A Directorate may prescribe fees for the processing of Nigerian  
15 Resource Development Plan.

16 **19.**-(1) A company shall, in preparing a Nigerian Resource  
17 Development Plan, set out the following information-

Duty to set out  
certain prescribed  
information in the  
Nigerian Resource  
Development Plan

18 (a) the expected total quantity and quality of goods and services  
19 that may be required for the execution of the entire project;

20 (b) the estimated quantum of goods and services produced in  
21 Nigeria that meet the required standards in the industry that are expected to  
22 be used out of the total estimated quantity and quality of goods and services  
23 that may be required for the execution of the entire project;

24 (c) justification for any decline to use Made-in-Nigeria goods and  
25 services produced in Nigeria, where such goods and services are available  
26 for use by the company, but declined to be used by the company;

27 (d) the estimated quantum of goods and services produced in  
28 Nigeria that are declined to be used presently but capable of being used  
29 during the duration of the execution of the project if specified improvements  
30 are made on such Made-in-Nigeria goods and services produced in Nigeria;



1 (e) initiatives for capacity building programme(s) that could be made  
 2 by the company to enable indigenous Nigerian companies to produce Made-in-  
 3 Nigeria goods and services produced in Nigeria, described in sub-clause (d) of  
 4 this clause;

5 (f) the projected number and qualification required from Nigerians  
 6 to be engaged in the execution of the project and the standards for the  
 7 remuneration for Nigerian employees;

8 (g) strategies for the support of Nigerians' participation in the  
 9 activities to which the plan relate; and

10 (h) total budget estimate with regard to the implementation of the  
 11 Nigerian content components of the entire project.

12 (2) A company shall, subject to the provisions of this Bill and for the  
 13 purposes of sub clause (2) of clause 18 of this Bill, include in its Plan, the  
 14 following-

15 (a) employment and skills development plan;

16 (b) purchase of Made -in Nigeria products, components, parts, plant  
 17 and equipment plan;

18 (c) research and development plan;

19 (d) technology transfer plan;

20 (e) financial services plan;

21 (f) legal services plan;

22 (g) insurance services plan;

23 (h) succession plans for positions not held by Nigerians; and

24 (i) such other plans as may be prescribed in an appropriate  
 25 Regulation pursuant to this Bill.

Duty to  
 acknowledge  
 receipt of the  
 submission of  
 Plan

26 **20.** A Directorate to whom a Nigerian Resource Development Plan is  
 27 submitted shall acknowledge the receipt of the submission within two days  
 28 from the date of the receipt of the Plan.

Issuance of  
 Certificate of  
 Authorisation

29 **21.-(1)** A Directorate upon the receipt of Nigerian Resource  
 30 Development Plan shall within thirty days review and assess the Plan and, if

1 satisfied that the Plan complies with the provisions of this Bill in relation to  
2 the development of Nigerian content, issue a Certificate of Authorisation  
3 ("the Certificate") to the company.

4 (2) For the purposes of reviewing or assessing the Plan vis - a-vis,  
5 the requirements for Nigerian content by virtue of the provisions of this  
6 Bill, a Directorate to which a Plan is submitted may conduct a public  
7 hearing in relation to the exercise of any of its powers or/and functions under  
8 this Bill provided that any such review or assessment is completed and  
9 certificate issued or denied within thirty days from the date of the Plan.

10 22.-(1) The Directorate shall, in reviewing and assessing the  
11 Nigerian Resource Development Plan under clause 21 of this Bill ensure  
12 public participation and shall, for this purpose-

Public participation  
in the review and  
assessment of  
Nigerian Resource  
Development Plan

13 (a) publicize the plan in at least three widely circulated national  
14 newspaper, the website of the Directorate and the Council and through such  
15 other media as the Directorate may consider appropriate;

16 (b) involve the relevant stakeholders in the industry to which the  
17 plan relates and afford such stakeholders an opportunity to be heard at the  
18 public hearing; and

19 (c ) take into account any written and oral representations made  
20 before and during the public hearing.

21 (2) The Directorate shall publicize the plan as stipulated in sub-  
22 clause (1) (a) of this clause within a period of seven days upon the receipt  
23 of the Plan.

24 (3) Any person or entity may make contribution to the public  
25 hearing by forwarding written presentation about the plan to the relevant  
26 Directorate seven days to the date fixed for the public hearing.

27 23.-(1) A Directorate shall, upon reviewing and assessing a  
28 Nigerian Resource Development Plan, inform the applicant of its decision to  
29 approve or disapprove the plan within a period of seven days from the date  
30 of its decision.

Duty to inform  
an applicant of  
decision on the  
approval or refusal  
of Nigerian Resource  
Development Plan

	1	(2) Where a Directorate refuses to approve a plan, it shall furnish the
	2	entity that submitted the Plan with a written statement stating the reasons for
	3	the refusal and may issue relevant advice to the company to correct any defect
	4	in the disapproved plan and resubmit the Plan for consideration within the
	5	period stipulated in clause 24 of this Bill.
Submission of a Revised Plan where a previous plan was refused	6	<b>24.-(1)</b> An entity whose Plan was disapproved under clause 23 of this
	7	Bill may within a period of ten days from the date of notification of the decision
	8	by the Directorate refusing to approve the Plan-
	9	(a) revise the Nigerian Resource Development Plan that was rejected,
	10	taking into account the reasons given for the refusal; and
	11	(b) submit the revised Nigerian Resource Development Plan to the
	12	Directorate.
	13	(2) The revise plan submitted pursuant to clause (1) of this clause
	14	shall be reviewed and assessed and approval given or denied within fifteen
	15	days from the date of the receipt of the said revised plan.
Deemed Grant of Approval of Nigerian Resource Development Plan	16	<b>25.</b> Where a Directorate upon the receipt of a Plan fails to inform the
	17	applicant of the approval or denial of the Plan within thirty days from the
	18	receipt of the application, the failure shall be deemed to be an approval of the
	19	Plan submitted to the Directorate.
Deviation from Approved Nigerian Resource Development Plan	20	<b>26.-(1)</b> A Nigerian Resource Development Plan once approved shall
	21	not be deviated from except in exceptional circumstances and with the
	22	approval of the relevant Directorate that issued the Letter of Authorisation in
	23	relation to the plan.
	24	(2) A company intending to deviate from an approved Nigerian
	25	Resource Development Plans shall apply in writing to the Directorate that
	26	approved the plan, stating the grounds for which the deviation is sought.
	27	(3) The exceptional circumstances referred to in sub clause (1) of this
	28	clause is where the company shows that the performance of an item contained
	29	in the Plan has due to reasonable unforeseen circumstances at the time of
	30	submitting the Plan, become impracticable to be performed or adhere to, and

1 the company cannot reasonably be expected to do anything to avoid the  
2 impracticability.

3 (4) The relevant Directorate in approving deviation shall require  
4 the company to replace the item in the Plan sought to be deviated from, with  
5 a proper and fit alternative in addition to the payment of prescribed  
6 administrative fees which shall not be more than the fees to be paid under  
7 clause 18(4) of this Bill.

8 27. The utilisation of any instrument or execution of any project  
9 to which the provisions of this Bill apply shall not commence until the  
10 company which is to utilise the instrument or execute the project has  
11 obtained a Certificate of Authorisation showing that the Nigerian Resource  
12 Development Plan that the entity submitted to the Directorate met the  
13 requirements of the provisions of this Bill and has been accordingly  
14 approved by the Directorate.

Commencement  
of the utilisation  
of instrument or  
execution of project

15 28. Where a company or Nigerian Content Entity in its bid to  
16 fulfil any obligation imposed on it to make an application to obtain an  
17 approval from a Directorate under this Bill makes an application to a wrong  
18 Directorate, such Directorate shall upon discovery of the error immediately  
19 transfer the application to the appropriate Directorate and shall accordingly  
20 inform the applicant of the transfer.

Duty of Directorates  
to transfer applications  
in respect of plans

#### 21 PART IV - NIGERIAN CAPACITY DEVELOPMENT ON EMPLOYMENT

#### 22 AND SKILL

23 29. An operator shall, in order to develop the skills and technical  
24 know-how of Nigerians to enable Nigerians participate effectively in the  
25 sector or sectors it operates, prepare and implement strategies and plans for-

Preparation and  
implementation  
of strategies and  
plans for the  
development of  
indigenous Nigerian  
skills and technical  
know-how

26 (a) technical service contracts, joint ventures and strategic  
27 alliances to broaden opportunities for Nigerians to develop technical and  
28 business capacities in areas where there are technical deficits in the sector of  
29 the Nigerian economy;

30 (b) technology transfer programmes with indigenous Nigerian

	1	companies to provide credible and measurable plans on incremental transfer of
	2	technological know-how to Nigerians, where the Nigerian Content Entity is
	3	not an indigenous Nigerian company; and
	4	(c) internships to equip Nigerians at all levels of the value chain in the
	5	relevant sector of the Nigerian economy with a view to developing a critical
	6	mass of knowledgeable and competent national skills pool.
Submission of Nigerian Content on Employment and Skill Development Plan	7	<b>30.-(1)</b> At the commencement of this Bill, an operator shall, for the
	8	purpose of clause 29, prepare a Nigerian Content Employment and Skill
	9	Development Plan.
	10	(2) A Nigerian Content Employment and Skill Development Plan
	11	shall include-
	12	(a) a forecast of the employment and training needs of the operator or
	13	other connected entity which shall also include-
	14	(i) a specification of the skills needed;
	15	(ii) the anticipated indigenous Nigerian skill shortages in the local
	16	workforce;
	17	(iii) the specific training requirements to develop Nigerians to meet
	18	;and
	19	(iv) the anticipated expenditure that will be incurred by the operator
	20	or other connected entity in implementing the employment and training plan;
	21	(b) a time frame within which the operator, or other entities involved
	22	in the business activities of the Nigerian Content Entity shall provide
	23	employment opportunities for the Nigerian workforce for each phase of the
	24	project to enable Nigerians prepare for such opportunities;
	25	(c) efforts made and procedures adopted for the accelerated training
	26	of Nigerians; and
	27	(d) the information in the implementation of the strategies and plans
	28	set out under clause 19(1) of this Bill
Submission of quarterly Report on Employment and Training	29	<b>31.-(1)</b> An operator shall, in addition to the requirement under sub
	30	clause (1) of clause 30 of this Bill, submit to the relevant Directorate a quarterly

1 report setting out-

2 (a) the employment and training activities undertaken during the  
3 reporting period; and

4 (b) a comparative analysis of the employment and training plan to  
5 monitor compliance.

6 (2) The quarterly report submitted to the Directorate under this  
7 clause shall specify the number of Nigerians recently employed during the  
8 quarter and their job descriptions.

9 (3) The Directorate may request for such further information with  
10 respect to the employment and skills development plan as the Directorate  
11 considers necessary for the purpose of the implementation of this Bill.

12 **32.-(1)** At the commencement of this Bill, every operator shall  
13 prepare and submit to the relevant Directorate, its research and development  
14 plan.

Research and  
Development Plan

15 (2) A Research and Development Plan shall contain-

16 (a) a not more than five year plan of the research initiatives to be  
17 undertaken in Nigeria by the operator within the said period;

18 (b) a plan on the expenditure to be incurred in implementing the  
19 research and development plan; and

20 (c) request for proposals for research and development initiatives  
21 related to the activities of the operator.

22 (3) An operator shall-

23 (a) annually review and update the research and development plan  
24 submitted to the Directorate under sub clause (1) of this clause ;and

25 (b) submit such annually updated plan to the Directorate.

26 **33.-(1)** A Directorate shall, pursuant to the objectives of this Bill,  
27 put in place measures and implement strategies including but not limited to  
28 the provision of research grants to private persons and research institutes in  
29 order to abridge any identified knowledge gap in relation to any area in the  
30 sector that the Directorate is responsible.

Abridgement of  
knowledge gap  
by promoting  
research and  
development

Fund on Research  
Development

1 (2) A Directorate shall, for the purpose of sub clause (1) of this clause,  
2 liaise with research institutions and regulatory bodies in the  
3 conceptualization and review of local training curricula, provision of  
4 equipment and training facilities to meet up with the need for the relevant skill  
5 and knowledge in any area of the sector that the Directorate identifies  
6 knowledge and skill gap.

7 **34.-(1)** An operator shall annually set aside 0.5% of the taxable annual  
8 profit of the business activities of the entity which sum shall be collected by  
9 the Federal Inland Revenue Service and be paid into the Fund to be established  
10 under sub clause (3) of this clause for the purposes of funding research and  
11 development activities of the entity.

12 (2) Subject to the provision of clause 35 of this Bill, the Fund set aside  
13 under sub clause (1) of this clause shall be applied as follows-

14 (a) fifty percent of the fund shall be allocated to sponsor specific  
15 research and development programmes in Nigerian tertiary or research  
16 institution to aid the operator in the improvement of the entity's business  
17 activities for the attainment of possible maximum level of international  
18 business competitiveness; and

19 (b) fifty percent shall be applied to research and development  
20 activities within the facilities of the entity, in Nigeria, or for the funding of  
21 startup and incubation activities under this Bill.

22 (3) For the purposes of this clause, an operator to which the provisions  
23 of this Bill apply, shall establish a Fund to be known as Nigerian Content  
24 Research and Development Fund which shall be domiciled in the Central Bank  
25 of Nigeria into which the 0.5% of the taxable annual profit of the business  
26 activities of the entity shall be paid into pursuant to sub clause (1) of this  
27 clause.

28 (4) The 0.5% of the net profit of such entities paid into the Nigerian  
29 Content Research and Development Fund shall be tax deductible and every

1 withdrawal from such fund shall not be subjected to value added tax and  
2 bank charges.

3 (5) An operator shall not spend any money from its Nigerian  
4 Content Research and Development without the approval of the Directorate  
5 responsible for the sector in which the operator operates in the Nigerian  
6 economy.

7 (6) An operator seeking to utilize any part of its Nigerian Content  
8 Research and Development shall apply to the relevant Directorate for  
9 approval and shall state the specific research and development activities that  
10 the fund is to be utilized and the expected benefit(s) to the Nigerian  
11 economy.

12 **35.** A Directorate shall encourage and collaborate with Nigerian  
13 Content Entities to fund any research and development programme where-

Directorates to  
direct Nigerian  
Content Entities  
to collaborate to  
fund research and  
development  
programmes

14 (a) the Directorate finds that funds accrued in the Nigerian  
15 Content Research and Development Fund of the operators cannot fund a  
16 reasonable research and development programme without a collaboration  
17 with others; or

18 (b) the research is on a complex but mutually beneficiary  
19 programme that will require pulled resources from the Nigerian Content  
20 Entities to fund.

21 **36.-(1)** A Nigerian Content Entity that engages in research and  
22 development activities and creates a new knowledge or improved process,  
23 service or good that results to greater and more quality production of Made-  
24 in- Nigeria good or service or production of good or service that is otherwise  
25 imported shall be entitled to a tax credit at the rate of fifteen per cent  
26 provided a prior application for approval to undertake the research and  
27 development activities was made to the Board of the Council through the  
28 relevant Directorate, and the Board approves of the research and  
29 development activities before the Nigerian Content Entity embark on the  
30 research and development activities.

Nigerian Content  
Entities to benefit  
from tax credit for  
engaging in Research  
and Development  
activities



1 (2) The Board shall not give its approval under sub clause (1) of this  
 2 clause if the activities relate to the application of existing knowledge in a new  
 3 situation.

Obligation of  
 researcher to  
 support finding  
 to Nigerian Content  
 entity

4 **37.**-(1) Any person, agency, organization or institution that is  
 5 engaged in any research under this Bill shall forward a copy of his or its  
 6 research findings to the entity that engaged him /it within seven days from the  
 7 date of the conclusion of the research.

8 (2) The entity shall within seven days from the date of the receipt of  
 9 such findings acknowledge the receipt of the copy of the findings and take  
 10 immediate step to study the findings and determine the applicability or  
 11 otherwise of the findings in the improvement of its business activities in the  
 12 Nigerian economy.

13 (3) The entity shall within sixty days from the date of its receipt of the  
 14 findings give a feedback on its observation(s) on the findings to the researcher.

Directorates to  
 obtain information  
 for assessment  
 and verification  
 of research and  
 development  
 activities

15 **38.**-(1) Each Directorate shall for the purposes of assessing and  
 16 verifying the impact of research and development activities in the value chain  
 17 of the sector of the Nigerian economy that the Directorate oversees, liaise with  
 18 relevant operators in the sector and obtain relevant information from such  
 19 operators to assist the Directorate to verify and assess the impact of research  
 20 and development activities on the diversification of the Nigerian economy.

21 (2) The information to be submitted under sub clause (1) of this  
 22 clause shall identify the researcher, the research programme, the dates the  
 23 research programme commenced and concluded and the benefits accrued to  
 24 the operator and the generality of the sector of the Nigerian economy in which  
 25 the operator operates.

## 26 PART V - TRANSFER OF TECHNOLOGY FOR NIGERIAN CAPACITY

### 27 DEVELOPMENT AND SUCCESSION PLAN

Transfer of  
 Technology to  
 promote the  
 development of  
 Nigerian capacity

28 **39.** Each Directorate shall, in consultation with the Board of the  
 29 Council and in collaboration with relevant stakeholders in the sector that the  
 30 Directorate is responsible for-

1 (a) identify areas in the relevant sector where there are needs for  
2 transfer of technology to Nigerians and formulate strategic plans and  
3 programmes for the transfer of such required technology from foreigners  
4 to Nigerians; and

5 (b) publicize in such manner as it shall consider appropriate, the  
6 strategic plan and programmes for the notice of Nigerians and foreigners  
7 that may participate in such strategic plans and programmes.

8 **40.-(1)** At the commencement of this Bill, a Nigerian Content  
9 Entity shall ensure that scientific and technological developments are  
10 available to a wider range of Nigerians in its employment and shall for such  
11 purposes prepare and submit to the relevant Directorate, its plans including  
12 but not limited to training programmes for the transfer of technology to  
13 Nigerians in its employment in respect of its business activities.

Submission of  
Implementation  
Plan for transfer  
of technology

14 (2) A plan to be submitted under sub clause (1) of this clause shall  
15 include-

16 (a) the specific nature and scope of technology anticipated to be  
17 transferred to Nigerians by the Nigerian Content Entity;

18 (b) schedule of activities aimed at promoting the effective transfer  
19 of technology by the Nigerian Content Entity;

20 (c) timeframe for the implementation of the anticipated activities;

21 (d) the anticipated expenditure, if any, that will be incurred by the  
22 Nigerian Content Entity for the transfer of the technology;

23 (e) the expected outputs; and

24 (f) costs of the programmes.

25 (3) An indigenous Nigerian company shall take all reasonable  
26 steps to facilitate the transfer of technology to Nigerians and for this  
27 purpose shall-

28 (a) prepare and adopt technology transfer agreements with  
29 reputable foreigners or foreign companies for the implementation of  
30 credible and measurable programmes for incremental transfer of emerging

1 technologies to Nigerians; and

2 (b) facilitate the formation or entry into joint ventures and partnering  
3 through licensing agreements between the indigenous Nigerian company and  
4 foreigners or foreign companies.

5 (4) The relevant Directorate shall, for the purpose of this clause,  
6 prepare an assessment tool for the monitoring and evaluation of the transfer of  
7 technology by a Nigerian Content Entity under this Bill.

8 (5) For the purposes of this part of this Bill, "transfer of technology"  
9 includes the sharing of information on, data, designs, inventions, skills,  
10 materials, software, technical knowledge or trade secrets by a foreigner or  
11 foreign company with Nigerians or indigenous Nigerian companies for the  
12 utilization of such information by Nigerians.

Incentives to  
facilitate transfer  
of technology

13 **41.** Any cost incurred by any non - indigenous Nigerian Content  
14 Entity in transferring technology to Nigerians shall not be subject to taxation  
15 and shall be deemed as part of the cost of production of the Nigerian Content  
16 Entity for the year under tax.

Succession Plan

17 **42.-(1)** Upon the commencement of this Act, every Nigerian Content  
18 Entity shall submit to the relevant Directorate and the agency responsible for  
19 the grant of expatriate quota a succession plan for every position not held by a  
20 Nigerian citizen.

21 (2) A succession plan shall provide for the understudy, by Nigerians,  
22 of each incumbent foreigner for such period as shall be determined by the  
23 Directorate on a case by case basis and at the end of such period, the position  
24 shall be assumed by the Nigerian.

25 (3) All positions held by Nigerians shall attract salaries, wages and  
26 benefits as may be set out in the conditions of service of the Nigerian Content  
27 Entity with respect to Nigerian employees.

28 (4) A Nigerian Content Entity shall submit to the relevant Directorate  
29 in respect of the activities of the entity, a report on the conditions of service and  
30 staff demography of all persons employed or contracted by the entity in

1 connection with its operations.

2 PART VI - INSURANCE, LEGAL AND FINANCIAL PLANS AND  
3 OBLIGATIONS TO PATRONISE NIGERIAN PROFESSIONAL SERVICES

4 **43.** A Nigerian Content Entity required under this Bill to submit a  
5 Nigerian Resource Development Plan shall submit to the relevant  
6 Directorate, together with its Nigerian Resource Development Plan  
7 required to be submitted under clause 18 of this Bill, an Insurance. Legal and  
8 Financial Services Plan setting out-

Submission of  
Insurance, Legal  
and Financial  
Services Plan

9 (a) the nature of Insurance. Legal and Financial Services required  
10 by the entity;

11 (b) a projection of the Insurance, Legal and Financial Services  
12 required for the duration of the project; and

13 (c) the expenditure plan relating to the use of Insurance. Legal and  
14 Financial Services in relation to the project.

15 **44.-(1)** All operators, project promoters, alliance partners and  
16 indigenous Nigerian companies engaged in any form of business operations  
17 or contract in any sector of the Nigerian economy, shall insure all insurable  
18 risks related to their businesses, operations or contracts with an insurance  
19 company, through an insurance broker registered in Nigeria under the  
20 provisions of the extant Insurance Act.

Duty to patronise  
Nigerian insurance,  
legal and financial  
services

21 (2) All operators, project promoters, alliance partners and  
22 indigenous Nigerian companies engaged in any form of business operations  
23 or contract in any sector of the Nigerian economy shall submit to the  
24 relevant Directorate responsible for a sector under this Bill, a list of all  
25 insurance companies and insurance brokers through which insurance covers  
26 were obtained in the past one year, the class of insurance cover obtained and  
27 the expenditures made by the operator;

28 (3) The insurance programme shall include-

29 (a) a comprehensive report of-

(i) insurance covers obtained in the past six months of all insurance

1 by expenditure,  
 2 (ii) a forecast of insurance covers required during the next one year,  
 3 and  
 4 (iii) the projected expenditure for the covers;  
 5 (b) a list of-  
 6 (i) all insurance companies brokers through which insurance covers  
 7 were obtained in the past one year,  
 8 (ii) the class of insurance cover obtained, and  
 9 (iii) the expenditures made by the operator; and  
 10 (c) the annual insurance premium budget for the past one year in  
 11 Naira and foreign currencies.

Offshore placement  
of insurance risk

12 **45.** No insurance risk in Nigeria shall be placed offshore without the  
 13 written approval of the relevant Directorate and the National Insurance  
 14 Council both of whom shall ensure that Nigerian local insurance capacity has  
 15 been fully exhausted by the Nigerian Content Entity applying for the approval.

Engagement  
of Nigerian  
professionals

16 **46.-(1)** All Nigerian Content Entities in any sector of the Nigerian  
 17 economy that the provisions of this Bill apply to, shall retain only the services  
 18 of Nigerian professionals or firms of Nigerian professionals whose office  
 19 shall be located in Nigeria.

20 (2) All operators shall submit to the relevant Directorate every year,  
 21 its Nigerian Professional Services Plan (NPSP).

22 (3) The Nigerian Professional Services Plan (NPSP) to be submitted  
 23 to the Directorate shall include-

24 (a) comprehensive report on-

25 (i) professional services of Nigerians utilized in the past one year by  
 26 expenditure,

27 (ii) a forecast of professional services of Nigerians required during  
 28 the next one year, and

29 (iii) the projected expenditure for the services;

30 (b) a list of-

- 1 (i) Nigerian professionals or firms whose services have been  
 2 utilized in the past one year,  
 3 (ii) the nature of professional work done, and  
 4 (iii) the expenditure made by the operator; and  
 5 (c) the annual budget for each category of professional services  
 6 for the past one year in Naira and foreign currencies.

7 **47.-(1)** All Nigerian Content Entities engaged in any business  
 8 transaction in any sector of the Nigerian economy shall retain only the  
 9 services of indigenous Nigerian financial institution(s), except where the  
 10 transaction relates to securing loan from a foreign financial institution at a  
 11 lower interest rate compared to what is obtainable in the financial sector in  
 12 Nigeria, provided also that in any other case of deviation from using  
 13 financial institution in Nigeria, the Entity shall obtain an approval from the  
 14 relevant Directorate with cogent and verifiable reason(s) for justification.

Nigerian Financial  
Institutions and  
foreign loans

15 (2) All Nigerian Content Entities under this Bill shall submit to  
 16 the relevant Directorate, every year its Financial Services Plan (FSP).

17 (3) The Financial Services Plan shall include-

- 18 (a) financial services utilized in the past one year by expenditure;  
 19 (b) a forecast of financial services required during the next one  
 20 year;  
 21 (c) the projected expenditure for the services;  
 22 (d) a list of-  
 23 (i) financial services utilized in the past six months,  
 24 (ii) the nature of financial services provided, and  
 25 (iii) the expenditure for financial services made by the operator or  
 26 its main contractors;

27 **48.** The Federal Government of Nigeria shall, for the purpose of  
 28 enhancing the capacities of Nigerians to participate in the value chain in  
 29 every sector of the Nigerian economy, put in place measures, including  
 30 financial incentives that encourage the use of indigenous Nigerian financial

Federal Government  
of Nigeria to  
encourage use of  
indigenous Nigerian  
financial institutions

	1	institutions in financing economic development in Nigeria.
	2	PART VII - PREFERENCE FOR NIGERIAN CONTENT
Duty to give first consideration to indigenous Nigerian companies and firms	3	<b>49.</b> -(1) Every ministry, extra ministerial department, agency, arm of
	4	the Federal Government of Nigeria shall ensure that any contract, grant,
	5	permit, license, lease or any other instrument conferring any right to undertake
	6	any regulated activity pursuant to any law made, or deemed to have been made
	7	by the National Assembly, shall subject to the provisions of this Bill, be given
	8	to an indigenous Nigerian company and/or firm that demonstrates capacity to
	9	effectively and efficiently undertake the subject activity.
	10	(2) An indigenous Nigerian company can be said to have capacity if-
	11	(i) in the case of an instrument to exploit natural resources, it has
	12	equipment, skilled personnel and substantial working capital or source of
	13	raising working capital to exploit the natural resources;
	14	(ii) in the case of manufacture of good, it is sourcing and using, for the
	15	manufacture of the good, substantial raw materials from Nigeria and also
	16	utilising Made -in- Nigeria goods and services in its manufacture;
	17	(ii) in other cases, it has skilled personnel and substantial working
	18	capital or source of raising working capital to undertake the activity.
Made-in-Nigeria goods with greater component of raw materials produced in Nigeria to be given first consideration	19	<b>50.</b> Notwithstanding anything to the contrary in this Bill, every
	20	ministry, extra ministerial department, any agency of the Federal Government
	21	of Nigeria and Nigerian companies shall in any offer, bid, quotation or
	22	contract for the supply of any good or service give first consideration to Made -
	23	in-Nigeria good or service with greater component of raw materials sourced
	24	from Nigeria provided that such good or service with greater quantum of
	25	Nigerian produced raw materials is of standard quality approved by the
	26	Standard Organisation of Nigeria or any legally recognized Nigerian or
	27	international agency for standardization.
Maintenance of a transparent, fair and liberalised bidding system	28	<b>51.</b> Subject to the provisions of clause 50 of this Bill, every arm and
	29	agency of the Federal Government of Nigeria and any Nigerian Local Content
	30	Entity shall maintain a transparent, fair and liberalised bidding process for

1       procuring goods and ensure that the qualities of the goods and services to be  
2       provided meet the required standard set by the Standard Organisation of  
3       Nigeria(SON) or any legally recognized Nigerian or international agency  
4       for standardization.

5               **52.**-(1) Notwithstanding anything to the contrary as contained in  
6       any law, regulation or rules, the Board of the Council shall within six months  
7       from the date of the commencement of this Bill, consult with relevant key  
8       stakeholders including Manufacturers Association of Nigeria, other  
9       members of the organised private sector in Nigeria and relevant statutory  
10      regulatory bodies, make Regulations to specify the applicable margins of  
11      preference with respect to procurement of goods and services by MDAs,  
12      arms of the Federal Government of Nigeria and Nigerian Content Entities.

Margins of  
Preference by  
set Regulations

13              (2) The Regulations made pursuant to sub clause (1) of this clause  
14      shall take into consideration the provision of clause 50 of this Bill and  
15      prescribe the margins of preference to be given to-

16              (a) Made-in-Nigeria goods with higher Nigerian content in the  
17      manufacture of the goods, given consideration to the totality of the locally  
18      sourced raw materials and other Nigerians resources utilised by the  
19      company to manufacture the goods;

20              (b) services to be provided by Nigerian professions;

21              (c) foreign goods;

22              (d) foreign services in which Nigerian professionals would be  
23      involved and the resultant technology transfer to be derived from such  
24      service; and

25              (e) any other relevant categorisation that the Council may deem  
26      necessary to specify in the Regulation.

27              (3) A Directorate may utilise any existing margins of preference  
28      suitable for the relevant sector the Directorate oversees where the Board of  
29      the Council has not made any regulation specifying the applicable margins  
30      of preference with respect to procurement of goods and services by MDAs,



1 arm of the Federal Government of Nigeria and Nigerian Content  
2 Entities.

3 (4) The Council shall review and update the Regulations made  
4 pursuant to sub clause (1) of this clause and include in the Regulation or make a  
5 supplementary Regulation to provide margins of reference where  
6 circumstances demand.

Solicitation  
documents to  
indicate preference  
and minimum  
acceptable quality  
standard for Made0  
in-Nigeria goods  
and services  
produced in  
Nigeria

7 **53.-(1)** Any document issued by any arm and/or agency of the Federal  
8 Government of Nigeria or any Nigerian Content Entity for the solicitation of  
9 offers, bids, or quotations for the supply or provision of goods and services  
10 shall expressly indicate the consideration(s) to be granted to manufacturers of  
11 Made-in-Nigeria goods, contractors and suppliers, and Nigerian professionals.

12 (2) Any document issued for the solicitation of offers, bids, or  
13 quotations for the supply goods or provision of services pursuant to sub  
14 clause (1) of this clause shall also expressly indicate the minimum acceptable  
15 quality standard for Made -in -Nigeria goods or services to be provided by the  
16 Nigerian companies.

17 (3) Solicitation documents shall obligate bidders or potential  
18 manufacturers, suppliers, contractors and consultants to provide cogent and  
19 verifiable statement on the quantum or percentage of Made - in - Nigeria goods,  
20 Nigerian personnel, financing and services that would be involved and added  
21 to the value chain and which can be measured in monetary terms in the  
22 execution of the proposed project or contract.

23 (4) Where a bidder, potential manufacturer, supplier, contractor or  
24 consultant is a foreign company or firm, it shall as part of its qualification to  
25 bid for the project show proof of the existence of a Joint Venture Agreement  
26 between itself and an indigenous Nigerian company which Agreement shall  
27 reflect the rights and obligations, including but not limited to the sharing of  
28 profits and losses between the foreign company or firm and the indigenous  
29 Nigerian company or firm.

1	<b>54.</b> An indigenous Nigerian company or firm shall not be	Disqualification from an award
2	disqualified from an award of contracts on the basis of the year of	
3	incorporation; but rather, on the basis of qualification, competence and	
4	experience of the management in the execution of similar contracts.	
5	<b>55.</b> Notwithstanding anything to the contrary contained in any	Duty on Bureau for Public Procurement (BPP)
6	enactment, law or Regulation, the Bureau for Public Procurement (BPP)	
7	shall not issue any Certificate of No Objection for the award of any contract	
8	to which the provisions of this Bill apply without a Certificate of	
9	Authorisation issued in respect of the contract by the relevant Directorate.	
10	<b>56.-(1)</b> A person who engages in an activity to which this Bill	Employment for Nigerians
11	applies shall in the recruitment of employees, give preference to Nigerian	
12	citizens.	
13	(2) A person to whom sub clause (1) of this clause applies may only	
14	employ non-Nigerians where-	
15	(a) qualified Nigerians are not available or are incapable of	
16	effectively and efficiently performing the particular type of work; and	
17	(b) prior authorization has been granted by the Directorate that	
18	oversees the sector in which the non - Nigerian skill would be employed.	
19	(3) The Directorate may grant authorization to the employment of	
20	a non-citizen where it is satisfactorily shown that every reasonable effort	
21	was made to find a suitably qualified Nigerian citizen and none exists.	
22	(4) Every employment position held by a non-Nigerian shall as	
23	much as possible be deputized by a Nigerian citizen for purposes of skills	
24	transfer and development.	
25	<b>PART VIII - PUBLIC PROJECTS FUNDED THROUGH LOANS</b>	
26	<b>57.-(1)</b> Each Directorate shall within its scope of responsibilities	Nigerian Content for public works funded through loans
27	under this Bill ensure that projects funded through loans comply with the	
28	obligations imposed on Nigerian Content entities under this Bill.	
29	(2) Any entity undertaking the execution of a public works or	
30	project funded through borrowing provided by a Nigerian, foreign or	

1 international institution either directly to the Federal Government or any of its  
2 agencies shall before commencing the execution of the project, submit for  
3 approval, a Nigerian Capacity Development Plan, to the relevant Directorate  
4 overseeing the sector in which the public works is to be executed.

5 (3) The Nigerian Capacity Development Plan referred to in sub  
6 clause (2) of this clause shall specifically contain sub plans to -

7 (a) ensure that there are existing facilities or facilities are to be  
8 established in Nigeria to repair and/or maintain the executed project in order to  
9 eliminate or reduce reliance on imported goods and services for the  
10 maintenance of such project after the completion of the project.

11 (b) subcontract at least forty percent of the value of the total  
12 component of the project to indigenous Nigerian company or companies;

13 (c) procure goods and services produced in Nigeria provided that the  
14 goods and services are certified by the relevant regulatory body or bodies in  
15 Nigeria to be of quality standard;

16 (d) dedicate and spend at least fifty per cent of the cost of the  
17 execution of the contract on the procurement of Made-in-Nigeria goods and  
18 services produced in Nigeria;

19 (e) employ Nigerian citizens in the project and ensure that not less  
20 than ninety per cent of its total staff are Nigerians;

21 (f) ensure that its contractors and subcontractors comply fully with  
22 the Nigerian Content provisions in this Bill;

23 (g) have as much as practicable all positions occupied by non-  
24 citizens deputed by Nigerian citizens;

25 (h) implement workforce development strategies in relation to  
26 Nigerian citizens including training plans and projections to address any skill  
27 gaps that may have been identified in relation to the Nigerian labour force;

28 (i) implement strategies to transfer technology, knowledge and skills  
29 to Nigerian citizens;

30 (j) all materials for execution of the contract are sourced from Nigeria

- 1 except where such materials are not available in Nigeria
- 2 (k) designs for the public works shall be carried out in Nigeria with
- 3 Nigerians participating in the designs.
- 4 (l) undertake local supplier capacity development;
- 5 (m) where applicable, subcontract and create partnerships within
- 6 indigenous Nigerian entities and citizens;
- 7 (n) formulate a succession plan for all jobs or activities to be done
- 8 by foreigners, where the execution of the project is lasting more than three
- 9 years;
- 10 (o) implement strategies for the support of local participation in its
- 11 activities; and
- 12 (p) any other information as prescribed by regulations.
- 13 (4) The contractor shall submit quarterly reports to the Directorate
- 14 associated with the project on the compliance with the provisions of this
- 15 clause and the Bill generally.
- 16 (5).Where the contractor fails to comply with the provisions of this
- 17 clause, the Directorate shall have powers to stop the project until the defect
- 18 complained of by the Directorate is corrected by the contractor within a
- 19 mutually agreed time period not affecting the overall project.
- 20 (6) The Directorate shall have the powers to stop the contractor
- 21 from further executing the project and report the contractor's conduct to the
- 22 Board for further action where the contractor fails to correct the defect
- 23 complained of by the Directorate.

24 PART IX - NIGERIAN SUBCONTRACTORS

25 **58.**-(1) Every contract for public works granted to an individual or

26 entity other than an indigenous Nigerian company or citizen, shall contain a

27 requirement for such individual or entity to subcontract at least forty per cent

28 of the contracted works to an indigenous Nigerian company or indigenous

29 Nigerian companies.

Requirement to  
subcontract public  
works contracts

30 (2) A foreign company or a foreigner to whom sub clause (1)

	1	applies shall write and inform the appropriate Directorate of the name and
	2	particulars of the indigenous Nigerian company or indigenous Nigerian
	3	companies that the foreign company or foreigner sub-contracted the work to.
	4	(3) The relevant Directorate may on case by case basis, prescribe the
	5	minimum portion of a contract that is to be exclusively subcontracted to
	6	indigenous Nigerian companies in pursuant to sub clause (1) of this clause.
Liability for Subcontracted Works	7	<b>59.</b> A person who subcontracts part of its contracted works under this
	8	Bill shall at all times be responsible for the performance of the contract without
	9	prejudice to any arrangement for indemnity between the contractor and the
	10	subcontractor.
Eligibility of indigenous Nigerian company to be subcontractor	11	<b>60.</b> An indigenous Nigerian company shall be eligible to be
	12	subcontracted works under this Bill if-
	13	(a) it is not a subsidiary or it is not owned or does not form part of the
	14	same company group as the entity subcontracting its obligations;
	15	(b) it is not an agent of the entity subcontracting its obligations;
	16	(c) it is registered and operated as an indigenous Nigerian company;
	17	(d) it possesses the necessary skills, equipment and technical
	18	expertise to undertake the works to be subcontracted;
	19	(e) it is not in receivership, the subject of any form of insolvency or
	20	bankruptcy proceedings or the subject of any form of winding up petition or
	21	proceedings;
	22	(f) it has fulfilled all its obligations to pay taxes, pensions and social
	23	security contributions and have obtained clearances from the bodies regulating
	24	these statutory obligations; and
	25	(g) none of its directors has been convicted in any country for any
	26	criminal offence relating to fraud or financial impropriety or criminal
	27	misrepresentation or falsification of facts relating to any matter.
Compliance by Subcontractors	28	<b>61.-(1)</b> A contractor, supplier or subcontractor shall ensure that all
	29	their contractors and subcontractors comply with the applicable requirements
	30	under this Bill and any regulation made pursuant to this Bill.

1 (2) The obligations under this Bill accruing to a contractor, supplier  
2 or subcontractor, shall in equal measure accrue to a contractor,  
3 subcontractor, agent or successor in title of such person, body or entity.

4 (3) Parties who jointly undertake to execute any activity subject to  
5 this Bill shall be jointly and severally required to comply and ensure the  
6 compliance with the provisions of this Bill.

7 PART X - STANDARDISATION

8 **62.**-(1) All Nigerian Content entities shall ensure that-

Standardisation  
of goods and  
services

9 (a) manufacturers meet set standards of the relevant regulatory  
10 bodies and agencies before presenting goods for procurement under the  
11 national competitive bidding or any other type of Public Procurement  
12 Process;

13 (b) suppliers and contractors under national competitive bidding  
14 process disclose the percentage of Nigerian sourced raw materials used in  
15 the production of the Made - in- Nigeria goods needed for the execution of  
16 the project;

17 (c) shall ensure that for all consultancy contracts awarded to  
18 foreign companies, engineering drawings with the necessary calculations,  
19 design, etc., are made available to their corresponding Nigerian partners,  
20 including arrangements with Micro Small and Medium Enterprises  
21 (MSMEs) as partners towards manufacturing of needed materials by  
22 Nigerian companies;

23 (d) foreign companies or firms are not to be engaged in contracts for  
24 works, goods and services in the country in violation of the international  
25 best practice and/or any provision of an extant law regulating the  
26 acquisition of technology and process of public procurement where public  
27 fund of the Federal Government of Nigeria is to be involved.

28 (2) The Standard Organization of Nigeria (SON) or any legally  
29 recognised Nigerian or international agency for standardization shall  
30 standardize and certify MSME's raw materials, products, processes and

	1	personnel, in accordance with international best practices, and the certificate
	2	issued shall be included in the solicitation documents.
Prohibition of imposition of foreign standards	3	<b>63.</b> -(1) Except where it is unavoidable to use standard of a foreign
	4	country, a Nigerian Content entity shall not require the provision of a good or
	5	service or the use of material in carrying on any public works based on
	6	standards other than those developed or approved by Standard Organization of
	7	Nigeria (SON) or any legally recognised Nigerian or international agency for
	8	standardization.
	9	(2) Wherever it is unavoidable to use standard of a foreign country,
	10	the Nigerian Content entity shall apply to the Directorate that issued the
	11	Certificate of Authorization for the project for authorization to use a standard
	12	that is acceptable to the Directorate provided that the Directorate shall
	13	immediately take steps and consult with relevant regulatory body or bodies for
	14	the development of a Nigerian standard to substitute for the foreign standard.
Domestication of foreign professional certificates and duty to work with a Nigerian professional	15	<b>64.</b> -(1) No Nigerian Content entity shall engage the services of a
	16	Non Nigerian professional except such professional has had his professional
	17	certificate(s) domesticated with the relevant professional body in Nigeria and
	18	shall work along with a Nigerian professional who has been practicing the
	19	profession in Nigeria.
	20	(2) An application by a Non Nigerian professional seeking to
	21	domesticate his professional certificate with a relevant professional body in
	22	Nigeria shall be afforded a seamless process by the relevant professional body
	23	and the decision on the domestication shall be communicated to the Non
	24	Nigerian professional within fourteen days from the date of the relevant
	25	professional body received the application for domestication.
	26	PART XI - CAPACITY DEVELOPMENT
Registration of Joint Venture and Public Private Partnership agreements	27	<b>65.</b> -(1) Every Ministry, Extra Ministerial Department or Agency of
	28	the Federal Government, Federal Government Owned Company (either fully
	29	or partially owned) Federal Institution and Public Corporation having any Joint
	30	Venture and Public Private Partnership (PPP) agreement for the acquisition of

1 technology shall registered such agreement with the National Office for  
2 Technology Acquisition and Promotion (NOTAP) in accordance with the  
3 provisions of the National Office for Technology Acquisition and  
4 Promotion Act.

5 (2) The approval of the Nigerian Concession Regulatory Council  
6 shall be sought where the transfer of technology pursuant to sub clause (1) of  
7 this clause may involve the development of public infrastructure.

8 **66.** Nigerian Content Entities shall take active steps to-

9 (a) encourage indigenous Nigerian professionals in the Diaspora to  
10 collaborate with professionals working in Nigerian Content entities and use  
11 their expertise to develop, improve and promote Nigerian Content in the  
12 work of such Nigerian Content entities; and

Collaboration  
with Nigerian  
professionals in  
the Diaspora

13 (b) promote mutually beneficial Public Private Partnership (PPP)  
14 by encouraging direct collaboration in production and manufacturing  
15 ventures of products between foreign manufacturers and indigenous  
16 engineering facilities, and those to be brought in by investors at reasonable  
17 cost to the indigenous Nigerian companies.

18 **67.**-(1) To inculcate in the students interest to develop local  
19 capacities and capabilities, the Federal Ministry of Education shall  
20 encourage the inclusion of Nigerian Content Development Programmes in  
21 the curricula of Secondary Schools and Tertiary institutions especially in-

Inculcation of  
Nigerian Content  
Programmes in  
schools

22 (i) science education,

23 (ii) skills transfer;

24 (iii) expertise development;

25 (iv) transfer of technology and know-how; and

26 (v) active research and development on emerging technologies.

27 (2) The Council shall partner with the Federal Ministry of  
28 Education, Industrial Training Fund and Federal Ministry of Labour and  
29 Employment to ensure that all local Content trainings are harmonised and  
30 aligned to appropriate skill set for all the sectors of the Nigerian economy.



Acquisition of  
bulk product  
manufacturing  
licenses from  
foreign  
manufacturers

1 (3) Nigerian companies shall partner with primary, secondary and  
2 territory institutions to identify specially gifted students in the sector of the  
3 Nigerian economy the company operates for the purposes of assisting such  
4 students to undertake periodic internships or similar programmes either within  
5 the company's facilities or outside in order to develop the gifts in such students.

6 **68.**-(1) Directorate of Nigerian Capacity Development and  
7 Monitoring on Manufacturing shall collaborate with any relevant body to  
8 promote the acquisition of bulk product manufacturing licenses from foreign  
9 manufacturers for the use of locally trained medium and large scale  
10 manufacturers where such foreign licenses are needful for such manufacturers  
11 to produce goods required for domestic use and possible export.

12 (2) Pursuant to sub clause (1) of this clause, a Special Technical  
13 Committee on Acquisition of Manufacturing Licenses is hereby established  
14 which shall consist of a chairman and a representative of each of the  
15 followings-

- 16 (a) Federal Ministry of Industry, Trade and Investment;  
17 (b) Federal Ministry of Science & Technology;  
18 (c) Manufacturers Association of Nigeria (MAN);  
19 (d) Nigerian Association of Small Scale Industrialists (NASSI);  
20 (e) Nigerian Association of Small & Medium Enterprises;  
21 (f) Federal Agency for Foods & Drugs Administration;  
22 (g) Small & Medium Enterprises Development Agency of  
23 Nigeria(SMEDAN); and  
24 (h) Standard Organisation of Nigeria.

25 (3) The Chairman of the Special Technical Committee on Acquisition  
26 of Manufacturing Licenses shall be appointed by the Minister responsible for  
27 Industry, Trade and Investment upon the recommendation of the Nigerian  
28 Association of Small Scale Industrialists (NASSI).

29 (4) The Special Technical Committee on Acquisition of  
30 Manufacturing Licenses established pursuant to sub clause (2) of this clause

1 shall facilitate the aggregation of demands for MSMEs for raw materials  
 2 that are not produced in Nigeria and support the importation of such raw  
 3 materials and promote stronger linkages with large manufacturing  
 4 companies in Nigeria.

5 PART XII - NIGERIANS IN DIASPORA COMMISSION (NIDCOM) AND  
 6 NIGERIAN CONTENT DEVELOPMENT

7 **69.** Each Directorate shall collaborate with the Nigerians in  
 8 Diaspora Commission(NiDCOM) to establish and promote linkages  
 9 between Nigerian professionals in the diaspora and Nigerian professionals  
 10 resident in Nigeria to facilitate the transfer of technology, exchange of  
 11 innovative and business ideas to promote globally competitive technology  
 12 innovation hubs and knowledge based entrepreneurship in the Nigerian  
 13 economy.

Directorates to  
 collaborate with  
 Nigerians in Diaspora  
 Commission  
 (NiDCOM) to  
 establish linkages  
 among Nigerians  
 in diaspora and  
 Nigerians resident  
 in Nigeria

14 **70.** The Nigerians in Diaspora Commission(NiDCOM) shall  
 15 establish public online and other platforms to enable Nigerians in Diaspora  
 16 have access to information on-

Nigerian in Diaspora  
 Commission  
 (NiDCOM) to  
 establish online  
 and other platform  
 to promote Nigerian  
 content development  
 and economic  
 diversification

17 (a) opportunities available in the exploitation of natural and other  
 18 resources in Nigeria;

19 (b) the existence of technical skills gaps hindering indigenous  
 20 development of natural and other resources in Nigeria; and

21 (c) available financial and non-financial incentives for Nigerians  
 22 in the diaspora seeking to participate in the development and production of  
 23 goods and services that are either not produced in Nigeria or not sufficiently  
 24 produced in the Nigerian economy.

25 **71.** Nigerians in Diaspora Commission (NiDCOM) shall  
 26 periodically hold seminars, conferences, workshops, meetings and other  
 27 symposia for Nigerians in diaspora and others to promote and support  
 28 exchange of technical and other ideas to improve on the development of the  
 29 capacities and capabilities of Nigerians in the Nigerian ecosystem.

Nigerians in  
 Diaspora  
 Commission  
 (NiDCOM) to  
 hold seminars,  
 conference, etc.  
 to sensitize Nigerians  
 in diaspora on  
 available  
 opportunities

Duty of Nigerians  
in Diaspora  
Commission  
(NiDCOM) to  
search for and  
submit information  
to relevant  
Directorates

1                   72.-(1) Nigerians in Diaspora Commission(NiDCOM) shall  
2 regularly search for information on Nigerians in diaspora who possess reliable  
3 technical knowledge and skills in any area where Nigerian professionals  
4 residing and practicing their professions in Nigeria lack such technical  
5 knowledge and skills.

6                   (2) Where the Nigerians in Diaspora Commission(NiDCOM) obtains  
7 any information about a Nigerian in diaspora who possesses technical skills  
8 that is lacking in Nigeria, it shall as soon as possible make arrangement to  
9 contact the Nigerian and also transmit the information about his usefulness, to  
10 the relevant directorate or the Executive Secretary of the Council, where there  
11 is no directorate responsible for the sector of the economy to which the  
12 identified technical skill will be useful.

Directorates to  
acknowledge  
receipt and take  
immediate step  
on information

13                 73.-(1) Any information received either by a Directorate or the  
14 Executive Secretary pursuant to clause 72 of this Bill shall be acknowledged  
15 within two days from the receipt of the said information and in the case of a  
16 Directorate, the Directorate shall take immediate step to contact the Nigerian  
17 in Diaspora that possesses the identified technical while in the case of receipt  
18 by the Executive Secretary, he shall immediately send the information to the  
19 relevant Nigerian Economic Development and Diversification Monitoring  
20 Unit (also referred to as Monitoring Unit in this Bill) to contact the Nigerian in  
21 diaspora.

22                  (2) A Directorate or a Monitoring Unit shall also specifically assign  
23 its member of staff to liaise with the identified Nigerian in diaspora to ensure  
24 that the technical skills of the said Nigerian is ultimately utilised to abridge  
25 existing technical know-how and skills gap in the relevant sector of the  
26 Nigerian economy.

## 27                  PART XIII - ESTABLISHMENT AND MANAGEMENT OF NIGERIAN

### 28                                 STARTUP DEVELOPMENT PROGRAMME

Establishment  
of Nigerian  
Startup  
Development  
Programme

29                  74. (1) There is hereby established, for each Directorate and Nigerian  
30 Content and Economic Diversification Monitoring Unit established under this

1 Bill, a Startup Development Program to be known as the Nigerian Startup  
2 Development Programme (NSDP) (also to be known as "Nigerian Startup"  
3 in this Bill).

4 (2) Each Directorate shall implement its Nigerian Startup through  
5 its Department of Startup and Capacity Development.

6 (3) A Monitoring Unit shall implement its Nigerian Startup  
7 through a designated desk officer.

8 (4) Notwithstanding anything to the contrary contained in this Bill,  
9 the Monitoring Unit established under this Bill shall, where there is no  
10 Directorate overseeing an Industry, have the powers to perform the  
11 functions and exercise the powers of a Directorate relating to the  
12 implementation of the provisions of this Part of this Bill or any Regulation  
13 made to regulate the operations and activities relating to Nigerian Startup  
14 pursuant to this Bill.

15 (5) For the avoidance of doubt, a Monitoring Unit shall not perform  
16 the functions or exercise the powers of a Directorate in respect of the  
17 implementation of the provisions relating to Nigerian Startup in the ICT,  
18 Solid Minerals and Metallurgy, Power, Construction, Manufacturing,  
19 Health and agriculture and agro allied products sectors of the economy  
20 which sectors are under the supervision of Directorates under this Bill.

21 **75.-(1)** Each Directorate and Monitoring Unit shall supervise,  
22 guide and monitor all activities relating to the operations of Nigerian Startup  
23 in the sector the Directorate oversees under this Bill or in the Ministry,  
24 Department or Agency the Monitoring Unit supervises Nigerian economic  
25 development and diversification activities.

Directorates and  
Monitoring Units  
to regulate Nigeria  
Startups

26 (2) A Directorate shall pursuant to sub clause (1) of this clause  
27 ensure that startup participants, incubators and accelerators registered by the  
28 Directorate and investors in startups comply with the Regulations made by  
29 the Council pursuant to sub clause (1) of clause 322 of this Bill prescribing  
30 standards and guidelines to for the operation of startups and relationship of

Directorates to  
establish Startups  
Registries

1 startups participants , incubators, accelerators and investors in startups.

2 (3) The Directorate or Monitoring Unit shall supervise, guide and  
3 monitor Nigerian Content Startup in its Directorate or Ministry, Department or  
4 Agency with a view to ensuring a measurable and continuous growth of the  
5 Nigerian economy in startup arrangements, projects, operations, activities or  
6 transactions in the Nigerian ecosystem.

7 **76.**-(1) Each Directorate shall establish a Startup Registry for the  
8 purpose of keeping records of registered startup participants under the  
9 Directorate's Nigerian Startup Development Programme (NCSDP).

10 (2) The Records to be kept pursuant to sub- clause (1) of this clause  
11 shall be known as Nigerian Startup Register, accordingly, each Directorate  
12 shall call its Nigerian Startup Register as-

13 (a) Directorate of Nigerian Capacity Development on Information &  
14 Communication Technology Startup Register for the Directorate of Nigerian  
15 Capacity Development on Information&Communication Technology  
16 established under clause 5(1)(a) of this Bill;

17 (b) Directorate of Nigerian Capacity Development on Solid Minerals  
18 and Metallurgy Startup Register for the Directorate of Nigerian Capacity  
19 Development on Solid Minerals and Metallurgy established under clause 5(1)  
20 (b) of this Bill;

21 (c) Directorate of Nigerian Capacity Development on Construction  
22 Startup Register for the Directorate of Nigerian Capacity Development on  
23 Construction established under clause 5(1)(c) of this Bill;

24 (d) Directorate of Nigerian Capacity Development on Power Startup  
25 Register for the Directorate of Nigerian Capacity Development on Power  
26 established under clause 5(1)(d) of this Bill;

27 (e) Directorate of Nigerian Capacity Development on Manufacturing  
28 Startup Register for the Directorate of Nigerian Capacity Development on  
29 Manufacturing established under clause 5(1)(e) of this Bill;

30 (f) Directorate of Nigerian Capacity Development on Health Startup

1 Register for the Directorate of Nigerian Capacity Development on Health  
2 established under clause 5(1)(f); and

3 (g) Directorate of Nigerian Capacity Development on Agriculture  
4 and Agro- Allied Products Startup Register for the Directorate of Nigerian  
5 Capacity Development on Content on Agriculture and Agro- Allied  
6 Products established under clause 5(1)(g).

7 **77.** The Nigerian Startup Register of each Directorate shall  
8 contain updated database of all registered Nigerian Startup Participants  
9 indicating-

Prescribed  
Information to be  
contained in the  
Nigerian Startup  
Register

10 (i) business name and address of the startup;

11 (ii) names and details of founders and contact information about  
12 such founder(s) of the Startup;

13 (iii) current owner(s) of the startup;

14 (iv) description of the innovative aspects of the product, service or  
15 business showing the intellectual property rights of the founder(s) in respect  
16 of the product, service or business;

17 (v) description indicating that the product, service or business  
18 startup is capable of creating new jobs, opportunities, improve production,  
19 and foster trade in the sector the Directorate is responsible for under this  
20 Bill.

21 (vi) investment support received, if any;

22 (vii) source(s) of financial support;

23 (vii) financial needs still required;

24 (viii) target market;

25 (ix) scalability of the startup; and

26 (ix) all de-registered startup participants;

27 **78.** Subject to the provisions of this Part, each Directorate shall  
28 register indigenous Nigerian companies, partnerships or cooperative  
29 Societies as Nigerian Startup Participants.

Directorates to  
register applicants  
as Nigeria Startup  
Participants

Applicant for  
Nigerian Startup  
Participant to  
have genuine  
and original  
innovative idea  
capable of being  
developed and  
commercialized

- 1                   **79.** An applicant to be registered as a Nigerian Startup Participant  
2 shall-  
3                   (a) demonstrate a genuine and original innovative idea capable of  
4 resulting to the emergence of new or improved product, process or service in  
5 the sector of the Nigerian economy that the Directorate is responsible for;  
6                   (b) possess the necessary skill, knowledge, experience and market  
7 awareness to manage the startup successfully;  
8                   (c) show evidence that the innovative idea to be developed and  
9 utilized under the startup sought to be registered will stimulate economic  
10 activities including the generation of jobs and wealth in the Nigerian economy.  
11                   (d) shall not have existed for more than seven years at the time of the  
12 application;  
13                   (e) has its headquarters in Nigeria; and  
14                   (f) owned by Nigerian(s) in the case of partnership firms and  
15 Cooperative Societies.

Applicant for  
Nigerian Startup  
registration to  
submit statements  
and documents  
along with  
applications

- 16                   **80.** An applicant to be registered as a Nigerian Startup Participant  
17 under clauses 78 and 79 of this bill shall submit its application together with-  
18                   (a) a statement setting out the following information-  
19                   (i) the name and address of the entity;  
20                   (ii) the general nature of the proposed business of the entity and its  
21 scalability as a startup during the period of its proposed incubation;  
22                   (iii) a declaration on oath stating that the entity satisfies the  
23 requirements in clause 79 of this Bill.  
24                   (b) a letter of recommendation or support;  
25                   (c) a patent or trade mark registered in Nigeria, if any;  
26                   (d) statement on information regarding the elements inherent in the  
27 economic model of the applicant including-  
28                   (i) innovation aspects;  
29                   (ii) potentials of economic viability of the innovative idea if  
30 supported and developed;

1 (iii) scientific and technical qualifications and the experience of  
 2 the project team;  
 3 (iv) a prize or reward obtained and any patent for invention filed, if  
 4 any;  
 5 (e) the certificate of incorporation or registration of the entity;  
 6 (f) a brief description of the innovative nature of the product or  
 7 service; and  
 8 (g) such other information concerning the proposed startup as the  
 9 Directorate subject to the approval of the Board of the Council established  
 10 under this bill may prescribe.

11 **81.** An Indigenous Nigerian Company, a partnership firm or a  
 12 Cooperative Society shall not be entitled to be registered as a Nigerian  
 13 Startup Participant under this Bill if such entity is-

Disqualification  
of Indigenous  
Nigerian Companies,  
partnership, firms  
or Cooperative  
Societies from  
registration

14 (a) established or formed as a result of the split, reconstruction,  
 15 merger or reconstitution of an existing business; or  
 16 (b) a holding company or subsidiary of an existing entity which is  
 17 not registered as a startup.

18 **82.** A Directorate to whom an application to be registered as a  
 19 Nigerian Startup Participant is submitted shall by a written letter to the  
 20 applicant, acknowledge the receipt of the application within seven days  
 21 from the date of the receipt of the application.

Duty to a  
acknowledge  
receipt of the  
submission of  
an Application

22 **83.-(1)** A Directorate upon the receipt of an application to be  
 23 registered as a Nigerian Startup shall within thirty days from the date of  
 24 the receipt of the application, review and assess the merit or otherwise of the  
 25 application and, if satisfied that the application complies with the  
 26 provisions of this Bill in relation to the requirements set out in clauses 79 and  
 27 80 of this Bill, issue a Certificate of Startup Participant ("the Certificate")  
 28 to the applicant and enter the name and particulars of the applicant in the  
 29 Directorate's Nigerian Startup Register, as a Nigerian Startup Participant  
 30 (to be also known as Startup Participant under this Bill).

Review and  
Consideration  
of application



	1	(2) For the purposes of reviewing or assessing the application vis-
	2	vis, the requirements of this Bill, a Directorate to which an application for
	3	registration as a Startup Participant is made, may conduct discreet
	4	investigation into the previous character and integrity of the applicant
	5	provided that any such review or assessment is completed and certificate
	6	issued or denied within thirty days from the date of the receipt of the
	7	application.
Duty to inform an applicant of the approval or refusal of its application	8	<b>84.</b> Where the Directorate refuses to approve an application for
	9	registration as a Startup Participant, it shall furnish the applicant with a written
	10	statement of the reasons for the refusal which may include advice to the
	11	applicant to re-submit the application with further information to satisfy the
	12	Directorate of the applicant's suitability.
Right of an aggrieved applicant to apply to the Board of the Council for a Review	13	<b>85.</b> -(1) A person who is aggrieved by the decision of the Directorate
	14	under this Part may, within fourteen days of being notified of the decision,
	15	apply to the Board of the Council for a review of the decision.
	16	(2) The Board of the Council shall determine an application under
	17	sub clause (1) of this clause within sixty days of receipt of the application and
	18	may confirm, vary or reverse the decision under review.
Duty of Startup Partnership to notify Directorate on change of particulars	19	<b>86.</b> -(1) A Startup Participant shall within fourteen days, notify the
	20	Directorate responsible for its registration where the Startup Participant
	21	makes a change to any of its particulars or where to the knowledge of the
	22	Startup Participant any event had occurred that has altered the current
	23	information contained in the Register relating to the Startup Participant.
	24	(2) The Directorate shall upon notification of the information
	25	pursuant to sub clause (1) of this clause and if satisfied that the change does
	26	not affect the qualification of the participant as to the requirements for the
	27	registration of a Startup Participant under clauses 79 and 80 of this Bill, enter
	28	the particulars of the information received in the Nigerian Startup Register of
	29	the Directorate.
	30	(3) The Directorate may advise a Startup Participant on steps to take

1 to retain its registration as a Startup Participant where the change of  
2 particulars as a result of an occurrence of an event affects the status of the  
3 Startup Participant and make it to fall short of the requirement for  
4 registration of a Startup Participant under the provisions of this Part of this  
5 Bill.

6 **87.**-(1) A Directorate shall subject to the availability of incubators  
7 and finance, place a Startup Participant under the tutelage of an experienced  
8 Startup Incubator in the area of expertise in which the Startup Participant  
9 has a scalable innovative concept.

Directorate to  
place a Startup  
Partnership in a  
business incubator

10 (2) The Startup Incubator under whose tutelage the startup of the  
11 Startup Participant will be incubated shall be a registered Nigerian Startup  
12 Incubator (also called "Startup Incubator in this Bill) with the Directorate.

13 **88.**-(1) Any natural person who is qualified under the Companies  
14 and Allied Matters Act 2020 or any law succeeding the said Act to be a  
15 Director of a Company or an entity whether incorporated, registered or  
16 created in Nigeria or in a foreign country, may be registered as a Nigerian  
17 Startup Incubator by a Directorate under this Bill if the person or entity has  
18 the capacity to enter into a contract in Nigeria

Registration of  
Nigerian Startup  
Incubator

19 (2) Such person or entity shall have adequate facilities, human and  
20 financial resources and equipment suitable to nurture and support  
21 innovative startups and has established collaborative relationships with  
22 universities, centres of research, public institutions and financial partners  
23 that carry out activities and projects related to the development of  
24 innovative start-ups.

25 **89.** In pursuant to clauses 87 and 88 of this Bill, every Directorate  
26 under this Bill shall open and maintain a Register to be called, Nigerian  
27 Startup Incubators' Register in which shall be entered the names and  
28 particulars of all incubators registered as Nigerian Startup Incubators by  
29 the Directorate.

Establishment  
of a Nigerian  
Startup Incubator's  
Register

Application to  
be registered as  
a Nigerian Startup  
Incubator to be  
submitted together  
with statement

- 1                   **90.** An entity that meets the criteria specified under clause 88 of this  
2 Bill may apply for registration as a Nigerian Startup Incubator by submitting  
3 an application together with a statement setting out information relating to-  
4                   (a) address of the applicant;  
5                   (b) principal object of the business of the applicant;  
6                   (c) brief description of previous and current projects carried out by the  
7 applicant;  
8                   (d) previous and current expenditures made by the applicant on  
9 research and development especially on innovative product, service and/or  
10 business model;  
11                  (e) list of share holders;  
12                  (f) list of investor companies, if any, related to the applicant;  
13                  (g) educational qualifications and professional experiences of  
14 members and staff of the applicant;  
15                  (h) the existence of professional relationship, of collaboration or  
16 commercial with other incubators, investors, institutional and professional,  
17 universities and research centers;  
18                  (i) last audited financial statements of the applicant; and  
19                  (j) list of industrial and/or intellectual property rights, if any.

Directorate to  
register Startup  
Incubator where  
found eligible

- 20                  **91.** Where a Directorate upon the consideration of an application and  
21 the documents submitted along with the application, is satisfied that the  
22 applicant is eligible to be registered as a Nigerian Startup Incubator, the  
23 Directorate shall register the applicant as a Nigerian Startup Incubator and  
24 enter the applicant's name in the Directorate's Nigerian Startup Incubators'  
25 Register and issue the registered Startup Incubator with a certificate to be  
26 known as, Certificate of Nigerian Startup Incubator.

Obligation of  
a Nigerian Startup  
Incubator

- 27                  **92.** A Nigerian Startup Incubator registered under this Bill shall-  
28                  (a) support novice technological entrepreneurs at the earliest stage of  
29 technological entrepreneurship;  
30                  (b) have a defined minimum and maximum technological innovation

- 1 projects it can handle simultaneously;
- 2 (c) facilitate the implementation of innovative ideas by Nigerian
- 3 Startup Participants;
- 4 (d) determine the technological and marketing applicability of a
- 5 technological innovation idea;
- 6 (e) have a viable research and development plan and expertise;
- 7 (f) raise capital and prepare marketing for startups;
- 8 (g) provide secretarial and administrative services to startups;
- 9 (h) create investment opportunities for private investors, including
- 10 seed investors and venture capitalists;
- 11 (i) facilitate transfer of technologies from research and other
- 12 institutions to the technological startups' industry; and
- 13 (j) enhance entrepreneurship especially of Nigerian youths in the
- 14 Nigerian economy.

15 **93.**-(1) Any natural person who is not disqualified under the

16 Companies and Allied Matters Act 2020 or any law succeeding the said Act

17 to be a Director of a Company, or an entity whether incorporated, registered

18 or created in Nigeria or in a foreign country, may be registered as a

19 Nigerian Startup Accelerator, if the person or entity has the capacity to

20 enter into a contract in Nigeria.

Registration of  
Nigerian Startup  
Accelerators

21 (2) Such person or entity shall have adequate facilities, human

22 and financial resources suitable to accelerate start-ups.

23 **94.** In pursuant to clause 93 of this Bill, every Directorate under

24 this Bill shall open and maintain a Register to be called Nigerian Startup

25 Accelerators' Register in which shall be recorded the names and particulars

26 of all Startup Accelerators registered as a Nigerian Startup Accelerator by

27 the Directorate and issue the registered accelerator with a certificate to be

28 known as, Certificate of Nigerian Startup Accelerator.

Establishment of  
a Nigerian Startup  
Accelerators'  
Register

29 **95.** A Nigerian Startup Accelerator registered under this Bill shall

30 support and accelerate the development and commercialization of the

Obligations of  
Nigerian Startup  
Accelerator

	1	innovative ideas of startups with mentorship, advice and resources to
	2	succeed.
Registration of Startup Participant, Incubator and Accelerator to be simple, efficient, accurate and transparent and online	3	<b>96.</b> Each Directorate shall ensure that the process of registration of
	4	Startup Participant, Incubator or Accelerator under the Nigerian Startup
	5	Development Programme (NCSDP) is simple, efficient, accurate and
	6	transparent and shall, for this purpose, establish within three (3) months from
	7	the date of the commencement of this Act , an online platform for the
	8	registration of Startup Participants, Incubators and Accelerators under the
	9	Startup Programme of the Directorate.
Withdrawal from Nigerian Startup Development Programme (NCSDP)	10	<b>97.</b> The Board of the Council established under this Bill shall, within
	11	six months of the commencement of this Act, in consultation with the
	12	Directorates under this Bill prescribe regulations to be adhered to by a Nigerian
	13	Startup Participant, Nigerian Startup Incubator or a Nigerian Content Startup
	14	Accelerator that intends to withdraw from an Nigerian Startup Development
	15	Programme (NSDP) established pursuant to this Bill.
Revocation of the admission of startup or an Incubator	16	<b>98.</b> The Board of the Council, may, where a Nigerian Startup
	17	Participant, Nigerian Startup Incubator or a Nigerian Startup Accelerator
	18	fails to adhere to, or meet the requirements under this Bill, revoke the
	19	registration of such a Nigerian Startup Participant, Nigerian Startup Incubator
	20	or Nigerian Startup Accelerator in accordance with the guidelines prescribed
	21	by the Board of the Council under sub clause (1) of clause 322 of this Bill,
	22	provided that the Nigerian Startup Participant, Nigerian Startup Incubator or
	23	Nigerian Startup Accelerator shall be given opportunity to be heard on the
	24	allegation made against it, within a period of not less than thirty days from the
	25	date of the Notice of the allegation, was served on the said Nigerian Startup
	26	Participant, Nigerian Startup Incubator or a Nigerian Startup Accelerator,
	27	before the Council revokes the registration.
Power of Directorate to amend Registers	28	<b>99.</b> Each Directorate shall have powers to correct or update
	29	information contained in the Nigerian Startup Participants Register, Nigerian
	30	Startup Incubators Register and Nigerian Startup Accelerators Register

1 pursuant to information it received and verified as true relating to any entry  
2 made in respect of information contained in any of the Registers.

3 **100.** Each Directorate under this Bill shall put in place measures  
4 to-

Directorate to  
support startups  
and incubators

5 (a) actively solicit for assistance on behalf of Nigerian Startup  
6 Participants and Nigerian Incubators registered under this part of this Bill,  
7 from Federal, State and Local Governments and their agencies, public and  
8 private academic institutions, financial institutions, private investors and  
9 industry partners;

10 (b) support activities of Nigerian Startup Participants and Nigerian  
11 Incubators that are capable of creating new jobs, business opportunities,  
12 improve production, and foster trade both in Nigeria and internationally;

13 (c) ensure that startups and incubators have quick and seamless  
14 access to benefits and incentives provided under any scheme or programmes  
15 including but not limited to such scheme or programme by the Federal  
16 Government of Nigeria or any of its agencies, states, local governments,  
17 private investors and international donor or other international bodies;

18 (d) support the participation of startups in local and international  
19 events including but not limited to international competitions and  
20 conferences capable of providing opportunities for startups and incubators  
21 to be linked to potential investors, mentors, collaborators, and customers;

22 (e) ensure that startups participants, incubators, accelerators and  
23 investors collaborate among themselves where such collaboration is  
24 required to jointly develop innovative products, services or business  
25 models in the sector the Directorate is responsible for; and

26 (f) support the development and growth of startup participants and  
27 incubators whose innovative product, service, or business model is integral  
28 to providing a better alternative for existing good, service or business  
29 model.

Establishment  
of the Nigerian  
Startup Development  
Fund

- 1                   **101.-(1)** There shall be established for each of the Directorates except  
2 the Directorate of Nigerian Capacity Development on Maritime and Logistics,  
3 established under this Bill, a fund to be known as the Nigerian Startup  
4 Development Fund (in this Bill referred to as "Nigerian Startup Fund") for  
5 the purpose of financing startup development projects in Nigeria, accordingly,  
6 the following Startup Development Funds are hereby established for the  
7 following Directorates-
- 8                   (a) Directorate of Nigerian Capacity Development on Information &  
9 Communication Technology Startup Development Fund for the Directorate of  
10 Nigerian Capacity Development on Information & Communication  
11 Technology;
- 12                  (b) Directorate of Nigerian Capacity Development on Solid Minerals  
13 and Metallurgy Startup Development Fund for the Directorate of Nigerian  
14 Capacity Development on Solid Minerals and Metallurgy;
- 15                  (c) Directorate of Nigerian Capacity Development on Construction  
16 Startup Development Fund for the Directorate of Nigerian Capacity  
17 Development on Construction;
- 18                  (d) Directorate of Nigerian Capacity Development on Power Startup  
19 Development Fund for the Directorate of Nigerian Capacity Development on  
20 Power;
- 21                  (e) Directorate of Nigerian Capacity Development on Manufacturing  
22 Startup Development Fund for the Directorate of Nigerian Capacity  
23 Development on Manufacturing;
- 24                  (f) Directorate of Nigerian Capacity Development on Health Startup  
25 Development Fund for the Directorate of Nigerian Capacity Development on  
26 Health; and
- 27                  (g) Directorate of Nigerian Capacity Development on Agriculture  
28 and Agro-Allied Products Startup Development Fund for the Directorate of  
29 Nigerian Capacity Development on Agriculture and Agro- Allied Products.

- 1                   **102.** The Nigerian Startup Fund shall be utilized for the following- Utilization of  
2                   (a) to enable the relevant directorate under the Bill to provide Nigerian Startup  
3                   financial assistance to Startup Participants upon proof of genuine and Fund  
4                   original innovative concept in respect of a product, service or business  
5                   model;  
6                   (b) to facilitate prototype development, product trial, market entry  
7                   and commercialization of such innovative concept to drive strong and  
8                   sustainable growth of the ecosystem to generate employment opportunities  
9                   and wealth for Nigerians;  
10                  (c) building of both human and physical capacities for innovative  
11                  startups and incubation activities in the sector that the Directorate is  
12                  responsible for;  
13                  (d) funding for building of industrial parks and other  
14                  infrastructures for startup and incubation activities to meet the needs of  
15                  private sector led industrialization of the sector of the Nigerian economy  
16                  that the Directorate is responsible for;  
17                  (e) establishment of research and development centres in various  
18                  parts of the Country to enable startup participants, incubators and  
19                  accelerators have access to the use of modern technologies in respect of their  
20                  startups development activities; and  
21                  (f) funding for the achievement of the statutory responsibilities of  
22                  the Directorate to provide support services to startup participants and  
23                  incubators.
- 24                  **103.** The Nigerian Startup Fund for Directorates established Composition  
25                  under this Bill shall consist of- of the Nigerian  
26                  (a) such sum of money budgeted and set aside by the Central Bank Startup Development  
27                  of Nigeria for the funding of activities relating to the development and Fund  
28                  promotion of startups and incubators in the value chain of the sector the  
29                  Directorate is responsible for;  
30                  (b) such sum of money paid into the Fund by any financial



1 institution for the purpose of financing startup development activities in the  
2 value chain of the sector the Directorate is responsible for;

3 (c) all funds donated by international, local and other donor agencies  
4 to the Federal Government of Nigeria for the financing of activities of  
5 startups and incubators in the value chain of the sector of the Nigerian economy  
6 that the Directorate is responsible for;

7 (d) ten percent of the fund established for the utilization of the  
8 relevant Directorate in clause 197 of this Bill;

9 (e) such sum of money donated to the Fund by public spirited  
10 Nigerians and foreigners;

11 (f) interest and revenue accruing from savings and investments made  
12 by the managing agent appointed under this Bill for the administration of the  
13 Fund; and

14 (g) any other lawful source of fund.

Power of  
Directorate to  
arrange for low  
interest loans  
from money  
market and other  
sources

15 **104.-(1)** A Directorate, where it is satisfied that there exists innovative  
16 idea of a startup registered under this bill which idea is capable of  
17 substantially stimulating economic activities especially in creating jobs,  
18 wealth for Nigerians, production of goods that would otherwise be imported,  
19 shall arrange for a low interest loan from any financial institution, money  
20 market in, or outside, Nigeria for the development, promotion and  
21 commercialization of the innovative idea.

22 (2) The Directorate shall exercise the powers in sub-clause (1) of this  
23 clause with the approval of the Board of the Council and under circumstances  
24 where the development, promotion and commercialization of the innovative  
25 concept is likely to be defeated or delayed for lack of funds.

Operational  
Benefits and  
Incentives for  
startup participants,  
incubators and  
accelerators

26 **105.-(1)** A Startup Participant, Startup Incubator and Startup  
27 Accelerator registered under this Bill shall be granted, from the date of its  
28 registration, the following benefits-

29 (a) complete exemption for the first five years from the date of  
30 registration, from paying import tariffs in respect of plant, machinery,

1 equipment and accessories imported specifically and exclusively by the  
2 Startup Participant, Startup Incubator or Startup Accelerator for the  
3 development of startup activities in Nigeria provided-

4 (i) the startup activities for which the plant, machinery, equipment  
5 and accessories are imported will produce product or service that would  
6 otherwise be imported; and

7 (ii) similar types of the plant, machinery, equipment and  
8 accessories imported are not manufactured in Nigeria.

9 (b) accelerated approval for expatriate quota and resident permit in  
10 respect of foreigners to be brought into Nigeria for the promotion and  
11 development of a startup; and

12 (c) personal remittance quota for expatriate personnel, free from  
13 any tax imposed by any enactment for the transfer of external currency out  
14 of Nigeria.

15 (2) For the purpose of sub clause (1) of this clause, the relevant  
16 Directorate shall approve the appropriate machinery, equipment and  
17 accessories to be imported for the purpose of this clause.

18 (3) The plant, machinery, equipment and accessories imported  
19 pursuant to sub clause (1) of this clause may be disposed of by the Startup  
20 Participant, Startup Incubator and Startup Accelerator upon the full  
21 payment of customs and import duties in respect thereof.

22 **106.-(1)** A Startup Participant, Startup Incubator or Startup  
23 Accelerator shall be exempted from payment of taxes on incomes derived  
24 from startup development programmes or projects.

Tax exemption  
and reliefs for  
development and  
promotion of  
startup programmes

25 (2) The tax exemption granted under sub clause (1) of this clause  
26 shall commence from the date the Startup Participant, Startup Incubator or  
27 Startup Accelerator registered with the relevant Directorate and the  
28 exemption shall continue for a period of five years notwithstanding any  
29 provision contained in any enactment.

30 (3) The tax exemption period granted under sub clause (2) of this

1 clause may, by the end of the five years, be extended by the Minister  
2 responsible for tax matters for another period of two years.

3 (4) The Minister responsible for tax matters shall not extend the tax  
4 period for the exemption under sub clause (3) of this clause unless the Minister  
5 is satisfied as to-

6 (a) the rate of expansion, standard of efficiency and level of  
7 development of the startup participant, incubator or accelerator's operations  
8 for which the tax exemption is granted;

9 (b) the implementation of any conditions upon which the startup  
10 participant, startup incubator or startup accelerator was registered;

11 (c) the development of Nigerian capacity and capabilities of  
12 Nigerians especially relating to the creation of jobs and wealth for Nigerians  
13 in the operation of the startup; and

14 (d) the quantum of economic or other benefits accruable to the  
15 Country for an extension to be granted by virtue of sub clause (2) of this clause.

16 (5) Notwithstanding anything to the contrary contained in any other  
17 enactment but subject to the provisions of sub clauses (1), (2) and (3) of this  
18 clause, a Startup Participant, Startup Incubator or Startup Accelerator  
19 registered under this Bill whose-

20 (a) total earnings for the year is less than fifty million naira shall be  
21 exempted from the payment of companies income tax for that year;

22 (b) total earnings for the year is less than one hundred million naira  
23 shall pay twenty per cent on its taxable profit as companies income tax for that  
24 year; and

25 (c) total earnings for the year is more than one hundred million naira  
26 shall pay thirty per cent on its taxable profit as companies income tax for that  
27 year.

Capital Allowances  
to be granted to  
startups, incubators  
and accelerators

28 **107.-(1)**Subject to clause 106 of this Bill, a Startup Participant,  
29 Startup Incubator or Startup Accelerator registered under this Bill shall be  
30 entitled, in determining its total profits, to deduct from its assessable profits, a

1 capital allowance of ninety-five percent of capital expenditure incurred in  
2 investing in startup in the year in which the investment, is incurred and such  
3 capital expenditure for the purpose of this clause shall include all verifiable  
4 expenses including feasibility study, acquisition of intellectual property  
5 right and all infrastructure costs incurred regardless of ownership and  
6 replacement.

7 (2) The amount of any loss incurred by any Startup Participant,  
8 Startup Incubator or Startup Accelerator shall be deducted as far as it is  
9 possible from the assessable profits of the first year of assessment after that  
10 in which the loss was incurred and in so far as it cannot be so made, then from  
11 such amounts of such assessable profits of the next year of assessment, and  
12 so on up to a limit of four years after which period any unrelieved loss shall  
13 become lapse.

14 **108.**-(1) Any person including corporate entity who for the  
15 purposes of raising capital for investment in a Startup project in Nigeria,  
16 gives or takes loan including but not limited to, selling or buying securities  
17 in the capital or money market, selling fixed or other assets and shows  
18 proof of the investment of such loan in a Startup project carried out by a  
19 registered startup participant, startup incubator or startup accelerator under  
20 this Bill, shall be exempted from the payment of value added tax, capital  
21 gains tax and/or any other tax in respect of such loan transaction, provided  
22 the relevant Directorate that registered the startup was informed in writing  
23 of the details of the transaction including-

Incentives for  
investors in  
Nigerian Startup  
Programmes

24 (a) the name of the dealer or seller that sold the securities, fixed or  
25 other assets for the loan or capital to be raised;

26 (b) the amount of money involved, collateral if any used to raise the  
27 fund from the capital or money market,

28 (c) the project or activity in the startup for which the funds would  
29 be applied; and

1 (d) any other information as may be considered necessary by the  
2 Directorate.

3 (2) An investor in a startup under this Bill shall be guaranteed free  
4 transferability through the Central Bank in convertible currency if-

5 (a) payment is due to the investor under any financial instrument in  
6 respect of loan servicing where a certified foreign loan was obtained and  
7 invested in the startup; and

8 (b) the remittance of foreign capital in the event of sale or liquidation  
9 of the startup or incubation activities or any interest therein attributable to  
10 foreign investment.

11 (3) Any person including a corporate body who invests fund in a  
12 startup shall be entitled to an exemption from tax in respect of any income  
13 including profit, dividend etc. made from such investment, provided at the time  
14 the income accrued, incomes arising from the startup are exempted from tax  
15 under clause 106 of this Bill.

Right to Retain  
and use earned  
foreign exchange  
by startups,  
incubators and  
accelerators

16 **109.** Where a Startup Participant or Startup Incubator or Startup  
17 Accelerator earns foreign exchange from his/its startup business activities,  
18 he/it shall be permitted by the Central Bank of Nigeria to retain in a foreign  
19 exchange domiciliary account, a specified portion of the earned foreign  
20 exchange as the Central Bank of Nigeria, may on case by case basis prescribe,  
21 for the purposes of using same to acquire spare parts and other inputs required  
22 for the startup, incubation or accelerator's activities.

Nigerian Securities  
and Exchange  
Commission to  
collaborate with  
Directorates to  
ensure seamless  
processes in  
raising funds for  
startup  
developments

23 **110.-(1)** The Nigerian Securities And Exchange Commission shall  
24 collaborate with Directorates to ensure seamless processes in raising funds for  
25 startup developments and to that effect, the Nigerian Security and Exchange  
26 Commission shall supply a Directorate on request by the Directorate, extant  
27 list of companies, firms and other entities registered with, or recognized by, the  
28 Nigerian Securities And Exchange Commission as entities with capacities and  
29 capabilities to fund startup programmes in Nigeria.

30 (2) The Directorate upon the receipt of the list pursuant to sub clause

1 (1) of this clause, acknowledge the receipt of the list and ensure regular  
 2 consultation with the Nigerian Securities and Exchange Commission on  
 3 matters relating to the raising of funds for startup funding in the sector of the  
 4 Nigerian ecosystem that the Directorate oversees.

5 **111.**-(1) The Ministry of Interior and the Nigerian Immigration Service shall create the following startup visas: Issuance of Startup  
Visas to foreigners  
participating in  
development of  
startups

7 (a) Startup Employee Visa for prospective or current foreign  
 8 employee of a startup or incubator registered under this Part of this Bill; and

9 (b) Startup Investor Visa for prospective or current foreign investor  
 10 in a startup or incubator registered under this part of this Bill.

11 (2) The application for the aforementioned startup visas shall  
 12 require an endorsement from the relevant Directorate responsible for the  
 13 sector in respect of which startup or incubator activities are to be carried out  
 14 under this Bill.

15 (3) These startup visas shall have an initial five (5) year validity  
 16 period and may be renewed or extended with a three (3)-year validity period  
 17 where the presence of the holder of the visa is still essential for the  
 18 continuance of the activities of the startup or incubator.

19 **112.** An application for a startup visa shall be determined within Expeditious  
issuance of  
Startup visa  
 20 five working days from the date of the receipt of the application in the  
 21 Nigerian Embassy or High Commission in the country the application is  
 22 made.

23 **113.** A holder of a startup visa shall not be required to obtain a Startup Visa  
operate as permit  
to work  
 24 work permit to be entitled to work in Nigeria.

25 **114.**-(1) Each Directorate shall develop and maintain web portals Directorates to  
create web portals  
for startup participants  
incubators and  
accelerators  
 26 that shall serve as the primary source of information on statistics, events,  
 27 programs, and benefits for startups, incubators and related enterprises in the  
 28 sector of the Nigerian economy in which the Directorate is responsible for  
 29 under this Bill.

30 (2) The web portal established pursuant to clause (1) of this clause

1 shall where applicable, have the following features:

2 (a) existing startups, incubators and accelerators registered by the  
3 Directorate;

4 (b) processes of registration and admission into programmes on  
5 startup development and management provided under the provisions of this  
6 Bill;

7 (c) available training programmes;

8 (d) mentors and resource persons;

9 (e) projects under existing incubation and acceleration programmes;

10 (f) existing fiscal and non-fiscal benefits and incentives either  
11 available under the provisions of this Bill or under any scheme including  
12 schemes offered by international donors, agencies, civil societies or private  
13 persons;

14 (g) any information including but not limited to statistics, annual  
15 reports, and studies pertinent to the development and management of startups,  
16 incubators, accelerators and investors in startups; and

17 (h) such other information as the relevant Directorate may deem  
18 necessary.

Directorates  
to collaborate  
with National  
Board for  
Technology  
Incubation

19 **115.** Each Directorate may, where necessary, collaborate with the  
20 National Board for Technology Incubation in the implementation of the  
21 provisions of this Part of this Bill.

Directorates to  
promote startup  
developments  
among students  
of primary, post  
primary and  
tertiary institutions

22 **116.** Each Directorate pursuant to its obligations to develop  
23 innovations in its sphere of responsibilities under this Bill, institute and  
24 establish programmes and projects in primary, post primary and tertiary  
25 institutions for the innovation of scientific and technological ideas among  
26 pupils and students of such institutions.

#### 27 PART XIV - NIGERIAN CONTENT COMPLIANCE IN AWARD OF

##### 28 CONTRACT BY NIGERIAN CONTENT ENTITIES

Quarterly  
submission of list  
of all proposed  
contracts, sub-  
contracts and  
purchase orders

29 **117.-(1)** A Nigerian Content Entity shall submit to the relevant  
30 directorate, 30 days before the first day of each quarter, a list of all contracts,

1 subcontracts and purchase orders to the value of one hundred million naira  
2 (N100,000,000.00) that will be bided for or executed in the upcoming  
3 quarter.

4 (2) A Nigerian Content Entity, shall publish information, including  
5 but not limited to the description of the service or item to be contracted or  
6 purchased and the estimated value of the proposed contract, subcontract or  
7 purchase order which will be bided for or executed in the upcoming quarter.

8 (3) Such publication shall be made in the virtual platform of the e-  
9 market established by the Directorate under this Bill, the portals, websites  
10 and any other social media platform of the Nigerian Content Entity that will  
11 be easily accessible to members of the public, more especially stakeholders  
12 of the industry.

13 **118.** For the purposes of compiling a bidding list for any project,  
14 contract, subcontract or purchase order, a Nigerian Content Entity shall  
15 submit to the relevant Directorate, prior to issuing an Invitation To Tender  
16 (ITT)-

Submission to  
be made for the  
compiling of a  
bidding list

17 (a) a list of bidders;

18 (b) a copy of the Invitation To Tender (ITT) (the directorate shall  
19 advise the Nigerian Content Entity of its requirements in this regard on a  
20 case by case basis);

21 (c) a description of the beneficiary owners and Directors of the  
22 bidders;

23 (d) joint venture or partnership agreement between any bidder and  
24 another having any relevance to the execution of the project, contract,  
25 subcontract or purchase order, if any;

26 (e) subsisting technical agreement on technology transfer between  
27 the bidder and any other person, if any;

28 (f) location of any Nigerian based office, plant or facility;

29 (g) anticipated dates for closure of bids and award of contract or  
30 purchase order; and



	1	(h) any other information requested by the Directorate.
Submission to be made prior to an award of contract, sub-contract etc.	2	<b>119.</b> Prior to the award of contract, subcontract or purchase order to
	3	the selected bidder, a Nigerian Content Entity shall submit to the Directorate -
	4	(a) the name of the selected contractor or vendor;
	5	(b) a list of designated sub-contractors or sub-vendors;
	6	(c) where applicable, a list of proposed sub-suppliers;
	7	(d) for construction or service contracts; the estimated Nigerian
	8	employment (in person-hours);
	9	(e) contract or purchase order commencement and completion dates;
	10	(f) award Notification Form signed by an appropriate official of the
	11	Nigerian Content Entity; and
	12	(g) statement of award rationale (evaluation of bids) showing-
	13	(i) percentage difference in price between selected bidder and each of
	14	the other bidders,
	15	(ii) a primary location of work associated with each bidder,
	16	(iii) estimates of Nigerian content associated with the bid of each
	17	bidder calculated in accordance with the definition of Nigerian content under
	18	this Bill, and
Directorate to advise on award of contracts, subcontracts, purchase orders, etc.	19	(iv) other information relevant to the evaluation of bidders which
	20	information shall be requested by the Directorate within two days of the receipt
	21	of the information contained in sub clauses (a) to g(iii) of this clause.
	22	<b>120.</b> Upon assessment of the information received in compliance with
	23	Clauses 117 to 119 of this Bill, the Directorate shall within three working days
	24	of the receipt of the information contained in clause 119 of this Bill review and
	25	approve the award by the Nigerian Content Entity except there is a violation
	26	by the bidder of the provisions of this Bill that cannot be remedied without a
	27	prejudice against another bidder who would have won the bid if not for the
	28	violation.
Submission of List of contracts, subcontracts and purchase orders	29	<b>121.-(1)</b> A Nigerian Content Entity shall submit to the Directorate,
	30	within thirty days at the end of each quarter, a list of all contracts, subcontracts

1 and purchase orders that were awarded in the previous quarter that were in  
2 excess of ten million naira.

3 (2) This listing shall provide-

4 (a) a list of all items and services;

5 (b) value of contract or purchase order;

6 (c) name of successful contractor or vendor;

7 (d) a primary location of work;

8 (e) estimates of Nigerian Local Content;

9 (f) commencement and completion date; and

10 (g) any other information required by the Board for the purposes of  
11 implementing the provisions of this Bill.

12 **122.**-(1) The Nigerian Content Entity upon the award of contracts,  
13 subcontracts or purchase orders shall publish the names of the beneficial  
14 owners of the companies or firms that were awarded the contracts, sub  
15 contracts or purchase orders, those who were unsuccessful in the biddings,  
16 those debarred from future bids, the reasons for the award and rejection of  
17 other bids, particulars of the award including the scope of work covered by  
18 the award, the percentage of Nigeria content in terms of Nigerian personnel,  
19 raw materials sourced in Nigeria for the manufacture of the goods or  
20 production of the services for the execution of the award, ground(s) upon  
21 which the termination of the award shall be made and when works shall  
22 commence.

23 (2) The Nigerian Content Entity shall publish the proceedings  
24 leading to the selection of winners in the biddings, in the virtual platform of  
25 the market established by the Directorate under this Bill, its portals, websites  
26 and any other social media platform that will be easily accessible to  
27 members of the public, more especially stakeholders of the industry, to show  
28 transparency and fairness in the procurement process of the Nigerian  
29 Content Entity.

Nigerian Content  
Entity to disclose  
awarded contracts  
including scope  
work

Independent monitoring at all stages of the procurement process	1 2 3 4 5	<b>123.</b> The relevant Directorate and the Nigerian Content Entity shall ensure that in all the stages of the procurement leading to the award of the contract, sub contract or purchase order by the Nigerian Content Entity, reputable non- governmental actors are involved to monitor the transparency in the processes.
Appeals against decision of unjust award	6 7 8 9 10	<b>124.</b> -(1) A company or firm that is disqualified at any stage of the procurement process in the award of contract by a Nigerian Content entity shall have a right of appeal to the relevant Directorate within two days of the publication of the result of the selection in which the company or firm was disqualified.
	11 12 13 14 15 16	(2) The relevant Directorate upon the receipt of an appeal against any decision disqualifying a company or firm shall determine the appeal within three days from the date of the receipt of the appeal and if the appeal has merit, cancel the disqualification and permit the company or the firm to maintain the position or status it ought to have maintained in the procurement process but where the appeal is without merit, dismiss the appeal.
	17	PART XV - ESTABLISHMENT OF PROJECT OFFICE IN CATCHMENT AREAS
Project office to be established as directed by a Directorate	18 19 20 21 22 23	<b>125.</b> -(1) Where necessary and before carrying out any work or activity in respect of a project to which the provisions of this Bill apply, the relevant Directorate may at any time before the commencement of the project or during the life span of its project, require a Nigerian Content Entity to establish in the Catchment Area where the project is located, a project office where project management and procurement decisions will be made.
	24 25 26	(2) A Nigerian Content Entity shall locate, within the project office, personnel with decision- making authority in accordance with a list of other personnel to be approved by the directorate.
Maintenance of a Community Office by a Nigerian Content Entity	27 28 29	<b>126.</b> -(1) A relevant Directorate may require a Nigerian Content Entity to maintain an office in a Community where the entity has significant operations.
	30	(2) The Directorate shall ensure that the Nigerian Content Entity

1 maintains a reasonable number of personnel from areas it has significant  
2 operations.

3 PART XVI - NATIONAL SUPPLIER DATABASE AND ESTABLISHMENT OF  
4 NATIONAL JOINT QUALIFICATION SYSTEM

5 127.-(1) The Council shall in consultation with the Federal  
6 Ministries responsible for, labour, Power, Solid Minerals, Works, Trade &  
7 Investment, National Planning, Science and Technology, the National  
8 Office for Technology Acquisition and Promotion, Bureau for Public  
9 Procurement, other relevant agencies of the Federal Government,  
10 professional bodies in Nigeria and trade associations, develop, operate,  
11 maintain and periodically update a National Supplier Database for Nigerian  
12 companies, firms and citizens wishing to be captured under the National  
13 Supplier Database in respect of the business and/or profession they  
14 undertake in the Nigerian economy.

National supplier  
database for  
Nigerian companies  
and citizens

15 (2) Every Nigerian company, firm or Nigerian citizen with  
16 expertise in Science, Engineering, Technology and other fields of expertise  
17 shall be captured in the database upon the application of the company, firm  
18 or citizen and satisfaction of the Council that such company, firm or citizen  
19 is qualified to be captured in the National Supplier Database as a Nigerian  
20 company, firm or citizen with expertise in Science, Engineering,  
21 Technology and other fields of expertise.

22 (3) The Council shall always examine the National Supplier  
23 Database and verify the entries made in the National Supplier Database and  
24 may remove an entity or citizen from the National Supplier Database where  
25 the entity or citizen no longer meets the requirements that qualified the  
26 entity or the citizen to be captured in the National Supplier Database.

27 (4) Directorates are to use the extant National Database of  
28 Contractors, Consultants and Service providers developed by the Bureau for  
29 Public Procurement as a national supplier database pending when the  
30 Council develops a national supplier database for every sector of the

Establishment  
of National Joint  
Qualification  
System

1 economy pursuant to sub clause (1) of this clause.

2 (5) A Nigerian company, firm or citizen shall only be qualified to apply for an  
3 accreditation under the National Joint Qualification System if the Nigerian  
4 company, firm or citizen is captured in the National Supplier Database.

5 **128.**-(1) There is hereby established, a National Joint Qualification  
6 System for the Council which shall be operated and maintained by the Council  
7 as an industrial data bank of available capacities and capabilities in all the  
8 sectors of the Nigerian economy to which the provisions of this Bill apply.

9 (2) The National Joint Qualification System shall be used by the  
10 Council-

11 (a) as the sole system for the accreditation and registration of pre-  
12 qualification of contractors for all the sectors of the Nigerian economy that the  
13 provisions of this Bill apply to;

14 (b) for verification and accreditation of capacities and capabilities of  
15 Nigerian companies for the execution of contracts, and the development of the  
16 sectors of the Nigerian economy covered by this Bill;

17 (c) for evaluation of application of Nigerian capacities and  
18 capabilities in the operations of Nigerian Companies especially in the  
19 manufacturing of Made -in -Nigeria components, parts, accessories, plant and  
20 machinery for the development of the Nigerian economy;

21 (d) as the data base for indigenous skills development pool in the  
22 sectors under the supervision of the Board of the Council; and

23 (e) for ranking and categorization of Nigerian companies based on  
24 capacities and capabilities on the quantum of Nigerian content including raw  
25 materials sourced in Nigeria and Nigerians used in the production of goods and  
26 services by Nigerian companies.

27 (3) The Board of the Council shall within six months from the date of  
28 the commencement of this Bill, consult with relevant key stakeholders  
29 including Manufacturers Association of Nigeria, other members of the  
30 organised private sector in Nigeria and relevant statutory regulatory bodies,

1 make Regulations prescribing-

2 (a) the manner in which the National Joint Qualification System  
3 established under sub clause (1) of this clause shall be administered;

4 (b) the qualifications of companies, firms and individuals that  
5 could be accredited under the National Joint Qualification System;

6 (c) documents to be submitted by companies, firms or individuals  
7 applying to be accredited under the National Joint Qualification System;

8 (d) audit and method(s) of auditing the capacities and capabilities  
9 of companies, firms and individuals seeking to be accredited under the  
10 National Joint Qualification System; and

11 (e) any other matter for the use of the National Joint Qualification  
12 System to promote transparency and capacity building in the development  
13 of Nigerian content in the Nigerian economy.

14 (4) Notwithstanding any provision in the Regulations made  
15 pursuant to sub clause (3) of this clause, all manufacturing companies in  
16 Nigeria shall-

17 (a) have MANCAP and ISO 9000 accreditations to be qualified as  
18 a Nigerian Content Manufacturing company in respect of any Made- in-  
19 Nigeria good by the company to be accredited under the National Joint  
20 Qualification System; and

21 (b) be captured in the National Joint Qualification System with  
22 the list of what the company produces, the recognised quality standard of  
23 the product(s) and the annual production capacity of such product(s) that the  
24 company possesses.

25 (5) A Directorate shall utilise any existing Joint Qualification  
26 System suitable for the relevant sector the Directorate oversees where the  
27 Board of the Council has not made any regulation establishing a National  
28 Joint Qualification System for the sector.

	1	PART XVII - ISSUANCE OF WORK PERMITS AND EXPATRIATE QUOTAS
Duty to obtain work permit	2	<b>129.</b> From the commencement of this Bill, every non Nigerian
	3	employed or to be employed in any sector of the Nigerian economy to which
	4	this Bill applies shall apply for and obtain a Work Permit from the Nigerian
	5	Immigration Service.
Duties on ministry and agency responsible for issuance of expatriate quota	6	<b>130.</b> -(1) The Ministry responsible for Interior shall-
	7	(a) ensure that Expatriate Quota for projects, contracts and
	8	programmes are granted in line with the provisions of the Immigration Act and
	9	other relevant laws, and where qualifications and competency of Nigerians are
	10	not available provided an approval for an Expatriate Quota shall be contingent
	11	on undertaking to be made by the applicant for the Expatriate Quota to train
	12	Nigerians to succeed the expatriate(s) to be brought into Nigeria by virtue of
	13	the Expatriate Quota.
	14	(b)create a special immigration classification to encourage foreign
	15	expatriates, particularly from African countries, with skills that are not
	16	available in Nigeria, to reside and work in Nigeria upon obtaining a work
	17	permit for the purpose of sharing knowledge with Nigerians.
	18	(2) The Federal Ministry responsible for the issuance of expatriate
	19	quota and the agency responsible for the issuance of work permit in Nigeria
	20	shall take into consideration the manpower data base of relevant professional
	21	bodies in determining the availability of local skilled manpower in the
	22	Nigerian economy to which this Bill applies before any approval of expatriate
	23	quota or work permit respectively, is made.
Restriction of grant or renewal of work permit	24	<b>131.</b> -(1) Subject to the provisions of this Bill, a work permit shall not
	25	be issued neither shall a work permit be renewed in respect of any work by a
	26	non - Nigerian unless there is evidence showing any of the circumstances listed
	27	in this clause, to wit:
	28	(a) the skill of the applicant for the grant of the work permit or
	29	renewal is of rare quality that it will be beneficial for Nigerian companies to
	30	engage such quality of labour to improve on their international business

1 competitiveness;

2 (b) the skill of the applicant seeking for the work permit or renewal  
3 of same is not sufficiently available in Nigeria and it would cause substantial  
4 hardship or expenses to obtain such skilled service in Nigeria;

5 (c) the applicant for the work permit has capital investment in  
6 Nigeria;

7 (d) the applicant already has capital to invest in the Country and  
8 there is evidence of willingness on the part of the applicant to invest in the  
9 country; and

10 (e) the grant or renewal of the work permit is only needed to  
11 complete an almost completed project that the applicant has been working  
12 in.

13 **132.-(1)** Notwithstanding anything to the contrary contained in  
14 any existing enactment, law, Regulation including but not limited to any  
15 provision in the Nigerian Immigration Act, a Nigerian company shall not  
16 make an application to, and receive the approval of the Ministry of Interior  
17 or any other agency or Ministry of the Federal Government for the approval  
18 or renewal of an expatriate quota without a prior approval from the relevant  
19 Directorate to make such an application, or where the company operates in  
20 a sector of the Nigerian economy that this Bill covers.

Restriction of  
grant or renewal  
of expatriate quota

21 (2) The application to be made under sub-Clause (1) of this Clause  
22 shall be detailed and shall among other information, include-

23 (a) job Titles;

24 (b) description of responsibilities;

25 (c) the duration of the proposed employment in Nigeria;

26 (d) exceptional reason(s) why the services of an expatriate is  
27 required;

28 (e) the likely countries where the expatriate(s) would be engaged  
29 from;

30 (f) the remuneration budgeted for the payment of the services of the



	1	expatriate(s); and
	2	(g) any other information required by the Directorate for the purposes
	3	of determining the merit of the application in view of the applicable provisions
	4	of this Bill.
	5	(3) Any of the circumstances specified in sub clauses (2) (a) to (e) of
	6	clause 131 of this Bill shall operate as an exceptional reason(s) contemplated
	7	under sub clause (2) (d) of this clause.
Timeline for the issuance or approval by Directorates for expatriate quota	8	<b>133</b> -(1)The relevant Directorate to which an application is made
	9	under clause 132 of this Bill by a Nigerian company shall ensure that a
	10	decision on the application for approval is taken and communicated to the
	11	Nigerian company within fourteen days from the date of the receipt of the
	12	application.
	13	(2) Where the relevant Directorate does not communicate its decision
	14	to the Nigerian company by virtue of sub clause (1) of this clause, the
	15	application for approval under clause 132 of this Bill shall be deemed approved
	16	for the purpose for the approval or renewal of the expatriate quota.
	17	PART XVIII - NIGERIAN GOODS AND SERVICES
Local Materials and Made-in-Nigeria goods to comply with approved standards	18	<b>133.</b> All Nigerian Content Entities shall ensure that companies or
	19	firms working on subcontract arrangement under such entities are members of
	20	the National Joint Qualification System and utilise local materials where
	21	available and comply with approved standard and quality set by the appropriate
	22	regulatory agency in Nigeria.
Rejection of Nigerian produced goods and services during procurement	23	<b>134.</b> -(1) Every ministry, extra ministerial department, any agency of
	24	the Federal Government of Nigeria and Nigerian Content Entity shall not
	25	reject a Made -in-Nigeria good or service provided by a Nigerian company
	26	merely on the ground that the Made -in -Nigeria good or service does not meet
	27	the quality, quantity or timeline for delivery required by the Nigerian Content
	28	Entity.
	29	(2) Where a Made -in-Nigeria good or service provided by a Nigerian
	30	citizen or Nigerian company does not meet the required quality, quantity or

1 timeline for delivery or completion, the provisions of sub clauses (3), (4) and  
2 (5) of this clause, shall govern the procedure to be adopted to  
3 procure the foreign good or service.

4 (3) Where a good or service mentioned in subclause (2) of this  
5 clause is to be procured, the Nigerian Content Entity shall apply for a  
6 written authorisation from the relevant Directorate.

7 (4) The request for authorization under subsection (3) shall state  
8 the -

- 9 (a) nature of the good or service to be procured;  
10 (b) availability of similar goods or services in Nigeria;  
11 (c) purpose for which the good or service is required;  
12 (d) minimum quality, quantity and timeline for delivery required  
13 by the Nigerian Content Entity;  
14 (e) market price for the good or service;  
15 (f) market price for similar goods or services; and  
16 (g) availability of the quality of the good or service in an African  
17 country.

18 (5) A Made - in - Nigeria good or service to be provided by a  
19 Nigerian or Nigerian company shall not be rejected solely on grounds of-

- 20 (a) quality, if -  
21 (i) the quantum of Nigerian content in the good is not less than  
22 50%;  
23 (ii) relevant and extant applicable standards from the Standard  
24 Organisation of Nigeria or any recognized international agency for  
25 standardization have been obtained and confirmed in respect of the quality  
26 standards of the Made - in - Nigeria goods or services;  
27 (iii) the manufacturer is a Nigerian company;  
28 (iv) in case of a service, such a service is provided in accordance  
29 with best industry practices; or  
30 (v) the manufacturer of the good or the person rendering the service

1 is willing to negotiate with the Nigerian Local Content Entity desirous of  
 2 buying the goods and hiring the services to improve on the quality of the good  
 3 or service to meet the required quality by the Nigerian Content Entity  
 4 within a reasonable time from the date the Nigerian Content Entity gives the  
 5 approval for the procurement;

6 (b) price, if-

7 (i) the manufacturer of such a good or the person providing the service  
 8 is willing and able to negotiate the price for such a good or service; or

9 (ii) such a good or service is shown by the manufacturer to be  
 10 competitive in respect of price when compared with similar goods  
 11 manufactured or services rendered by persons or entities from member states  
 12 of the African Union (AU); or

13 (c) quantity or timeline for delivery if,

14 (i) it can be demonstrated by the manufacturer of the good or the  
 15 person providing the service that it or the person can meet the quantity and  
 16 timelines for the delivery of the good or the provision of the service or a  
 17 portion of the required good or service if the manufacture or the person  
 18 providing the service is granted a more suitable timeline, considering the time  
 19 required for the sourcing of materials for the production of the required  
 20 quantity of the good or provision of the service; and

21 (ii) the ministry, extra ministerial department, agency of the Federal  
 22 Government of Nigeria or Nigerian Content Entity did not give the  
 23 manufacturer of the Made-in-Nigeria good or producer of the Nigerian  
 24 service, adequate notice from the time it was preparing for the invitation for  
 25 bids, as to the quantity and timeline required for the supply of the Made - in-  
 26 Nigeria good or service in respect of the proposed bid.

Reservation of  
 goods and services  
 to be procured by  
 Nigerian companies  
 based on set  
 Regulations

27 **135.-(1)** The Council shall not later than six months from the date of  
 28 the commencement of this Bill and after consultation with relevant  
 29 stakeholders including members of the organised private sector and regulatory  
 30 agencies, make Regulations prescribing the minimum Nigerian content level

1 and qualities in respect of Made-in-Nigeria goods and services that  
 2 Nigerian companies shall use in all the sectors of the Nigerian economy that  
 3 this Bill applies to.

4 (2) All Nigerian companies shall comply with the minimum  
 5 Nigerian content level for products and services set out in the Regulation  
 6 made pursuant to sub clause (1) of this clause.

7 (3) The Council shall review and update the Regulations made  
 8 pursuant to sub clause (1) of this clause and include in the Regulation or  
 9 make a supplementary Regulation to include an item in the Regulation  
 10 where an item that is not specified in the Regulation is required to be used by  
 11 any Nigerian Content Entity or any arm or agency of the Federal  
 12 Government of Nigeria.

13 PART XIX - FORMALISATION AND DEVELOPMENT OF ARTISANAL  
 14 AND SMALL SCALE MINERS OF SOLID MINERALS

15 **136.** To optimize the retention of value from the exploitation of  
 16 solid mineral resources in Nigeria and also to strongly support, encourage  
 17 and improve on the existing indigenous Nigerian technologies in the mining  
 18 of solid minerals, the Directorate of Nigerian Capacity Development and  
 19 Monitoring on Solid Minerals and Metallurgy shall from the  
 20 commencement of this Bill collaborate with the ministry responsible for  
 21 solid minerals and steel development and establish plans, programmes and  
 22 train Nigerians to acquire high levels of skill and technical know-how  
 23 needed to construct, repair, maintain and operate artisanal and small scale  
 24 equipment capable of mining and processing standardised quality of solid  
 25 minerals including but not limited to, bentonite/bartye, bitumen, coal,  
 26 gemstones, gold, granite, gypsum, kaolin, lead/zinc, marble, iron ore, rock  
 27 salt, silver and talc in Nigeria.

28 **137.-(1)** The Directorate of Nigerian Capacity Development and  
 29 Monitoring on Solid Minerals and Metallurgy in collaboration with the  
 30 ministry responsible for solid minerals and steel development shall upon the

Obligation to  
improve on existing  
local technologies  
in solid mineral  
mining

Directorate of  
Nigerian Capacity  
Development and  
Monitoring on  
Solid Minerals and  
Metallurgy to  
biometrically register  
persons engaged in  
artisanal mining in  
the solid minerals  
producing areas

1 commencement of this Act undertake a biometric registration of persons  
2 engaged in artisanal and small scale mining in the solid minerals producing  
3 areas of Nigeria.

4 (2) Subject to the fulfilment of the conditions prescribed under this  
5 Bill and any other condition that may be prescribed by the Directorate of  
6 Nigerian Capacity Development and Monitoring on Solid Minerals and  
7 Metallurgy in collaboration with the ministry responsible for solid minerals  
8 and steel development, a person who is found by the Directorate to have been  
9 engaged in artisanal or small scale mining of solid minerals with vocational  
10 skills and seeking to convert such skills to an improved technical skills in solid  
11 minerals mining shall be registered as a Nigerian Artisanal and Small Scale  
12 Solid Minerals Miner, in the register to be known as Nigerian Artisanal and  
13 small Scale Solid Minerals Mining Register.

Requirements  
for Registration  
as a Nigerian  
Artisanal and  
Small Scale Solid  
Minerals Miner

14 **138.-(1)** Any person who is to be captured in the Nigerian Artisanal  
15 and small Scale Solid Minerals Mining Register as a Nigerian Artisanal and  
16 Small Scale Solid Minerals Miner shall-

17 (a) possess demonstrable experience that he/she has been engaged in  
18 artisanal or small scale mining activities in a solid minerals producing area in  
19 Nigeria;

20 (b) show that he/she is ready to be engaged in the formalised sector of  
21 solid mineral mining in Nigeria and ready to only act or operate within the  
22 provisions of the law regulating solid minerals mining activities in Nigeria; and

23 (c) submit a Letter of Attestation from the paramount ruler of his  
24 community that he shall not upon registration as a Nigerian Artisanal and Small  
25 Scale Solid Minerals Miner be engage in any solid minerals exploitation  
26 activity outside the formalised sector of the Nigerian Solid Minerals Industry;

27 (2) Without prejudice to the foregoing, the Directorate of Nigerian  
28 Capacity Development and Monitoring on Solid Minerals and Metallurgy in  
29 collaboration with the ministry responsible for solid minerals and steel  
30 development may impose any other relevant and reasonable requirement for

1 the person to fulfil before registration as a Nigerian Artisanal and Small  
2 Scale Solid Minerals Miner.

3 **139.** The Federal Government of Nigeria and all its agencies  
4 including the Directorate of Nigerian Capacity Development and  
5 Monitoring on Solid Minerals and Metallurgy shall not grant any financial  
6 or non-financial benefit to any person on grounds of being involved in any  
7 artisanal or small scale solid minerals mining activity except such person is  
8 captured in the Nigerian Artisanal and small Scale Solid Minerals Mining  
9 Register as a Nigerian Artisanal and Small Scale Solid Minerals Miner.

Prohibition of  
persons and entities  
from enjoying  
Federal Government  
facilities for non-  
registration

10 **140.** The Directorate of Nigerian Capacity Development and  
11 Monitoring on Solid Minerals and Metallurgy may remove a person's name  
12 from the Nigerian Artisanal and small Scale Solid Minerals Mining  
13 Register where the person no longer meets the requirements for registration  
14 on the Nigerian Artisanal and small Scale Solid Minerals Mining Register  
15 as a Nigerian Artisanal and Small Scale Solid Minerals Miner.

Power to remove  
names from the  
Nigerian Artisanal  
and small Scale  
Solid Minerals  
Mining Register

16 **141.** Registered Nigerian Artisanal and Small Scale Solid Minerals  
17 Miner who intends carrying out solid minerals mining activities under the  
18 support of the Directorate of Nigerian Capacity Development and  
19 Monitoring on Solid Minerals and Metallurgy shall form themselves into  
20 cooperative societies and merge their operations to gain the benefits of  
21 economies of scale.

Formation of  
cooperative societies  
for Nigeria Artisanal  
and Small Scale  
Solid Minerals  
Miner

22 **142.** The Federal Government of Nigeria through the Directorate  
23 of Nigerian Capacity Development and Monitoring on Solid Minerals and  
24 Metallurgy shall form a public private partnership or establish any other  
25 arrangement with any reasonable and responsible entity engaged in the  
26 manufacturing of equipment, machines tools among others, for the  
27 construction and operation of artisanal and small scale solid minerals  
28 mining activities.

Public Private  
Partnership on  
local fabrication  
of artisanal and  
small scale mining  
equipment

29 **143.** Subject to the provisions of this Bill, the Minister responsible  
30 for solid minerals resources shall through the Mining Cadastre Office or

Minister responsible  
for solid minerals  
to issue Nigerian  
Artisanal and Small  
Scale Mining Leases  
to Nigerian Artisanal  
and Small Scale Solid  
Minerals Miners

- any agency succeeding it, issue Nigerian Artisanal and Small Scale Mining Lease to any group of persons from the solid minerals producing areas who formed themselves into a cooperative society or similar organization with focus on formally converting their previously acquired vocational skills in artisanal and small scale solid minerals mining to cognitive technical skill in mining.
- Right of a holder of a Nigerian Artisanal and Small Scale Mining Lease
- 144.**-(1) Subject to the provisions of this Bill, a Nigerian Artisanal and Small Scale Mining Lease shall confer on the holder of the lease the right to-
- (a) enter on the land within the area of the lease granted under this Bill;
  - (b) carry out solid minerals mining operations on the land within the area of the lease and shown on the plan supplied by the lessee at the time of applying for the lease ;and
  - (c) remove and dispose of any solid mineral mined by the lessee.
- (2) Subject to the provisions of this Part and any applicable Regulations, the holder of a Nigerian Artisanal and Small Scale Mining Lease who has complied with the provision of this Part and the regulations relating in particular to compensation and the payment of surface rents shall, for the purposes of the solid mining operation under the lease, have on the land within the area of the lease, the right to-
- (a) make all necessary excavations as may be permitted by the Mines Inspectorate Department established under the Nigerian Minerals and Mining Act, taking into considerations environmental concerns;
  - (b) erect, construct and maintain such houses and buildings as, in the opinion of the Mines Inspectorate Department , are necessary for lessee's use and for the use of its agents and servants;
  - (c) erect, construct and maintain such engines, machinery, buildings and workshops and other structures as may be necessary or convenient;
  - (d) stack or dump any of the products from the mining operations;

1 (e) lay water pipes, and make water courses and ponds, dams and  
2 reservoirs; and

3 (f) construct and maintain all such electrical transmission lines,  
4 tramways, roads, landing grounds, communication and conveniences as  
5 may be necessary subject to laws and regulations governing these  
6 infrastructures.

7 (3) A lessee under this Part-

8 (a) may, on the land within the area of the lease cut, take and use  
9 any tree when necessary in the course of the solid minerals mining  
10 operations or when required for carrying out the operations or for domestic  
11 purpose ; and

12 (b) shall not take any protected tree except with the consent of the  
13 prescribed Forest Officer under the applicable Forestry Law of the State in  
14 which the lessee carries out its solid minerals mining operations.

15 **145.-(1)** A Nigerian Artisanal and Small Scale Mining Leases  
16 shall not, except as provided under any other law convey any exclusive  
17 right or privilege, in, relation to any lake, river, spring, stream or other body  
18 of water on passing through .or adjacent to the land within the area of the  
19 lease.

Nigerian Artisanal  
and Small Scale  
Mining Lessee  
not to have exclusive  
right or privilege in  
relation to any lake,  
river, spring stream  
etc.

20 (2) Nothing in clause 144 and this clause shall authorize a Nigerian  
21 Artisanal and Small Scale Mining Lessee to make such alteration in the flow  
22 of navigable water as would obstruct or interfere with, or is likely to obstruct  
23 or interfere with the free and safe passage of any vessel, boat, canoe or other  
24 craft.

25 **146.** Any group of persons from the solid minerals producing  
26 areas who possess vocational skills in artisanal and small scale mining and  
27 intending to convert such acquired skills to technical cognitive skills shall  
28 form themselves into a cooperative society or partnership on the  
29 commencement of this Bill and apply to the Minister responsible for solid  
30 mineral resources through the Directorate of Nigerian Capacity

Application for  
the issuance of  
Nigerian Artisanal  
and Small Scale  
Mining Lease



Documents to  
accompany  
application for  
the issuance of  
Nigerian Artisanal  
and Small Scale  
Mining Lease

1 Development and Monitoring on Solid Minerals and Metallurgy for a Nigerian  
2 Artisanal and Small Scale Mining Lease for the design, construction and  
3 operation of artisanal and small scale mining in the solid minerals producing  
4 areas.

5 **147.-(1)** An application for the issuance of a Nigerian Artisanal and  
6 Small Scale Mining Lease made pursuant to clause 146 of this Bill shall be  
7 accompanied with the following documents-

8 (a) Land Surface Rent Agreement between the Owner of the land and  
9 the Applicant that the area of land specified in the agreement shall be used for  
10 artisanal and small scale solid minerals mining purposes and the rent payable  
11 among other agreed terms;

12 (b) Community Development Agreement with the host community  
13 where the solid mining operations are to be conducted which agreement shall  
14 specify the nature and extent of social and economic benefits that will accrue  
15 or due, to the host community from the operation of artisanal and small scale  
16 solid minerals mining operations in the host community.

17 (c) Environmental Protection Plan(EMP) which shall specify-

18 (i) the location of the land to which the application relates;

19 (ii) the description of the terrain and biophysical features of the land;

20 (iii) assessment of the extent of possible injurious environmental  
21 impacts from the operation of the proposed artisanal and small scale solid  
22 minerals mining in the area;

23 (iv) proposed programmes for mitigation and management of  
24 possible injurious environmental impacts on the area;

25 (v) details of decommissioning of the mine and reclamation plan of  
26 the land in case of the final closure of the mine;

27 (vi) estimate of the cost of the environmental management plan; and

28 (vii) a plan for the monitoring and assessment of environmental  
29 management programmes.

30 (d) Certificate of Registration of Cooperative Society or Partnership

1 with the Constitution of the Cooperative Society or the Partnership  
2 Agreement of the Partnership, all of which will enable the Directorate of  
3 Nigerian Capacity Development and Monitoring on Solid Minerals and  
4 Metallurgy to do due diligence on the potential applicant to determine its  
5 eligibility for a Nigerian Artisanal and Small Scale Mining Lease and  
6 enable the Directorate to weed out non-eligible entities that might be  
7 seeking to exploit the Nigerian capacity development scheme on artisanal  
8 and small scale solid minerals mining; and  
9 (e) Feasibility Study of the economic viability of the proposed  
10 artisanal project which shall contain;  
11 (i) particulars of the applicant;  
12 (ii) details of the proposed equipment and mining method to be  
13 used for the artisanal mining by the applicant;  
14 (iii) mode of transportation of processed minerals from the mines  
15 to buyers;  
16 (iv) computer generated picture of the plant to be used for the mine;  
17 (v) the number of people that will work in the mine;  
18 (vi) the structures that will be put up in the production area, e.g.  
19 staff quarters, security house, restrooms etc.  
20 (vii) health and safety measures to be put in place; and  
21 (viii) security measures to be established for the safety of workers  
22 and equipment;  
23 (ix) financial plan stating details of estimated cost of the  
24 construction and operation of the mine and the expected financial returns  
25 from investment and the time duration expected in respect of each of the  
26 stages, to wit, the construction, operation and profit or otherwise from  
27 investment; and  
28 (x) written statement by the applicant specifying the nature of  
29 assistance it may need from the Federal Government or any other authority  
30 to support a scalable artisanal and small scale mine project.

1 148. Directorate of Nigerian Capacity Development and Monitoring on Solid  
2 Minerals and Metallurgy to receive and vet applications before forwarding

3 (1) An application for a Nigerian Artisanal and Small Scale Mining  
4 Lease shall be submitted to the Directorate of Nigerian Capacity Development  
5 and Monitoring on Solid Minerals and Metallurgy by the Applicant.

6 (2) The Directorate shall immediately upon the receipt of an  
7 application for a Nigerian Artisanal and Small Scale Mining Lease  
8 acknowledge receipt of the application and check to ensure that all the  
9 supporting documents accompanied the application and that each document  
10 has the information required under this Part.

11 (3) The Directorate upon being satisfied that the application  
12 submitted meet the standard requirements specified in this Part shall forward  
13 the application to the Technical Evaluation Team on Artisanal and Small  
14 Scale Mining established under this Bill.

Establishment  
of Technical  
Evaluation Team  
on Artisanal and  
Small Scale  
Mining

15 **149.** The Directorate of Nigerian Capacity Development and  
16 Monitoring on Solid Minerals and Metallurgy in order to improve local content  
17 in solid minerals mining shall, upon the commencement of this Bill take  
18 immediate steps to consult with the Mining Cadastre Office, Mines  
19 Inspectorate Department, Mines Environmental Compliance Department,  
20 National Agency for Science and Engineering Infrastructure, Standard  
21 Organization of Nigeria, Nigerian Environmental Standards Regulatory  
22 Agency and any other entity, establish a Team to be known as "Technical  
23 Evaluation Team on Artisanal and Small Scale Mining" (also referred to as the  
24 "Evaluation Team" in this Bill) which shall comprise of representatives of all  
25 the entities mentioned in this clause.

Technical  
Evaluation Team  
on Artisanal and  
Small Scale Mining  
to inspect artisanal  
and small scale  
mines for integration

26 **150.-** (1) The Technical Evaluation Team on Artisanal and Small  
27 Scale Mining shall immediately upon its constitution inspect all existing  
28 artisanal mines in the country and consider all applications for Nigerian  
29 Artisanal and Small Scale Mining Lease submitted to the Directorate of

1 Nigerian Capacity Development and Monitoring on Solid Minerals and  
2 Metallurgy.

3 (2) Where the Team considers an application for a Nigerian  
4 Artisanal and Small Scale Mining Lease as having met the requirements for  
5 the grant of a Nigerian Artisanal and Small Scale Mining Lease, the Team  
6 shall recommend to the Minister responsible for solid mineral resources  
7 through the Mining Cadastre Office, the issuance of a Nigerian Artisanal  
8 and Small Scale Mining Lease to the applicant.

9 **151.-(1)** Where the Evaluation Team upon inspection and  
10 evaluation of an existing artisanal or small scale solid minerals mine, finds  
11 that the mine did not pass the appraisal of the Evaluation Team but  
12 possesses local technology potentials in artisanal or small scale mining,  
13 may instead of totally rejecting the application of the artisanal or small scale  
14 miner suggest to the artisanal or small scale miner to correct the area where  
15 the Evaluation Team noticed the deficit.

Technical  
Evaluation Team  
on Artisanal and  
Small Scale Mining  
may request applicant  
for a Lease to correct  
noticed deficit

16 (2) The Evaluation Team shall recommend to the Minister  
17 responsible for solid minerals resources through the Mining Cadastre  
18 Office to issue to the applicant, a Nigerian Artisanal and Small Scale  
19 Mining Lease once the applicant corrects the noticed deficit.

20 **152.-(1)** The Mining Cadastre Office shall upon the receipt of the  
21 recommendation from the Evaluation Team on the suitability of an artisanal  
22 or small scale miner to be issued with a lease, issue in three national daily  
23 and widely circulated newspapers, official gazettes, websites of the Mining  
24 Cadastre Office and any other place that the Mining Cadastre Office deems  
25 fit to place, a notice to inform members of the public of a pending  
26 application for a Nigerian Artisanal and Small Scale Mining Lease.

Mining Cadastre  
Office to issue  
public Notice of the  
existence of  
application for  
Nigerian Artisanal  
and Small Scale  
Mining Lease

27 (2) The Notice envisaged in clause (1) of this clause shall contain  
28 information on the applicant and the land to which the application relates  
29 and shall invite comments including but not limited to objections against the  
30 granting of the application, from members of the public, particularly

	1	members of the community in which the artisanal or small scale mining is to be
	2	situate.
Mining Cadastre Office to resolve objections arising from notice to the public	3	<b>153.</b> The Mining Cadastre Office shall within fourteen days of
	4	receiving an objection to the grant of an application for the issuance of a
	5	Nigerian Artisanal and Small Scale Mining Lease arising from the public notice
	6	it issued invite the petitioner, the applicant and any other person relevant to the
	7	resolution of the dispute arising from the objection, for a meeting to achieve an
	8	amicable resolution of the dispute.
Application for a Nigerian Artisanal and Small Scale Mining Lease shall not be refused solely on the ground of financial deficiency	9	<b>154.</b> An application for a Nigerian Artisanal and Small Scale Mining
	10	Lease shall not be refused by the Evaluation Team on the ground that the
	11	applicant has no sufficient funds to finance the construction and operation of a
	12	modernized artisanal or small scale mine required of him under any existing
	13	law, if the Evaluation Team finds that the applicant has the vocational skills
	14	and potential cognitive technical skills to undertake scalable solid mineral
	15	mining.
Duty to put in place fiscal and non-fiscal measures to encourage formalisation of artisanal and small scale solid minerals mining	16	<b>155.</b> The Directorate of Nigerian Capacity Development and
	17	Monitoring on Solid Minerals and Metallurgy shall consult with the Central
	18	Bank of Nigeria, other financial institutions, the Mining Cadastre Office, Non-
	19	Governmental Organisations, Regional and Community leaders and other
	20	relevant stakeholders to put in place fiscal and other strategic measures to
	21	encourage artisanal and small scale miners to formalise their artisanal and
	22	small scale solid minerals mining activities to bring such mining activities
	23	within the acceptable legal framework established for solid mineral mining
	24	in Nigeria.
Waiver of all statutory and other fees for Nigerian artisanal and Small Scale Solid Minerals Miners	25	<b>156.</b> Notwithstanding anything contained in any law, regulation or
	26	rule, a Nigerian Content Artisanal and Small Scale Solid Minerals Miner who
	27	applies for Nigerian Artisanal and Small Scale Mining Lease shall not pay any
	28	application, processing or any other fees for the grant of any lease, permit or
	29	any other instrument from any other agency of the Federal Government for the
	30	construction and/or operation of artisanal or small scale mineral mining in the

1 solid minerals producing areas.

2 **157.** Every holder of Nigerian Artisanal and Small Scale Mining  
3 Lease shall for any other instrument it seeks to obtain from any agency make  
4 its application through the Nigerian Capacity Development and Monitoring  
5 on Solid Minerals and Metallurgy and the Directorate shall within seven  
6 days from the date of the receipt of the application forward the application to  
7 the relevant body for the issuance or otherwise of the instrument applied for.

Application for any instrument by a holder of Nigerian Artisanal and Small Scale Mining Lease to be made through the Nigerian Capacity Development on Solid Minerals and Metallurgy

8 **158.** Any agency or department of the Federal Government who  
9 has the responsibility to grant any permit or lease or any other instrument  
10 except, Nigerian Artisanal and Small Scale Mining Lease, shall within  
11 fourteen days from the date of the receipt of the application for such permit,  
12 lease or any other instrument, communicate to the Directorate of Nigerian  
13 Capacity Development and Monitoring on Solid Minerals and Metallurgy,  
14 its decision on the application and where the decision is a refusal to grant the  
15 permit, lease or instrument, the agency or department shall state the reason  
16 for the refusal and give reasonable time within which the deficit shall be  
17 corrected.

Time within which an agency or department shall grant permit or lease or any instrument to a holder of a Nigerian Artisanal and Small Scale Mining Lease

18 **159.** The Federal Government of Nigeria upon the request from  
19 Directorate Nigerian Capacity Development and Monitoring on Solid  
20 Minerals and Metallurgy shall source for, and raise funds through any lawful  
21 means including but not stopping at issuing financial instruments like  
22 promissory notes, bonds, giving credit guarantee, arranging for crowd  
23 funding, for the purchase and supply of material, equipment, machines  
24 and tools to fast tract the construction and operation of artisanal and small  
25 scale mining activities in the solid minerals producing areas.

Federal Government to source for funds through issuing financial instruments, crowd funding etc. for the design, construction and operation of mining equipment, machines, tools etc.

26 **160.-(1)** For the purposes of ensuring an equitable agreement  
27 between a Nigerian Artisanal and Small Scale Mining Lessee and any  
28 private investor seeking to invest in the construction and operation of  
29 artisanal or small scale solid minerals mines, the private investor shall enter  
30 into written agreement with the Nigerian Artisanal and Small Scale Mining

Investment Agreement to be reached with investors agreeing to finance the construction and operation of artisanal and small scale solid minerals mines

1 Lessee under the supervision of the Directorate of Nigerian Capacity  
2 Development and Monitoring on Solid Minerals and Metallurgy in  
3 collaboration with the ministry responsible for solid minerals.

4 (2) The agreement mentioned in sub clause (1) of this clause shall  
5 among others, contain the following information:

6 (a) particulars of both the Nigerian Artisanal and Small Scale Mining  
7 Lessee and the private investor seeking to invest in the development and  
8 operation of artisanal or small scale solid minerals mining;

9 (b.) the extent of financial assistance which will be given to the  
10 Nigerian Artisanal and Small Scale Mining Lessee for the construction of the  
11 mine and/or running of the mining operations;

12 (c) the formula for sharing of proceeds from the operation of the mine;  
13 and

14 (d) whether the private investor will be part of the operation and  
15 management of the mine.

Funds invested  
in the construction  
and/or operation  
of artisanal or small  
scale mine shall  
be deemed as  
guaranteed loan

16 **161.** Any fund invested in the construction and management of  
17 artisanal or small scale mine in which the investor is not partaking in the  
18 management of the mine shall be deemed and treated as a loan guaranteed  
19 under the Nigerian Content Development Credit Guarantee Scheme and the  
20 terms and conditions provided under this Bill for the regulation of the Nigerian  
21 Content Development Credit Guarantee Scheme shall be applicable to such  
22 private investment.

Promotion of  
campaign to educate  
and sensitize the  
people on the  
benefits of  
formalisation  
of artisanal mining

23 **162.-(1)** The Directorate of Nigerian Capacity Development and  
24 Monitoring on Solid Minerals and Metallurgy in collaboration with the  
25 ministry responsible for exploitation of mineral resources in Nigeria shall  
26 promote an education and sensitization campaign on the socio economic and  
27 environmental benefits for the formalisation of artisanal mining activities in  
28 the solid minerals bearing areas.

29 (2) The Directorate of Nigerian Capacity Development and  
30 Monitoring on Solid Minerals and Metallurgy shall pursuant to sub - clause (1)

1 of this clause engage political, community and youth leaders of these areas.

2 **163.** The Directorate of Nigerian Capacity Development and  
 3 Monitoring on Solid Minerals and Metallurgy shall partner with the  
 4 ministry responsible for exploitation of solid minerals, sub national  
 5 governments apart from local governments, solid minerals title holders,  
 6 Solid Minerals Development Funds, investors and any other responsible  
 7 and respectable entity including but not limited to financial institutions, to  
 8 establish modernised artisanal mines as pilot projects for the mentorship of  
 9 registered Nigerian Artisanal and Small Scale Solid Minerals Miners in the  
 10 solid minerals producing areas of Nigeria.

Directorate of  
Nigerian Capacity  
Development and  
Monitoring on  
Solid Minerals and  
Metallurgy to partner  
with government  
agencies and other  
organizations to  
establish pilot  
artisanal mines

11 **164.-(1)** Any government agency, other organization or entity who  
 12 in pursuant to clause 157 of this Bill, constructed and managed any artisanal  
 13 solid minerals mine shall have and exercise the right to dispose of the solid  
 14 minerals mine by outright sale or lease to cooperative society or partnership  
 15 consisting of registered Nigerian Artisanal and Small Scale Solid Minerals  
 16 Miners under this Bill.

Right of Governmen  
agencies and other  
organizations to  
dispose of pilot  
artisanal mines

17 (2) Nothing in this Bill or any law or regulation shall be construed  
 18 as prohibiting any government agency, other organization or entity from  
 19 disposing of pilot solid minerals mine and re-investing in more construction  
 20 of pilot solid minerals mines and disposing them to cooperative societies as  
 21 stipulated under sub clause (1) of this clause.

22 **165.** The Directorate of Nigerian Capacity Development and  
 23 Monitoring on Solid Minerals and Metallurgy shall liaise with solid  
 24 minerals title holders under the Nigerian Minerals and Mining Act, 2007 or  
 25 any law succeeding that Act, to place registered Nigerian Artisanal and  
 26 Small Scale Solid Minerals Miner on jobs relating to solid minerals mining.

Directorate of  
Nigerian Capacity  
Development and  
Monitoring on  
Solid Minerals  
and Metallurgy  
to liaise and place  
registered Nigerian  
Artisanal and Small  
Scale Solid Minerals  
Miners on jobs

27 **166.-(1)** The Directorate of Nigerian Capacity Development and  
 28 Monitoring on Solid Minerals and Metallurgy shall promote the  
 29 establishment and operation of Minerals Buying Centres in the Country and  
 30 shall for this purpose partner with the Central Bank of Nigeria, any other

Establishment  
of Buying Centres



	1	financial institution or donor agencies to grant credit or any other financial
	2	scheme to the Directorate for the purchase of minerals that the Directorate may
	3	identify as marketable and commercially viable.
	4	(2) The Directorate of Nigerian Capacity Development and
	5	Monitoring on Solid Minerals and Metallurgy may appoint buying agents who
	6	shall be operate under guidelines to be made by the Directorate with the
	7	approval of the minister responsible for solid mineral exploitation in Nigeria.
Collaboration with Ministry responsible for the exploitation of solid minerals	8	<b>167.</b> The Directorate of Nigerian Capacity Development and
	9	Monitoring on Solid Minerals and Metallurgy shall in the implementation of
	10	the provisions of this part of the Bill collaborate with the ministry responsible
	11	for the exploitation of mineral resources.
Local materials and Made-in-Nigeria products to be used for the construction of minerals mining and processing plants	12	<b>168.</b> Locally sourced materials and Made-in-Nigeria products shall
	13	wholly or substantially be used for the construction, repairs or maintenance of
	14	minerals mining and processing plants and any other facility to be built for the
	15	improvement of artisanal or small scale mining purposes.
Registered Nigerian Artisanal and Small Scale Solid Minerals Miners to enjoy extension services	16	<b>169.</b> The Directorate of Nigerian Capacity Development and
	17	Monitoring on Solid Minerals and Metallurgy shall in conjunction with any
	18	other relevant Federal Government agency, establish extension services for the
	19	benefit of registered Nigerian Artisanal and Small Scale Solid Minerals
	20	Miners.
Scope of extension services to be enjoyed by artisanal and small scale miners	21	<b>170.-(1)</b> The extension services to be enjoyed by the artisanal and
	22	small scale miners pursuant to under this Bill shall include but not limited to
	23	advisory services on growth and development of the businesses of the artisanal
	24	and small scale miners by encouraging them to always strive to adopt more
	25	modern and environmentally friendly equipment, devices and practices and
	26	sensitising the artisanal and small scale miners on the need to access loan
	27	facilities and participating in equipment leasing programmes where available.
	28	(2) Without prejudice to the operation of sub clause (1) of this clause,
	29	the Federal Government of Nigeria through the Directorate of Nigerian
	30	Capacity Development and Monitoring on Solid Minerals and Metallurgy shall

1 provide the following extension services, among others, to duly registered  
2 and performing Nigerian Artisanal and Small Scale Mining Lessee-

3 (a) introduction of appropriate and modern technology on the  
4 design, construction and testing of mines;

5 (b) teach adequate solid mining technology skills especially on  
6 exploration, mine site design and planning, construction, production,  
7 processing, closure, reclamation in order to assist registered artisanal and  
8 small scale miners to produce standard mineral products to meet market  
9 demands and optimize their profits;

10 (c) teach on the testing of standards and determination of qualities  
11 of solid mineral products by the Nigerian Artisanal and Small Scale Mining  
12 Lessee;

13 (d) teach on equipment and plant hire service on an arrangement  
14 with manufacturers or leasing companies and provide proper and  
15 sustainable linkages with such manufacturers or leasing companies;

16 (e) provision of environmental impact assessment report and  
17 detailed guidelines on waste and tailing disposal;

18 (f) teach on modern health and environmental safety procedures  
19 and practices in the operation of artisanal mining activities;

20 (g) holding regular workshops, meetings and symposia to update  
21 artisanal miners' knowledge on legal, marketing, business skills and  
22 infrastructural support; and

23 (h) teach on the protection and security of mines that provide the  
24 source of stock for their operation as artisanal solid minerals miners.

25 **171.** From the commencement of this Bill, no Nigerian citizen  
26 shall be prosecuted or no further prosecution shall be maintained against any  
27 Nigerian citizen on the ground that such person previous to the  
28 commencement of this Bill established, operated or participated in the  
29 operation of an artisanal mining in Nigeria.

Freedom from  
prosecution for  
previously operating  
artisanal mining

	1	PART XX - NIGERIAN CAPACITY DEVELOPMENT IN INFORMATION
	2	COMMUNICATION TECHNOLOGY HARDWARE, SOFTWARE AND
	3	CONNECTIVITY SERVICES
Directorate to encourage collaboration among indigenous Nigerian companies to jointly undertake critical programmes to increase the domestic production of critical ICT products and services	4	<b>172.</b> The Directorate of Nigerian Capacity Development and
	5	Monitoring on Information Communication Technology shall partner with the
	6	Nigerian Communication Commission, Nigerian Information Technology
	7	Development Agency, leading companies in the Nigerian Information
	8	Communication Technology Sector or any other responsible and respectable
	9	company including but not limited to financial institutions to actively
	10	encourage the formation and operation of joint venture programmes to produce
	11	indigenous Nigerian hardware and/or software products and network services
	12	that will be of highest international standard possible in the Nigerian
	13	Information Communication Technology Industry.
Registration of Agreement for the development of high standard quality indigenous Nigerian hardware and/or software products and network services among indigenous Nigerian companies	14	<b>173.-(1)</b> Any agreement to collaborate and jointly develop indigenous
	15	Nigerian hardware and/or software products and network services that will be
	16	of highest international standard possible in the Nigerian Information
	17	Communication Technology Industry by indigenous Nigerian companies
	18	shall be reduced into writing wherein the nature of the joint venture project
	19	and/or programme, the rights and obligations of all the parties in relation to the
	20	joint venture project and/or programme shall be clearly stated and the
	21	agreement signed by the joint venture parties or their accredited
	22	representatives.
	23	(2) A copy of any agreement made pursuant to sub clause (1) of this
	24	Clause shall be deposited with the Directorate of Nigerian Capacity
	25	Development on Information Communication Technology.
Directorate to source for funds to assist joint venture programmes by indigenous Nigerian companies collaborating to produce high quality ICT products and services	26	<b>174.-(1)</b> The Directorate of Nigerian Capacity Development and
	27	Monitoring on Information Communication Technology shall, with the
	28	approval of the Board of the Council, source for funds to assist in funding
	29	projects and programmes for indigenous Nigerian companies collaborating
	30	together to undertake and execute joint venture projects and/or programmes

1 for the production of indigenous Nigerian hardware and software products  
2 and network services that will not only meet up with yearning domestic  
3 demand but also for export.

4 (2) For the purposes of complying with the provisions of sub clause  
5 1 of this clause, the Directorate of Nigerian Capacity Development and  
6 Monitoring on Information Communication Technology shall with the  
7 approval of the Board of the Council, source for funds from international  
8 and local financial markets, international donor agencies and from any other  
9 organisation or private person.

10 (3) Any fund sourced by the Directorate of Nigerian Capacity  
11 Development and Monitoring on Information Communication Technology  
12 under this clause shall be disbursed as loan under terms and conditions to be  
13 prescribed by the Directorate of Nigerian Capacity Development and  
14 Monitoring on Information Communication Technology upon the approval  
15 of the Board of the Council and shall attract an interest rate of not  
16 more than five per cent per annum.

17 **175.**-(1) For the purposes of ensuring national security, safety and  
18 developing indigenous Nigerian capacities in the Nigerian Information  
19 Communication Technology Sector of the Nigerian economy, no ministry,  
20 extra ministerial department, agency of the Federal Government of Nigeria  
21 or Nigerian Content Entity shall use any foreign software or bandwidth in  
22 Nigeria except the foreign company deploying the foreign software or  
23 bandwidth for use in Nigeria has a registered partnership agreement with an  
24 indigenous Nigerian company, which company shall be known as a  
25 Nigerian ICT Partner.

Deployment and  
maintenance of  
foreign software  
on ICT in Nigeria

26 (2) The foreign company shall involve the Nigerian ICT Partner  
27 from the designing stage to the finishing stage of the software or bandwidth  
28 in respect of which project the partnership is entered into pursuant to sub-  
29 clause (1) of this clause.

30 (3) No indigenous Nigerian company shall be qualified to be

1 involved or appointed by a foreign company as a Nigerian ICT Partner in the  
2 deployment and maintenance of foreign software or bandwidth in Nigeria  
3 except such company:

4 (a) is duly registered in Nigeria and meets the requirements of an  
5 indigenous Nigerian company under this Bill;

6 (b) has development and maintained software programmes or  
7 bandwidth as its primary source of income;

8 (c) must be paying taxes in Nigeria as when due;

9 (d) must have a practicing software or bandwidth developer who shall  
10 be a registered member of the Computer Professionals Registration Council of  
11 Nigeria (CPN) on its management team and board; and

12 (e) must show reliable and verifiable evidence of software  
13 programme or bandwidth capacity that the company had developed, operated  
14 and maintained in Nigeria.

15 (3) Notwithstanding anything contrary to the provision of this clause,  
16 a foreign company that is in partnership with a Nigerian ICT Partner shall have  
17 and maintain a succession clause in the registered partnership agreement  
18 mentioned in sub clause (1) of this clause to the effect that the Nigerian ICT  
19 Partner and its staff shall be trained by the foreign company or its allies to  
20 independently operate and manage the software programme or bandwidth after  
21 a period not lasting more than five years from the date of the commencement  
22 of their partnership agreement mentioned in this clause.

Remuneration  
of appointed  
Nigerian ICT  
Partner

23 **176.** An indigenous Nigerian company involved or appointed by a  
24 foreign company as a Nigerian ICT Partner in the deployment and maintenance  
25 of foreign software or bandwidth in Nigeria under this Bill or any other law or  
26 regulation in force upon the coming into effect of this Bill shall be entitled to,  
27 and be paid;

28 (a) in the case of an acquisition of a license to deploy software or  
29 bandwidth for use by company in Nigeria, such amount as agreed by the  
30 Nigerian ICT Partner with the foreign partner; and

1 (b) in the case of renewal of software or bandwidth license, the sum of forty  
 2 per cent of the annual renewal licensing fees payable to the foreign  
 3 company that appointed the indigenous Nigerian company as the Nigerian  
 4 ICT Partner.

5 **177.**-(1) Any payment due to a Nigerian ICT Partner under clause  
 6 176 of this Bill shall be directly paid by the licensee of the software or  
 7 bandwidth in Nigeria to the Nigerian ICT Partner through the Directorate of  
 8 the Directorate of Nigerian Capacity Development and Monitoring on  
 9 Information Communication Technology.

Payment of Nigerian  
 ICT Partner to be  
 made through  
 Directorate of  
 Nigerian Capacity  
 Development and  
 Monitoring on  
 Information  
 Communication  
 Technology

10 (2) The Directorate of Nigerian Capacity Development and  
 11 Monitoring on Information Communication Technology shall upon the  
 12 receipt of any payment made pursuant to sub clause (1) of this Clause inform  
 13 the Nigerian ICT Partner of the payment and shall retain 0.5% of the sum  
 14 paid to the Nigerian ICT Partner as a surcharge under clause 197(a) of this  
 15 Bill.

16 **178.**-(1) For the purposes of ensuring national security, proper  
 17 regulation of, and safety, in the Nigerian Information Communication  
 18 Technology Sector of the Nigerian economy, all Ministries, departments,  
 19 agencies, arms of the Federal Government and Nigerian  
 20 Content Entities shall host their data and cloud with indigenous Nigerian  
 21 companies licensed to operate data and cloud hosting services in Nigeria.

Ministries,  
 departments,  
 agencies, arms  
 of the Federal  
 Government and  
 companies to  
 patronise local  
 cloud service  
 providers and host  
 their data in Nigeria

22 (2) Directorate of Nigerian Capacity Development and Monitoring  
 23 on Information Communication Technology shall take necessary steps to  
 24 actively encourage and facilitate the emergence of community networks,  
 25 designed deployed and run by the communities to meet their ICT  
 26 needs.

27 **179.** For the purposes of ensuring national security, proper  
 28 regulation of, and safety, in the Nigerian Information Communication  
 29 Technology Sector of the Nigerian economy, all Ministries, departments,  
 30 agencies, arms of the Federal Government and Nigerian Content Entities

Sovereign Data  
 to be stored in  
 Nigeria

	1	shall store every sovereign Data in Nigeria, provided, where there are no
	2	longer facilities to host further sovereign data in Nigeria, a ministry,
	3	extra ministerial department, agency, arm of the Federal Government of
	4	Nigeria or information management company may store sovereign data
	5	outside Nigeria.
Nigerian cloud service providers and data centres to ensure standardised clouding and data hosting services	6	<b>180.</b> All indigenous Nigerian companies providing cloud computing services
	7	or data hosting services shall ensure that their clouding or data hosting services
	8	comply with the standard and quality set by the Nigerian Information
	9	Technology Development Agency or any other regulatory agency and shall
	10	also conform to international best practices especially as to the security of
	11	stored data.
Original Equipment Manufacturers of ICT hardware to locally assemble them	12	<b>181.</b> -(1) Original Equipment Manufacturers of ICT hardware
	13	operating in Nigeria shall operate and maintain fully Nigerian staffed facilities
	14	for maintenance of equipment and other ancillary services.
	15	(2) Original Equipment Manufacturers of ICT hardware in Nigeria
	16	shall ensure that available made in Nigeria products, parts, components, plants
	17	and equipment are used in the manufacturing of ICT hardware in Nigeria
	18	provided that the made in Nigeria products, parts, components, plants and
	19	equipment are of standard quality approved by the Standard Organisation of
	20	Nigeria or any legally recognized Nigerian or international agency for
	21	standardization.
	22	(3) Notwithstanding the provision of sub clause (1) of this clause, expatriates
	23	who are being understudied by Nigerians in the facilities may form part of the
	24	staff strength in the facilities mentioned in sub clause (1) of this clause.
Telecommunication and network service companies to host all subscribers and consumer data in Nigeria	25	<b>182.</b> -(1) For the purposes of ensuring national security, proper
	26	regulation of, and safety, in the Nigerian Information Communication
	27	Technology Sector of the Nigerian economy, all telecommunication and
	28	network service companies operating in Nigeria shall host all their subscribers
	29	and consumers data with any indigenous Nigerian company operating data
	30	hosting center in Nigeria.

1 (2) Notwithstanding the provision of sub clause (1) of this clause, a  
2 telecommunication or network service company operating in Nigeria may  
3 host its data outside Nigeria where the indigenous Nigerian companies or  
4 Nigerian companies operating in Nigeria no longer have facilities to host  
5 further data from the telecommunication company.

6 **183.**-(1) A ministry, department, agency, arm of the Federal  
7 Government or Nigerian Content Entity may refuse to patronise the service  
8 of an indigenous Nigerian cloud computing company or data hosting centre  
9 where the service of such company or centre does not meet the required set  
10 standard.

Rejection of services  
of Nigerian cloud  
computing and data  
hosting companies

11 (2) Where cloud computing service or data hosting service  
12 produced by an indigenous Nigerian company does not meet the required  
13 quality or standard required by a ministry, department, agency, arm of the  
14 Federal Government and Nigerian Content Entity, the ministry, department,  
15 agency, arm of the Federal Government or Nigerian Content Entity may,  
16 with the written authorization of the Directorate of Nigerian Capacity  
17 Development and Monitoring on Information Communication Technology,  
18 upon the approval of the Board of the Council host its data outside Nigeria.

19 (3) Where a ministry, department, agency, arm of the Federal  
20 Government, any financial institution under the control or regulation of any  
21 agency of the Federal Government of Nigeria or Nigerian Content Entity  
22 host its data outside Nigeria in circumstances prescribed in subsection (2) of  
23 this clause, the Directorate of Nigerian Capacity Development and  
24 Monitoring on Information Communication Technology shall ensure that  
25 the hosting company has entered into a joint venture arrangement with an  
26 indigenous Nigerian company on how to provide facilities for the  
27 indigenous Nigerian company to set up a similar data hosting or cloud  
28 computing centre in Nigeria.

29 **184.** The services of an indigenous Nigerian cloud computing  
30 company or data centre shall not be rejected on grounds of-

Conditions to be  
met before any rejection  
of the services of  
Nigerian cloud  
computing companies  
and data centres



- 1 (a) quality, if -
- 2 (i) the indigenous Nigerian company seeking to provide the clouding
- 3 or hosting service is certified by the Nigerian Information Technology
- 4 Development Agency to have met the standards developed or approved for
- 5 clouding services or data hosting in Nigeria; or
- 6 (ii) the indigenous Nigerian cloud computing company or data centre
- 7 rendering the service is willing and able to provide the clouding services or data
- 8 hosting services to meet the required quality within a reasonable time;
- 9 (b) price, if -
- 10 (i) the indigenous Nigerian cloud computing or data hosting company
- 11 is willing and able to negotiate the price for the service; or
- 12 (ii) the service is competitive as regards to price when compared
- 13 with similar service rendered by persons or entities from member states of the
- 14 African Union (AU); or
- 15 (c) timeline for delivery,
- 16 if it can be demonstrated by the indigenous Nigerian cloud computing
- 17 company or data centre that it can meet the timeline for the delivery of the
- 18 service.

19 PART XXI - PROMOTION OF NIGERIAN CONTENT IN AUTOMOBILE

20 MANUFACTURING

MDAs and  
companies to source  
for vehicles in-  
country t

21 **185.** In other to develop the automobile sub -sector of the Nigerian

22 economy, all ministries, departments, agencies, arms of the Federal

23 Government and Nigerian Content Entities shall upon the commencement of

24 this Bill give first consideration to Nigerian Companies manufacturing

25 vehicles in the purchase of automobiles in Nigeria provided the Nigerian

26 content including Made - in - Nigeria components in the manufacture of such

27 vehicles is not less than fifty per cent of the entire component of the

28 manufacture.

Directorate of  
Nigerian Capacity  
Development and  
Monitoring on  
Manufacturing to  
encourage  
manufacture  
of electric vehicles

29 **186.** The Directorate of Nigerian Capacity Development and

30 Monitoring on Manufacturing shall encourage indigenous Nigerian companies

1 to deploy resources for the manufacturing of electric driven vehicles.

2 **187.**-(1) For the purposes of meeting up with the supply needs of  
3 Nigerian automobile manufacturers and users, the Directorate of Nigerian  
4 Capacity Development and Monitoring on Manufacturing shall take steps  
5 and identify components like engines, gearboxes, axles, suspensions, drive  
6 shaft, steering, exhaust system, batteries, tyres, welded parts, electronics,  
7 radiator, cables, filters, brake pads /linings, windscreens, side glasses, fibre-  
8 glass parts, paints, glassworks, upholstery leather works, cast and machined  
9 parts and plastic works in the manufacture of automobiles that are not  
10 available or sufficiently available in the Country and liaise with indigenous  
11 Nigerian companies to commence the production of such automobile  
12 components in Nigeria for use by indigenous Nigerian companies that are  
13 engaged in local manufacture of automobiles or users of automobiles in  
14 Nigeria.

Manufacture of  
automobiles  
components to  
be encouraged

15 (2) The Directorate of Nigerian Capacity Development and  
16 Monitoring on Manufacturing shall ensure that available Made - in- Nigeria  
17 components are used for the manufacturing of Made-in-Nigeria  
18 automobiles to ensure that there is regular supply of components for  
19 automobile manufacturers and users in Nigeria.

20 **188.** The Directorate of Nigerian Capacity Development and  
21 Monitoring on Manufacturing shall ensure that it initiates programmes and  
22 projects that will encourage manufacturing of automobiles, components,  
23 parts and accessories by Nigerian companies, such programmes and  
24 projects shall include but not limited to-

Directorate of  
Nigerian Capacity  
Development and  
Monitoring on  
Manufacturing to  
encourage the  
manufacture of  
Made-in-Nigeria  
parts, components,  
accessories etc.

25 (a) development of automobile supplier parks and clusters with  
26 provisions for constant electric power supply to enhance Nigerian  
27 companies engaged in automobiles manufacturing to share infrastructure,  
28 resources and information;

29 (b) skills development by original equipment manufacturers and  
30 other relevant stakeholders;

	1	(c) encouragement of companies manufacturing automobiles to
	2	obtain Quality Management Certification (QMS); and
	3	(d) development of automotive component testing centres.
Directorate of Nigerian Capacity Development and Monitoring on Manufacturing to collaborate to provide automobile homologation	4	<b>189.</b> The Directorate of Nigerian Capacity Development and
	5	Monitoring on Manufacturing shall put in place measures to facilitate
	6	collaboration with National Automotive Council and Standard Organisation of
	7	Nigeria to provide critical infrastructures for seamless automobile
	8	homologation for automobiles manufacturers in Nigeria.
Directorate of Nigerian Capacity Development and Monitoring on Manufacturing to assist in the development of new markets for automobile manufacturers	9	<b>190.-(1)</b> The Directorate of Nigerian Capacity Development and
	10	Monitoring on Manufacturing shall establish and maintain forward linkages to
	11	link cooperative societies, associations, unions and other organisations whose
	12	members require made-in-Nigeria automobiles to buy in bulk, made-in-
	13	Nigeria automobiles at reasonable prices from such manufacturing companies
	14	who are interested to enter into such relationship.
	15	(2) An arrangement for the bulk purchase of made - in- Nigeria
	16	automobiles may include an arrangement for upward money deposit by the
	17	cooperative societies, associations, unions and other organisations for the
	18	manufacture of the automobiles for bulk purchase and may also involve
	19	financial institutions that are desirous of advancing loans for hire purchase of
	20	made - in - Nigeria automobiles.
	21	(3) The Directorate of Nigerian Capacity Development and Monitoring on
	22	Manufacturing shall always ensure the protection of the interest of all parties to
	23	any arrangement contemplated under sub clauses (1) and (2) of this clause.
Indigenous Nigerian Manufacturers of automobile to enjoy Guaranteed loans	24	<b>191.</b> Indigenous Nigerian manufacturers of automobiles and
	25	manufacturers of components, parts and accessories who have shown scalable
	26	production capacities of automobiles, components, parts and accessories in
	27	Nigeria shall subject to the provisions of this Bill, be entitled to Nigerian
	28	Content Development Credit Guarantee Scheme established under this Bill.

1 PART XXII - ESTABLISHMENT OF E- MARKET PLACE AND PROMOTION  
2 OF BACKWARD AND FORWARD LINKAGES

3 **192.** Each Directorate of the Council shall, through a transparent  
4 and competitive bid process, select a well-established ICT company to  
5 establish and manage an e- market place virtual platform for the sector the  
6 Directorate is responsible for.

Establishment  
of e-market place

7 **193.** The e- market place established pursuant to clause 192 of this  
8 Bill shall-

Role of e-market  
place

9 (a) provide a virtual platform to facilitate transactions required for  
10 the efficient delivery of goods and services in the relevant sector the  
11 Directorate is superintending Nigerian economic development and  
12 diversification activities;

13 (b) provide a virtual platform to facilitate backward and forward  
14 linkages among persons, companies and other business enterprises in the  
15 relevant sector the Directorate is overseeing Nigerian economic  
16 development and diversification activities;

17 (c) provide functional interface with the National Joint  
18 Qualification System and provide a universal and transparent governance  
19 structure drawn from industry stakeholders;

20 (d) track and monitor the development of Nigerian capacity and  
21 economic diversification with the provision of relevant feedback; and

22 (e) perform all other functions, roles and responsibilities to be set  
23 out in the regulations to be made by the Board of the Council under this Bill.

24 **194.** The ICT company appointed by virtue of clause 192 of this  
25 Bill shall draw any fees it agreed with the Directorate, from the fees paid for  
26 listing by subscribers.

ICT company  
managing the  
e-market place  
to draw funding  
from fees

27 **195.** The relevant Directorate and the company that established  
28 and managing the e-market place shall agree on a fees for the listing of  
29 subscribers, provided always that such fees shall be subject to review as  
30 circumstances require.

Directorate to  
agree with the  
managing company  
to fix fees for  
listing of stakeholders  
on e-market place

Directorates and Monitoring Units to actively encourage backward and forward linkages	1	<b>196.</b> Each Directorate and Monitoring Unit shall establish strategies,
	2	action plans and projects to encourage and strengthen backward and forward
	3	linkages among companies and for these purposes, the Directorate or a
	4	Monitoring Unit shall -
	5	(a) link up indigenous Nigerian raw material producers with
	6	Nigerian and foreign companies;
	7	(b) actively encourage the production of acceptable grades and
	8	standards of quality of raw materials in Nigeria and secure the most favourable
	9	arrangements for the purchase of such raw materials by Nigerian Content
	10	Entities and other companies to meet domestic and foreign requirements;
	11	(c) encourage and take all necessary lawful steps to promote the
	12	processing of raw materials to semi finished or finished products to enable the
	13	country derive maximum benefits from the production of such raw materials;
	14	(d) encourage the marketing of semi finished or finished products,
	15	made from locally produced raw materials; and
	16	(e) encourage and promote mass production of goods where there is
	17	reliable commitment to buy such goods from reputable organization or
	18	organizations.
Registration and regulation of domain names to be applicable to, and be enforced in, all sectors of the economy	19	PART XXIII - ADOPTION AND REGISTRATION OF NIGERIAN DOMAIN
	20	NAMES BY MDAS, COMPANIES ETC.
Functions of the Nigerian Internet Registration Association in respect of Nigerian Domain name	21	<b>197.</b> Notwithstanding anything contained in any enactment, law,
	22	regulation or policy, the provisions contained in this part of this Bill shall apply
	23	to MDAs, companies, associations, non-governmental organisations,
	24	enterprises and partnerships in all the sectors of the Nigerian economy.
	25	<b>198.</b> The Nigerian Internet Registration Association shall have and
	26	perform the functions to-
	27	(a) administer .ngTLD;
	28	(b) do every lawful act to ensure at all times the operation, security,
	29	stability and reliability of .ngTLD;
	30	(c) collaborate with the Nigerian Information Technology

1 Development Agency to enable the Nigerian Information Technology  
2 Development Agency to develop and establish technical framework  
3 for the development and administration of, .ngTLD which shall include  
4 without limitation to-

5 (i) making rules governing the operations of sub-level domain  
6 registries;

7 (ii) the creation and allocation of sub - level domains;

8 (iii) making rules governing the accreditation of registrars and  
9 registry operations;

10 (iv) rules governing the registration of names within the sub -level  
11 domains and access to sub -level domain registries; and

12 (v) to ensuring that registrars have equal access to sub -level  
13 domain registries.

14 (d) manage the operation of technical functions including but not  
15 limited to the following;

16 (i) the primary and secondary .ngTLD name servers;

17 (ii) files for sub-level domains; and

18 (iii) a searchable database containing information on registrations  
19 within the .ngTLD, for members of the public;

20 (e ) liaise with national and international bodies on issues relating  
21 to the development and administration of domain name system in Nigeria;

22 (f) ensure cost -effective administration of the .ngTLD;

23 (g) establish appropriate complaints handling and dispute  
24 resolution mechanism to settle disputes arising from patronage of .ngTLD;  
25 and

26 (h) do or perform other lawful acts that will enable the Nigerian  
27 Internet Registration Association to carry out its functions under this Bill.

28 **199.** In order to promote the national identity of the Country in the  
29 information communication technology ecosystem and also facilitate easy  
30 and efficient business communication in the Nigerian economy;

Use of Nigerian  
Domain Name by  
MDAs, companies,  
associations etc.

1 (a) all ministries, extra ministerial departments, agencies of the  
 2 Federal Government, companies, associations, non-governmental  
 3 organisations, unions, societies or partnerships carrying out businesses or  
 4 enterprises in Nigeria shall register and operate under a Nigerian domain name  
 5 on the internet; and

6 (b) all ministries, extra ministerial departments, agencies of the  
 7 Federal Government, companies, associations, non-governmental  
 8 organisations, unions, societies, partnerships, etc., carrying out businesses or  
 9 enterprises in Nigeria and operating on any other Country Top level Domain or  
 10 generic domain name shall upon the commencement of this Bill migrate from  
 11 any such domain name to the Nigerian domain identity string, .ng. on the  
 12 internet.

Use of private  
 emails for  
 government  
 businesses to  
 attract imprisonment  
 and dismissal  
 from service

13 **200** Any public servant in any ministry, extra ministerial department  
 14 or agency who uses any private email and/or website on the internet to  
 15 transact any official business of the ministry, extra ministerial department or  
 16 agency of the Federal Government of Nigeria commits an offence and shall  
 17 upon conviction be sentenced to two weeks imprisonment and shall also be  
 18 deemed dismissed from the public service from the date of the conviction.

MDAs not to issue  
 or renew  
 concessionary  
 instruments or  
 perform any statutory  
 duty or powers in  
 favour of entities  
 that are not  
 registered under  
 Nigerian Domain  
 name

19 **201.** No ministry, department, agency or any authority under the  
 20 Federal Government of Nigeria shall issue or renew any licence, permit or  
 21 grant any facility, perform any statutory power or duty in favour of any entity  
 22 mentioned in clause 200 of this Bill if such entity is not registered and  
 23 operating under a Nigerian domain name on the internet.

Financial  
 institutions not  
 to open any account  
 for MDAs companies  
 etc. not registered  
 under Nigerian  
 Domain name

24 **202.** All financial institutions operating under any law made or  
 25 deemed made by the National Assembly shall upon the commencement of this  
 26 Bill ensure that no new account is opened for any ministry, extra ministerial  
 27 department or agency of the Federal Government, companies, associations,  
 28 non - governmental organisations, unions, societies or partnerships without  
 29 proof that such entity has registered and is operating under Nigerian domain  
 30 name on the internet.

1	<b>203.</b> Financial institutions in Nigeria shall not, after six months	Financial institutions not to permit MDAs companies etc. to continue with the operations of their accounts without proof of being registered and operating under Nigerian Domain name on the internet
2	upon the commencement of this Bill, permit any ministry, extra ministerial	
3	department or agency of the Federal Government, companies, associations,	
4	non - governmental organisations, unions, societies or partnerships that is an	
5	holder of any customer account with the financial institution to continue to	
6	operate the account without evidence that such entity is registered and	
7	operating under Nigerian domain name on the internet.	
8	<b>204.</b> Any agency of the Federal Government, financial institution	Duty to inform entities of the consequences of non registration of Nigerian domain name before any exercise of powers
9	or any other entity with powers to deny any ministry, extra ministerial	
10	department or agency of the Federal Government, companies, associations,	
11	non - governmental organisations, unions, societies or partnerships of any	
12	benefit or service for failure to register and operate under Nigerian domain	
13	name shall before denying any entity or body such benefit or service give	
14	notice to such entity of the consequences of the failure to register and	Nigerians in Diaspora Commission (NiDCOM) to establish online and other platform to promote Nigerian content development and economic diversification
15	conduct its business under Nigerian domain name on the internet.	
16	<b>205.</b> The Nigerians in Diaspora Commission (NiDCOM) shall	
17	take steps to actively promote the use of Nigerian domain name on the	
18	internet by Nigerians in Diaspora.	
19	<b>206.</b> The Nigerian Internet Registration Association shall consult	Nigerian Internet Registration \ Association to fix reasonable fees for registration of domain names by various categories of entities
20	with the Nigerian Information Technology Development Agency to fix	
21	reasonable fees for various categories of entities for registration and annual	
22	renewal of domain names.	
23	<b>207.</b> The provisions of this part of the Bill shall not be applicable to	Exemption from registration and operation under Nigerian domain name
24	private enterprises in Nigeria that do not operate on any generic domain	
25	name, provided that such enterprises shall register and operate under	
26	Nigerian domain name on the internet whenever it desires to register and	
27	operate on a domain name on the internet.	
28	<b>208.-(1)</b> The Nigerian Information Technology Development	Nigerian Information technology Development Agency to make regulations to the operations of Nigerian Domain names
29	Agency shall within ninety days of the commencement of this Bill consult	
30	with the Nigerian Internet Registration Association to make regulations to	



1 regulate the registration and operation of Nigerian domain names under this  
2 Bill.

3 (2) The Nigerian Information Technology Development Agency shall  
4 have powers to amend, repeal and to re-enact the Regulations made pursuant  
5 to sub clause(1) of this clause.

6 PART XXIV - NIGERIAN CONTENT DEVELOPMENT IN THE  
7 MARITIME INDUSTRY

Indigenous Nigeria  
shipping companies \  
to be given right of  
refusal in respect of  
freighting of cargos  
by MDAs and  
Nigerian content entities

8 **209.**-(1) Indigenous Nigerian shipping companies shall be given first  
9 consideration in the award of any contract relating to freighting of any type of  
10 cargos by the Federal Government, any of her agencies or any Nigerian  
11 Content Entity subject to the condition that such indigenous Nigerian  
12 companies demonstrate capacities to execute the contract.

13 (2) Pursuant to sub -clause (1) of this clause, every cargo including oil  
14 and gas to be affreighted from Nigeria shall be on terms embodying cost  
15 Insurance and Freight (CIF) and shall not be on, free on board (FOB) except  
16 exceptional circumstance(s) is/are proved to the satisfaction of the Directorate  
17 of Nigerian Capacity Development and Monitoring on Maritime and Logistics  
18 that it is impracticable for such cargo to be freighted out of Nigeria on cost  
19 Insurance and Freight (CIF).

Conditions to be  
fulfilled before  
awarding contracts  
to foreign ships  
where there is  
inadequate  
indigenous shipping  
capacity to freight  
any cargo out of  
Nigeria

20 **210.** Where there is inadequate capacity of indigenous Nigerian  
21 shipping companies to execute a contract in the Nigerian Maritime Industry  
22 that is sought to be awarded, the Directorate of Nigerian Capacity  
23 Development and Monitoring on Maritime and Logistics shall upon the  
24 application of the entity that intends to award the contract grant an approval to  
25 the entity to award the contract to a non- indigenous Nigerian shipping  
26 company subject to the fulfilment of the following conditions;

27 (a) the applicant had advertised the proposed contract and invited bids  
28 exclusively from indigenous Nigerian shipping companies to bid for the  
29 contract and no indigenous Nigerian company satisfies the standard quality of  
30 the good or service required under the proposed contract;

1 (b) a period of not less than 30 days had lapsed upon the  
 2 advertisement before submitting the application under this clause to the  
 3 Directorate of Nigerian Capacity Development and Monitoring on  
 4 Maritime and Logistics; and

5 (c) where the inadequacy of indigenous Nigerian shipping capacity  
 6 to execute the contract is as result of lack of technical skill and knowledge,  
 7 the applicant shall demonstrate that it has a plan to partner with Nigerians  
 8 to jointly perform the contract.

9 **211.** The services of an indigenous Nigerian shipping company  
 10 shall not be rejected on grounds of-

Conditions to be  
 met before any  
 rejection of the  
 services of indigenous  
 Nigerian shipping  
 companies

11 (a) quality, if-

12 (i) the indigenous Nigerian shipping company seeking to provide  
 13 the shipping services is certified by a legally and internationally recognised  
 14 Agency to have met the standards to provide such shipping service(s); or

15 (ii) the indigenous Nigerian shipping company rendering the  
 16 shipping service(s) is willing and able to provide the service(s) to meet the  
 17 required quality within a reasonable time;

18 (b) price, if-

19 (i) the indigenous Nigerian shipping company is willing and able  
 20 to negotiate the price for the service(s); or

21 (ii) the service is competitive as regards to price when compared  
 22 with similar service rendered by persons or entities from member states of  
 23 the African Union (AU); or

24 (c) timeline for delivery,  
 25 if it can be demonstrated by the indigenous Nigerian shipping company  
 26 that it can meet the timeline for the delivery of the good(s) or service(s).

Foreign ships to  
 obtain approval  
 from the Directorate  
 of Nigerian Capacity  
 Development and  
 Monitoring on  
 Maritime and  
 Logistics before  
 making application  
 to NIMS for waiver

27 **212.-(1)** Notwithstanding anything to the contrary contained in  
 28 any enactment including the Coastal and Inland Shipping Act, 2003 or any  
 29 law succeeding the said Act, no waiver shall be issued to any non Nigerian  
 30 ship to undertake commercial maritime activities in Nigeria without a letter

1 of approval issued to the non Nigerian Shipping company by the Directorate of  
2 Nigerian capacity Development and Monitoring on Maritime and Logistics.

3 (2) Pursuant to the provision in sub clause (1) of this clause, the  
4 Directorate of Nigerian Capacity Development and Monitoring shall not issue  
5 any letter of approval to a non Nigerian shipping company that have not  
6 demonstrated that-

7 (a) commitment to train agreed number of Nigerians to become  
8 internationally recognised seafarers; and

9 (b) an acceptance to pay companies income tax arising from revenue  
10 it generates from Nigeria;

Directorate of  
Nigerian Capacity  
Development and  
Monitoring on  
maritime and  
Logistics to assist  
in linking exporters  
and importers to  
Nigeria with  
Nigerian shipping  
companies

11 **213.-(1)** The Directorate of Nigerian Capacity Development and  
12 Monitoring on Maritime and Logistics shall establish and maintain linkages  
13 to link cooperative societies, associations, unions and other organisations  
14 whose members are desirous of exporting from, and/or importing into, Nigeria  
15 goods with indigenous Nigerian shipping companies to facilitate and increase  
16 cabotage trade among indigenous Nigerian companies at reasonable prices.

17 (2) The Directorate of Nigerian Capacity Development and  
18 Monitoring on Maritime and Logistics shall always ensure the protection of  
19 the interest of all parties to any arrangement contemplated under sub clause (1)  
20 of this clause.

Establishment  
of shipyards with  
facilities in Nigerian  
coastal states

21 **214.-(1)** The Directorate of Nigerian Capacity Development on  
22 Maritime and Logistics shall with the approval of the Board of the Council  
23 established under this Bill, enter into Public and Private Partnership  
24 Agreement (PPPA) with other government agencies, international and  
25 domestic financial institutions, indigenous Nigerian shipping companies,  
26 private investors, among others to raise funds and establish at least one  
27 shipbuilding yard in each of the coastal state in Nigeria provided the  
28 establishment of a shipbuilding yard is technically feasible for the  
29 manufacturing of ships for commercial purposes.

30 (2) The Directorate of Nigerian Capacity Development on Maritime

1 and Logistics shall take into consideration the nearness to raw materials,  
 2 markets, availability of infrastructure including power, security and  
 3 geographical advantages in siting the shipbuilding yard in the State.

4 (3) A shipbuilding yard to be established in the coastal State of the  
 5 Federation shall have, among others:

6 (a) source(s) of renewable energy designed to ensure adequate and  
 7 sustainable supply of power at low cost to the company or companies  
 8 operating in the shipyard;

9 (b) adequate water delivery and treatment system;

10 (c) good and sustainable transport network to ensure easy  
 11 accessibility and transportation of manufactured ships;

12 (d) security; and

13 (e) research and development centre.

14 **215.-(1)** The Directorate of Nigerian Capacity Development and  
 15 Monitoring on Maritime and Logistics shall partner with the Shippers  
 16 Council of Nigeria (NSC), Nigerian Maritime Administration and Safety  
 17 Agency (NIMASA), leading indigenous Nigerian shipping companies and  
 18 other responsible and respectable companies or bodies including but not  
 19 limited to financial institutions in, or, outside Nigeria to raise funds to enable  
 20 indigenous Nigerian shipping companies to acquire ships for commercial  
 21 purposes.

Directorate of  
Nigerian Capacity  
Development and  
Monitoring on  
maritime and  
Logistics to partner  
with Nigerian  
companies and  
others to jointly  
raise funds for the  
acquisition of ships

22 (2) For the purposes of complying with the provisions of sub clause  
 23 1 of this clause, the Directorate of Nigerian Capacity Development and  
 24 Monitoring on Maritime and Logistics shall with the approval of the Board  
 25 of the Council established under this Bill, source for funds from  
 26 international and local financial markets, international donor agencies and  
 27 from any other organisation or private person.

Issuance of financial  
instruments,  
crowd funding etc.  
for the design,  
building and/or  
purchase of ships  
by indigenous  
Nigerian shipping  
companies

28 **216.** The Federal Government of Nigeria upon the request from  
 29 Nigerian Capacity Development and Monitoring on Maritime and Logistics  
 30 shall for the purposes of sourcing for funds for the acquisition and/or

	1	building of vessels in Nigeria issue financial instruments like promissory
	2	notes, bonds, giving credit guarantee, arranging for crowd funding, for the
	3	design, building and/or purchase of ships by indigenous Nigerian companies.
Investment Agreement to be reached with agreeing to finance the design, building and/or purchase of ships by indigenous Nigerian shipping companies	4	<b>217.</b> -(1) For the purposes of ensuring an equitable agreement
	5	between an indigenous Nigerian shipping company and any private investor
	6	seeking to invest in the design, building and/or purchase of ships by indigenous
	7	Nigerian shipping companies, the private investor shall enter into written
	8	agreement with the indigenous Nigerian shipping company and the said
	9	agreement shall be made under the supervision of the Nigerian Capacity
	10	Development and Monitoring on Maritime and Logistics in collaboration with
	11	the Nigerian Shippers Council (NSC) and NIMSA.
	12	(2) The agreement mentioned in sub clause (1) of this clause shall
	13	among others, contain the following information:
	14	(a) particulars of both the indigenous Nigerian shipping company and
	15	the private investor seeking to invest in the design, building and/or
	16	purchase of ships by indigenous Nigerian shipping companies;
	17	(b) the extent of financial assistance which will be given to the
	18	indigenous Nigerian shipping company for the design, building and/or
	19	purchase of ships by indigenous Nigerian shipping companies;
	20	(c) the formula for sharing of proceeds from the operation of the
	21	agreement; and
	22	(d) whether the private investor will be part of the operation and
	23	management of the shipping business activities .
Funds invested in the design, building and/or purchase of ships by indigenous Nigerian shipping companies shall be deemed as guaranteed loan	24	<b>218.</b> -(1) Any fund invested in the design, building and/or purchase of
	25	ships by indigenous Nigerian shipping companies in which the investor is not
	26	going to be involved in the management of the shipping business of the
	27	indigenous Nigerian shipping company shall be deemed and treated as a loan
	28	guaranteed under the Nigerian Content Development Credit Guarantee
	29	Scheme and the terms and conditions provided under this Bill for the regulation
	30	of the Nigerian Content Development Credit Guarantee Scheme shall be

1 applicable to such private investment.

2 (2) Any fund sourced by the Directorate of Nigerian Capacity  
3 Development and Monitoring on Maritime and Logistics under any clause  
4 of this Bill shall be disbursed as loan under terms and conditions to be  
5 prescribed by the Directorate of Nigerian Capacity Development and  
6 Monitoring on Maritime and Logistics upon the approval of the Board of  
7 the Council and shall attract an interest rate of not more than seven per cent  
8 per annum.

9 **219.-(1)** A Nigerian company engaged in building of ships and  
10 using substantial Nigerian manpower and raw materials in building these  
11 ships or /and engaged in repairs and maintenance of ships and other vessels  
12 shall be granted, from the date of the commencement of this Bill, the  
13 following benefits-

Operational  
benefits and  
Incentives for  
ship building,  
repairs and  
maintenance

14 (a) complete exemption for the first five years from the date of the  
15 commencement of this Bill payment of import tariffs and value added tax  
16 (VAT) in respect of plant, machinery, equipment and accessories imported  
17 specifically and exclusively for the building of vessels including ships in  
18 Nigeria provided that similar types of the plant, machinery, equipment and  
19 accessories imported are not manufactured in Nigeria;

20 (b) accelerated approval for expatriate quota and resident permit in  
21 respect of foreigners to be brought into Nigeria for the promotion and  
22 development of shipyards and building;

23 (c) personal remittance quota for expatriate personnel, subject to  
24 imposed personal income tax, the transfer of his/her entitlements in foreign  
25 currency out of Nigeria.

26 (2) For the purpose of sub clause (1) (a) of this clause, the  
27 Directorate of Nigerian Capacity Development and Monitoring on  
28 Maritime and Logistics shall approve the appropriate machinery, equipment  
29 and accessories to be imported for the purpose of this clause.

30 (3) The plant, machinery, equipment and accessories imported

1 pursuant to sub clause (1) of this clause shall attract the full payment of  
 2 customs and import duties in respect thereof where same is to be used for other  
 3 purposes beside the building, repairs or maintenance of commercial ships in  
 4 Nigeria.

Tax exemptions  
and reliefs for  
companies building  
ships in Nigeria

5 **220.**-(1) A Nigerian company engaged in building of ships and other  
 6 commercial vessels in Nigeria shall be exempted from payment of taxes on  
 7 incomes derived from its shipbuilding projects.

8 (2) The tax exemption granted under sub clause (1) of this clause shall  
 9 commence from the date of the commencement of this Bill and the exemption  
 10 shall continue for a period of five years notwithstanding any provision  
 11 contained in any enactment.

12 (3) The tax exemption period granted under sub clause (2) of this  
 13 clause may, by the end of the five years, be extended by the Minister  
 14 responsible for tax matters for another period of two years.

15 (4) The Minister responsible for tax matters shall not extend the tax  
 16 period for the exemption under sub clause (3) of this clause unless the Minister  
 17 is satisfied as to-

18 (a) the rate of expansion, standard of efficiency and level of business  
 19 development on ship and other vessel building by the Nigerian company for  
 20 which the tax exemption is granted, is satisfactory;

21 (b) the development of capacities and capabilities of Nigerians  
 22 especially relating to the creation of jobs and wealth for Nigerians in the  
 23 operation of the ship and other vessels building business activities of the  
 24 company; and

25 (d) the quantum of economic or other benefits accruable to the  
 26 Country for an extension to be granted by virtue of sub clause (1) of this clause.

Incentives for  
investors in  
ship building  
projects

27 **221.**-(1) Any person including corporate entity who for the purposes  
 28 of raising capital for investment for ship building project in Nigeria, gives or  
 29 takes loan including but not limited to, selling or buying securities in the capital  
 30 or money market, selling fixed or other assets and shows proof of the

1 investment of such loan in a project to build ships or other vessels under this  
2 Bill, shall be exempted from the payment of value added tax, capital gains  
3 tax and/or any other tax in respect of such loan transaction, provided the  
4 Directorate of Nigerian Capacity Development and Monitoring on  
5 Maritime and Logistics was informed in writing of the details of the  
6 transaction including-

7 (a) the name of the dealer or seller that sold the securities, fixed or  
8 other assets for the loan or capital to be raised;

9 (b) the amount of money involved, collateral if any used to raise the  
10 fund from the capital or money market,

11 (c) the ship or any other vessel building project or activity for  
12 which the funds would be applied; and

13 (d) any other information as may be considered necessary by the  
14 Directorate of Nigerian Capacity Development and Monitoring on  
15 Maritime and Logistics..

16 (2) An investor in a ship or other vessel building project under this  
17 Bill shall be guaranteed free transferability through the Central Bank in  
18 convertible currency if payment is due to the investor under any financial  
19 instrument in respect of loan servicing where a certified foreign loan was  
20 obtained and invested in the ship building project.

21 (3) Any person including a corporate body who invests fund in a  
22 ship building or other vessel building project shall be entitled to an  
23 exemption from tax in respect of any income including profit, dividend etc.  
24 made from such investment, provided at the time the income accrued,  
25 incomes arising from the project are exempted from tax under clause 12 of  
26 this Bill.

27 **222.** Where a company engaged in ship building or any other  
28 vessel business earns foreign exchange from its ship or other vessel  
29 building business, it shall be permitted by the Central Bank of Nigeria to  
30 retain in a foreign exchange domiciliary account, a specified portion of the

Right to Retain  
and use earned  
foreign exchange  
from ship building  
projects



1 earned foreign exchange as the Central Bank of Nigeria, may on case by case  
 2 basis prescribe, for the purposes of using same to acquire spare parts and other  
 3 inputs required for the furtherance and maintenance of its shipping or other  
 4 vessel building business.

Nigerian Securities  
 and Exchange  
 Commission to  
 collaborate with  
 Directorate of  
 Nigerian Capacity  
 Development and  
 Monitoring on  
 Maritime and  
 Logistics to ensure  
 seamless processes  
 in relating funds for  
 shipping building  
 projects

5 **223.**-(1) The Nigerian Securities And Exchange Commission shall  
 6 collaborate with the Directorate of Nigerian Capacity Development and  
 7 Monitoring on Maritime and Logistics Directorates to ensure seamless  
 8 processes in raising funds for ships building projects and to that effect, the  
 9 Nigerian Security and Exchange Commission shall supply the Directorate of  
 10 Nigerian Capacity Development and Monitoring on Maritime and Logistics on  
 11 request by the Directorate, extant list of companies, firms and other entities  
 12 registered with, or recognized by, the Nigerian Securities And Exchange  
 13 Commission as entities with capacities and capabilities to fund ships and other  
 14 vessels building vessels in Nigeria.

15 (2) The Directorate of Nigerian Capacity Development and  
 16 Monitoring on Maritime and Logistics upon the receipt of the list pursuant to  
 17 sub clause (1) of this clause, acknowledge the receipt of the list and ensure  
 18 regular consultation with the Nigerian Securities and Exchange Commission  
 19 on matters relating to the raising of funds for such ships and other vessels  
 20 building funding in the Nigerian Maritime Industry.

21

Qualifications  
 to obtain loan  
 from the Nigerian  
 Content  
 Development  
 Fund on Maritime  
 and Logistics

22 **224.**-(1) In addition to any requirement that the Directorate of  
 23 Nigerian Capacity Development and Monitoring on Maritime and Logistics  
 24 may set to be met by indigenous Nigerian companies seeking for loans under  
 25 the Nigerian Content Development Fund on Maritime and Logistics or any  
 26 other loan established under this Bill, an indigenous Nigerian company  
 27 seeking for loan from the said Fund shall satisfy the followings-

28 (a) be a company that had been actively engaged in shipping  
 29 activities and had, or, is having vessels for a period of, not less than fifteen (15)  
 30 years preceding the date of the application for loan, and shall also have

1 deposited with the Central Bank of Nigeria, a contributory deposit of fifteen  
2 per cent (15%) of the total cost of the purchase, repair or maintenance of the  
3 vessel(s);

4 (b) shall insure and maintain during the subsistence of the loan,  
5 comprehensive insurance policy to cover the vessel/ship in respect of which  
6 the loan was disbursed.

7 (c) shall execute a mortgage to the effect that the Federal  
8 Government of Nigeria shall during the subsistence of the loan have interest  
9 in the ownership and management of the business of the Borrower until such  
10 a time that the entire loan and the accrued interest thereupon had been finally  
11 liquidated.

12 (d) sign a bond to the effect that for any period the loan or an  
13 interest accrued therefrom remained unpaid, the Directorate of Nigerian  
14 Capacity Development and Monitoring on Maritime and Logistics shall  
15 appoint a Receiver who shall be knowledgeable in shipping business and is  
16 successfully managing such shipping business to immediately take over the  
17 entire business of the company and run the business till the entire money  
18 remaining unpaid has been fully recovered.

19 (2) The requirement that the Directorate of Nigerian Capacity  
20 Development and Monitoring on Maritime and Logistics shall prescribed  
21 by virtue of sub clause (1) of this clause shall not be inconsistent with any  
22 provision of this part of this Bill, and specifically, such requirement shall not  
23 require collateral or security that is unreasonable or impracticable to meet.

24 **225.**-(1) Any vessel/ship bought on loan by virtue of the  
25 provisions of this part of this Bill, shall be in the name of the Central Bank of  
26 Nigeria and the indigenous Nigerian company and shall not be transferred  
27 to the indigenous Nigerian company until the loan upon which the  
28 equipment was bought and the interest accrued thereupon had been fully  
29 liquidated.

Vessels/Ships  
bought on loan to  
jointly bear the name  
of the Seller, the  
Central Bank of  
Nigeria and the  
indigenous Nigerian  
company

30 (2) Where any loan and the accrued interest had been fully

Establishment  
of Funds

1 liquidated, the Central Bank of Nigeria shall effect a transfer of absolute  
2 ownership of the ship/vessel in favour of the Borrower to wit, the indigenous  
3 Nigerian company that took the loan.

4 PART XXIII - ESTABLISHMENT AND MANAGEMENT OF FUNDS  
5 FOR THE DIRECTORATES

6 **226.**-(1) For the purpose of providing financial support for Nigerian  
7 Content development and economic diversification in the Nigerian economy,  
8 the following Funds are hereby established;-

9 (a) Nigerian Content Development Fund on Information and  
10 Communication Technology which shall consist of-

11 (i) 0.5% surcharge on the monetary value of every contract awarded  
12 to any Nigerian Content Entity or contractor involved in any project,  
13 operation, activity or transaction in the Nigerian Information Communication  
14 Technology industry which shall be deducted at source and paid into the Fund.

15 (ii) 10% of all sums accruing from Universal Service Provision Fund  
16 (USPF);

17 (iii) 10% of all sums accruing from National Information  
18 Development Fund;

19 (iv) all sums paid as fees, fines etc. derived from matters arising  
20 from the operation of this Bill in relation to the Information and  
21 Communication Technology sector;

22 (v) all sums derived from all subventions and budgetary allocations  
23 provided by the Federal Government for the Directorate of Nigerian Capacity  
24 Development on Information Communication Technology; and

25 (vi) interest and revenue accruing from savings and investments  
26 made by the Directorate of Nigerian Capacity Development on Information  
27 Communication Technology.

28 (b) Nigerian Content Development Fund on Power which shall  
29 consist of-

30 (i) a 0.5% surcharge on the monetary value of every contract

1 awarded to any Nigerian Content Entity or contractor involved in any  
2 project, operation, activity or transaction in the involved in any project,  
3 operation, activity or transaction in the generation, transmission and  
4 distribution activities in the Nigeria Power Sector which sum to wit, the  
5 said two per cent shall be deducted at source and shall be paid to the Fund;

6 (ii) all sums paid as fees, fines etc. derived from matters arising  
7 from the operation of this Bill in relation to the power sector;

8 (iii) all sums derived from all subventions and budgetary  
9 allocations provided by the Federal Government;

10 (iv) sums accruing to the Nigerian Capacity Development on  
11 Power by way of donations, gifts, grants, endowment, bequest or otherwise;  
12 and

13 (v) interest and revenue accruing from savings and investments  
14 made by the Nigerian Capacity Development on Power;

15 (c) Nigerian Content Development Fund on Solid Minerals and  
16 Metallurgy which shall consist of-

17 (i) a 0.5% surcharge on the monetary value of every contract  
18 awarded to any Nigerian Content Entity or contractor involved in any  
19 project, operation, activity or transaction in the involved in any project,  
20 operation, activity or transaction in the Nigerian Solid Minerals and  
21 Metallurgical Sector of the Nigerian economy shall be deducted at source  
22 and paid into the Fund;

23 (ii) 30% of the royalty payable by mineral rights' operators under  
24 the provisions of the Nigerian Minerals Mining Act 2007 or any enactment  
25 succeeding the said Nigerian Minerals Mining Act 2007 or under any  
26 Regulation having the force of law;

27 (iii) all sums paid as fees, fines etc. derived from matters arising  
28 from the operation of this Bill in relation to the solid mineral and  
29 metallurgical sector;

30 (iv) all sums derived from all subventions and budgetary

- 1 allocations provided by the Federal Government;
- 2 (v) sums accruing to the Directorate of Nigerian Capacity  
3 Development on Solid Minerals and Metallurgy by way of donations, gifts,  
4 grants, endowment, bequest or otherwise; and
- 5 (vi) interest and revenue accruing from savings and investments made  
6 by the Directorate of Nigerian Capacity Development on Solid Minerals and  
7 Metallurgy.
- 8 (d) Nigerian Content Development Fund on Maritime and Logistics  
9 which shall consist of-
- 10 (i) a 0.5% surcharge on the monetary value of every contract awarded  
11 by any ministry, department or agency of the Federal Government of Nigeria,  
12 company or any other entity to any company or entity in respect of any  
13 project, contract, operation, activity or transaction in the Nigerian Maritime  
14 Industry;
- 15 (ii) ten per cent of any sum paid to the Federal Government of  
16 Nigeria or any of its agencies as port charges in Nigeria;
- 17 (iii) eighty per cent of all sums payable and paid to the Nigerian  
18 Maritime Administration and Safety Agency under the Coastal and Inland  
19 Shipping (Cabotage) Act or any enactment succeeding the said Act;
- 20 (iv) ten per cent of any sum paid to the Nigerian Maritime  
21 Administration and Safety Agency as fees and/or revenue under the Nigerian  
22 Maritime Administration and Safety Agency Act;
- 23 (v) ten per cent of any sum accrued to the Nigerian Shippers Council  
24 under the Nigerian Shippers Council Act;
- 25 (vi) funds realized from issuing financial instruments like promissory  
26 notes, bonds, crowd funding etc. for purchase of ships for indigenous Nigerian  
27 companies;
- 28 (vii) any sum as shall from time to time be determined and approved  
29 by the National Assembly including any sum approved by the Central Bank of

1 Nigeria as loan scheme for the purchase of ships by indigenous Nigerian  
2 companies;

3 (viii) any donation, grants, endowment, bequest or otherwise  
4 accruing to the Federal Government of Nigeria from any foreign and/or  
5 municipal agency for the acquisition of ships; and

6 (ix) such further sums accruable to the Shipping Fund by way of  
7 interests paid on and repayment of the principal sums of any loan granted  
8 from the Shipping Fund.

9 (e) Nigerian Content Development Fund on Manufacturing which shall  
10 consist of-

11 (i) a 0.5% surcharge on the monetary value of every contract  
12 awarded to any operator, contractor, subcontractor, alliance partner or any  
13 other entity involved in any contract, operation, activity or transaction in the  
14 manufacturing sector of the Nigerian economy to which the provisions of  
15 this Bill apply which sum for the avoidance of doubt shall be deducted at  
16 source and be paid into the Fund;

17 (ii) all sums paid as fees, fines etc. derived from matters arising  
18 from the operation of this Bill in relation to manufacturing;

19 (iii) all sums derived from all subventions and budgetary  
20 allocations provided by the Federal Government;

21 (iv) sums accruing to the Directorate of Nigerian Capacity  
22 Development on Manufacturing by way of donations, gifts, grants,  
23 endowment, bequest or otherwise; and

24 (v) interest and revenue accruing from savings and investments  
25 made by the Directorate of Directorate of Nigerian Capacity Development  
26 on Manufacturing.

27 (f) Nigerian Content Development Fund on Health which shall  
28 consist of-

29 (i) a 0.5% surcharge on the monetary value of every contract  
30 awarded by the Federal Government of Nigeria or any of her agencies to any

- 1 person or entity to execute a health project;
- 2 (ii) one per cent of the annual budget sum of each of the agencies  
3 supervised by the Federal Ministry responsible for health matters in Nigeria;
- 4 (iii) a surcharge of one per cent per cent on medicines and medical  
5 devices imported into the Country which sum shall be collected by the  
6 Nigerian Customs Service and be paid into the Fund;
- 7 (iv).ten per cent of excise duties collected by the Federal Government  
8 from companies in respect of domestic manufacture of medicines and medical  
9 devices which sum shall be computed on monthly basis by the Accountant  
10 General of the Federation and be paid into the Fund;
- 11 (v) all sums paid as fees, fines etc. derived from matters arising from  
12 the operation of this Bill in relation to the health sector;
- 13 (vi) all sums derived from all subventions and budgetary allocations  
14 provided by the Federal Government;
- 15 (vii) sums accruing to the Directorate of Nigerian Capacity  
16 Development on Health by way of donations, gifts, grants, endowment,  
17 bequest or otherwise; and
- 18 (viii) interest and revenue accruing from savings and investments  
19 made by the Directorate of Nigerian Capacity Development on Health.
- 20 (g)Nigerian Content Development Fund on Agricultural and Agro-  
21 Allied Products which shall consist of-
- 22 (i) a 0.5% surcharge on the monetary value of every contract awarded  
23 by the Federal Government of Nigeria or any of her agencies to any person or  
24 entity to execute an agricultural project;
- 25 (ii) one per cent of the annual budget sum of each of the agencies  
26 supervised by the Federal Ministry responsible for Agriculture in Nigeria;
- 27 (iii) a surcharge of twenty-five per cent on the monetary value accrued  
28 and received by the Federal Government in respect of all agricultural and agro-  
29 allied products imported into Nigeria which sum shall be collected by the  
30 Nigerian Customs Service and be paid into the Fund;

1 (iv). any donation, grants endowment, bequest or otherwise  
2 accruing to the Federal Government of Nigeria from any foreign and/or  
3 municipal agency for local content development of agricultural and agro-  
4 allied activities made to the Directorate of Nigerian Capacity Development  
5 on Agriculture and Agro-Allied Products ;

6 (v). all sums paid as fees, fines etc. in respect of matters arising  
7 from the implementation of any provision of this Bill in relation to  
8 agriculture and agro allied matters;

9 (vi) all sums derived from all subventions and budgetary  
10 allocations provided by the Federal Government; and

11 (vii). interest and revenue accruing from savings and investments  
12 from the Fund made by the Directorate of Nigerian Capacity Development  
13 on Agriculture and Agro-Allied Products.

14 (2) Each Fund established under this clause shall be managed  
15 separately and for the purposes set out in this Bill against such Fund.

16 **227.** The Funds to wit-

Directorate to  
manage Funds

17 (a) Nigerian Content Development Fund on Information and  
18 Communication Technology shall be exclusively administered by the  
19 Directorate of Nigerian Capacity Development on Information  
20 Communication Technology established under this Bill;

21 (b) Nigerian Content Development Fund on Power shall be  
22 exclusively administered by the Directorate of Nigerian Capacity  
23 Development on Power established under this Bill;

24 (c) Nigerian Content Development Fund on Solid Minerals and  
25 Metallurgy shall exclusively be administered by the Directorate of Nigerian  
26 Capacity Development on Solid Minerals and Metallurgy established under  
27 this Bill;

28 (d) Nigerian Content Development Fund on Maritime and  
29 Logistics shall be exclusively managed by the Directorate of Nigerian  
30 Capacity Development and Monitoring on Maritime and Logistics;



1 (e) Nigerian Content Development Fund on Manufacturing shall be  
 2 exclusively managed by the Directorate of Nigerian Capacity Development  
 3 on Manufacturing established under this Bill;

4 (f) Nigerian Content Development Fund on Health shall be  
 5 exclusively managed by the Directorate of Nigerian Capacity Development on  
 6 Health established under this Bill; and

7 (g) Nigerian Content Development Fund on Agricultural and Agro-  
 8 Allied Products shall be exclusively managed by the Directorate of Nigerian  
 9 Capacity Development on Agriculture and Agro-Allied Products established  
 10 under this Bill.

Use of Funds for  
Administering  
the Directorates

11 **228.** Each Directorate shall be entitled to a sum of not more than  
 12 twenty per cent of the fund established for the Department pursuant to clause  
 13 226 of this Bill, from which sum all expenditures incurred by the Directorate  
 14 in running the day to day affairs of the Directorate, including payment of  
 15 salaries, remunerations, training of staff and ancillary expenditures, shall be  
 16 defrayed.

Special Use of  
the Nigerian Content  
Development Fund  
on Information  
and Communication  
Technology

17 **229.** Subject to clause 228 of this Bill, the funds in respect of sub  
 18 clause (1) (a) of clause 226 of this Bill to wit, Nigerian Content Development  
 19 Fund on Information and Communication Technology shall only be  
 20 administered to fund activities designed to:

21 (i) proactively address perception of quality of Made-in-Nigeria ICT  
 22 products and services by working with leading national and global quality  
 23 organizations, and Nigerian industry groups to train and assist indigenous  
 24 Nigerian ICT companies and firms to improve their products, services and  
 25 processes;

26 (ii) promote capacity building in relevant ICT thematic proficiencies  
 27 in primary, secondary and tertiary institutions and designated Centres of  
 28 Excellence;

29 (iii) empower Centres of Excellence around key emerging  
 30 technologies and promote the creation of a minimum of six Centres of

- 1 Excellence in partnership with Nigerian tertiary institutions;
- 2 (iv) designate Centres of Excellence based on set eligibility
- 3 criteria, application and evaluation in line with the defined criteria;
- 4 (v) produce National ICT skills gap report in collaboration with
- 5 relevant stakeholders;
- 6 (vi) support academic research projects being conducted by
- 7 Nigerian scholars and educational institutions in Nigeria which focus on
- 8 developing the ICT sector in the country;
- 9 (vii) promote and support the commercialisation of research
- 10 activities in order to engender and encourage Nigerian entrepreneurship and
- 11 skills development in the Nigerian Information and Communication
- 12 Technology Sector;
- 13 (viii) provide incentives for indigenous Nigerian companies and
- 14 firms to support and develop leading and emerging ICT.
- 15 (ix) support ICT technology incubation programs, Startups
- 16 communities, ICT clusters and other IT development networks to stimulate
- 17 the growth and promotion of the Nigerian content in the Information and
- 18 Communication Technology sector.
- 19 (x) partner with relevant organizations and other appropriate
- 20 bodies to setup a Technical & Vocational Skill Acquisition and Training
- 21 Programme for ICT practitioners and small-scale entrepreneurs.
- 22 (xi) mandate all IT third service providers with existing IT
- 23 contracts, partnerships or service agreements with the Federal Government
- 24 to engage graduate interns as a necessary component of IT service delivery
- 25 for Nigeria.
- 26 **230.** Subject to clause 228 of this Bill, the Fund mentioned in sub
- 27 clause (1) (b) of clause 226 to wit, Nigerian Content Development Fund on
- 28 Power shall only be administered for the following activities-
- 29 (a) promotion of quality standard of Nigerian content in the
- 30 manufacturing of critical Made-in-Nigeria components, parts, accessories,

Special Use of  
the Nigerian Content  
Development Fund  
on Power

1 plants and equipment like transformers, cable wire, smart meters for billing of  
2 electricity consumption, Relay & Control Panels, Instrument Transformers,  
3 Disconnect Switches and Surge Arresters etc. required in the power sector by  
4 actively partnering with Nigerians to manufacture these and other allied  
5 products using totally or substantially locally source draw materials in Nigeria,  
6 provided that the made in Nigeria components, parts, accessories, plants and  
7 equipment shall be of standard quality approved by the Standard Organisation  
8 of Nigeria or any recognized international agency for standardization;

9 (b) encourage Nigerian businesses in the power sector to immediately  
10 identify, incubate and execute commercially viable Off Grid and mini grid  
11 renewable energy projects in solar, wind, biomass, small hydro power etc. in  
12 Country; and

13 (c) engage Nigerian professionals to undertake projects to enhance  
14 unabridged transmission and security of generated qualities and quantities of  
15 power from the point of generation to the point of distribution to final  
16 consumers.

Special Use of  
the Nigerian Content  
Development Fund  
on solid Minerals \  
and Metallurgy

17 **231.** Subject to clause 228 of this Bill, the Fund mentioned in sub  
18 clause (1) (c) of clause 226 of this Bill to wit, Nigerian Content Development  
19 Fund on Solid Minerals and Metallurgy shall only be administered -

20 (a) for the execution of projects that will enhance acquisition of  
21 equipment and technologies by indigenous Nigerian artisan miners to  
22 independently explore and exploit solid mineral resources in Nigeria;

23 (b) to undertake mutually beneficial Public Private Partnership (PPP)  
24 by entering into direct collaboration with responsible foreign and indigenous  
25 engineering companies and/or firms for the construction, operation, repairs  
26 and/or maintenance of modern equipment for the exploitation of solid mineral  
27 resources in Nigeria;

28 (c) to partner with indigenous Nigerian companies for the  
29 establishment of centres for the purchase and processing of mined solid  
30 mineral resources in -Country; and

(d) promotion of quality standard of Nigerian content in the manufacturing of critical Made-in-Nigeria components, parts, accessories, plant and equipment like blasting, earth engaging and material conveying, crushing, minerals processing plant and equipment etc. required in the solid minerals sector by actively partnering with Nigerians to manufacture these and other allied products using totally or substantially locally sourced raw materials in Nigeria provided that the made in Nigeria components, parts, plants and equipment shall be of standard quality approved by the Standard Organization of Nigeria or any lawfully recognized Nigerian or international agency for standardization.

**232.** Subject to clause 228 of this Bill, the Fund mentioned in sub clause (1) (d) of clause 226 of this Bill to wit, Nigerian Content Development Fund on Maritime and Logistics shall only be administered to-

Special Use of  
the Nigerian Content  
Development Fund  
on Maritime and  
Logistics

(a) grant loans to indigenous Nigerian companies engaged in shipping activities in the Nigerian Maritime Industry to enable such companies build, acquire and/or maintain vessels/ships for commercial use;

(b) development of indigenous Nigerian seafarers to attain internationally recognized professional certificates in seafaring;

(c) ensure that indigenous small and medium scale producers of goods and services required in the Nigerian Maritime Industry by indigenous Nigerian company are encouraged with incentives, including single digit interest on loans to produce such Made-in-Nigeria goods and services to meet the need of the Nigerian Maritime Sector in Nigeria; and

(d) promotion of quality standard of Nigerian content in the manufacturing of critical Made-in-Nigeria components, parts, accessories plant and equipment required in the maritime industry by actively partnering with Nigerian companies to manufacture these and other allied products using totally or substantially locally sourced raw materials in Nigeria provided that the made in Nigeria components, parts, plants and equipment shall be of standard quality approved by the Standard

	1	Organisation of Nigeria or any recognized international agency for
	2	standardization.
Special Use of the Nigerian Content Development Fund on Manufacturing	3	<b>233.</b> -(1) Subject to clause 228 of this Bill, the Fund mentioned in sub
	4	clause (1) (e) of clause 226 of this Bill to wit, Nigerian Content Development
	5	Fund on Manufacturing shall only be administered to promote the
	6	development of the manufacturing sector to ensure;-
	7	(a) the availability of quality and sufficient Made-in-Nigeria goods
	8	that will result to export or the expansion of the export of the goods; and
	9	(b) the establishment of a National Industrial Park for each State of
	10	the Federation, which shall be undertaken by the Directorate with the
	11	assistance of the state, companies to operate in the Park and any other person or
	12	entity and the National Industrial Park shall have, among others:
	13	(a) dedicated source(s) of renewable energy designed to ensure
	14	adequate and sustainable supply of power at low cost to the companies
	15	operating in the National Industrial Park;
	16	(b) adequate water delivery and treatment system;
	17	(c) good and sustainable transport network to ensure easy
	18	accessibility and transportation of manufactured products;
	19	(d) security; and
	20	(e) research and development centre.
Special Use of the Nigerian Content Development Fund on Health	21	<b>234.</b> Subject to clause 228 of this Bill, the Fund mentioned in sub
	22	clause (1) (f) of clause 226 of this Bill to wit, Nigerian Content Development
	23	Fund on Health shall only be administered to promote the development of the
	24	health sector especially:
	25	(a) to locally develop and produce high standard quality medicines
	26	and medical devices in the Nigerian health sector; and
	27	(b) the establishment of a world class Nigerian Content Development
	28	Specialist Hospital in each State of the Federation, which shall be undertaken
	29	by the Directorate with the assistance of, and/or, in partnership with the
	30	Government of the State that the hospital is to be sited, Nigerian

1 Health Insurance Scheme (NHIS) and/or any other interested  
2 person or entity, and the Nigerian Content Specialist Hospital to be sited  
3 for each State under this clause shall have, among others, the following  
4 Departments;

- 5 (i) oncology;
- 6 (ii) orthopaedics;
- 7 (iii) nephrology; and
- 8 (iv) cardiology.

9 **235.** Subject to clause 228 of this Bill, the Fund mentioned in sub  
10 clause (1) (g) of clause 226 of this Bill to wit, Nigerian Content Development  
11 Fund on Agricultural and Agro-Allied Products Content Development shall  
12 only be administered to ensure technology-based agricultural and agro  
13 allied activities and specifically to finance the following agricultural  
14 technology based activities-

Special use of  
the Nigerian Content  
Development Fund  
on Agricultural  
and Agro-Allied  
Products

15 (i) precision agriculture which is an approach to farm management  
16 that uses information technology to ensure that crops and soil receive  
17 exactly what they need for optimum health and productivity that will  
18 enhance profitability, sustainability and creation of wealth for Nigerians in  
19 the agricultural and agro allied sector of the Nigerian economy.

20 (ii) acquisition by farmers of Soil and Water Sensors for the use of  
21 farmers to detect moisture and nitrogen levels of their crops,  
22 conservation of water, limiting erosion and reducing fertilizer level in their  
23 farms among others;

24 (iii) provision of computerized weather modelling platforms to  
25 enable Nigerian farmers have enough advanced notice of frost, hail and  
26 other natural occurrences to enable them take precautionary steps to protect  
27 their farms;

28 (iv) satellite imaging to enable farmers monitor their farms from  
29 places outside the farm area and take steps to avoid or mitigate possible  
30 damages;

1 (v) acquisition of pervasive automation which includes the  
 2 acquisition of vehicles controlled by robotics or remotely terminals and hyper  
 3 precision to maximize agricultural development by Nigerians;

4 (vi) the acquisition of technical knowledge among Nigerian farmers  
 5 on international best practices in the cultivation and production of  
 6 agricultural produce for exports, taking into consideration;

7 (a) soil composition that is to be used for the cultivation of the  
 8 produce;

9 (b) soil preparation;

10 (c) usage of pesticide and other chemical substances;

11 (d) seedling;

12 (e) method of harvesting

13 (f) packaging;

14 (g) labelling; and

15 (h) storage.

16 (vii) development of technology and transfer of such technology to  
 17 small and medium scale crops, fish, livestock and forest;

18 (viii) irrigation farming for small and medium scale farmers in  
 19 Nigeria; and

20 (ix) promotion of quality standard of Nigerian content in the  
 21 manufacturing of critical Made-in-Nigeria components, parts, accessories  
 22 plant and equipment like tractors, and parts, ploughs, diggers, agriculture  
 23 implements and tools, and other agro allied processing plant and equipment  
 24 etc. required in the agriculture and agro allied sector.

Duty of Directorate  
 to collaborate with  
 stakeholders of the  
 sector on projects  
 and programmes  
 to be included in  
 the budget of the  
 Directorate

25 **236.** Each Directorate shall collaborate with, and, ensure that  
 26 stakeholders of the sector that the Directorate is responsible for, make inputs  
 27 into the component of the annual budget of the Directorate to ensure that  
 28 expenses of the Directorate are only made to execute programmes and projects  
 29 that will be beneficial to the industry.

## PART XXIV - LIBERALISED LOANS ON SOLID MINERALS

237.-(1) In order to encourage and promote indigenous Nigerian companies to directly engage in the exploitation of the solid minerals resources in Nigeria and to avoid undue delay and difficulties in assessing loan facilities from the Central Bank of Nigeria, the Bank of Industry or any other financial institution wholly or partially owned by the Federal Government of Nigeria, the Central Bank of Nigeria, the Bank of Industry or any other financial institution wholly or partially owned by the Federal Government of Nigeria shall subject to the availability of Funds, make adequate provisions for loans on liberal terms to be given to indigenous Nigerian companies seeking for loan(s) to purchase equipment to exploit Nigerian solid mineral resources.

Liberalised loan  
for the exploitation  
of solid mineral  
resources

(2) For the avoidance of doubt and notwithstanding anything to the contrary contained in any enactment including the Central Bank of Nigeria Act, the Central Bank of Nigeria, the Bank of Industry or any other financial institution wholly or partially owned by the Federal Government of Nigeria shall subject to availability of funds and the fulfilment of the conditions stipulated for the enjoyment of loan under this Bill, disburse loan directly to qualified indigenous Nigerian companies for the purposes of purchasing equipment to exploit solid mineral resources in Nigeria.

(3) Such indigenous Nigerian company to be qualified to borrow from the Central Bank of Nigeria, the Bank of Industry or any other financial institution wholly or partially owned by the Federal Government of Nigeria shall be a holder of mineral title with an unexpired duration of at least four years and shall demonstrate that the monetary value of the solid mineral resources over which the mineral title subsists is not less than four times the value of the loan sought for.

(4) Before the grant of the loan, the applicant for the loan shall execute a mortgage to the effect that the Directorate of Nigerian Capacity Development and Monitoring on Solid Minerals and Metallurgical shall



1 during the subsistence of the loan have interest and maintain a lien in the  
2 ownership and management of the subject minerals title and all businesses  
3 associated with the said title until when the entire loan and the accrued interest  
4 thereupon had been finally liquidated.

5 (5) It shall be obligatory for the Directorate of Nigerian Capacity  
6 Development and Monitoring on Solid Minerals and Metallurgical to act as a  
7 guarantor to any qualified indigenous Nigerian company seeking for loan  
8 from the Central Bank of Nigeria, the Bank of Industry or any other financial  
9 institution wholly or partially owned by the Federal Government of Nigeria to  
10 purchase equipment to commence, continue and/or maintain exploitation of  
11 solid mineral resources in Nigeria.

12 (6) For any period the loan or an interest accrued therefrom remained  
13 unpaid, the Guarantor to wit, the Directorate of Nigerian Capacity  
14 Development and Monitoring on Solid Minerals and Metallurgical shall  
15 appoint a competent and responsible Receiver who shall be a person or entity  
16 that has been in the solid minerals exploitation business for not less than twenty  
17 five years and does not have any case of dishonesty and/or bankruptcy  
18 proceedings pending against him/it or had such case determined against him, to  
19 immediately take over the entire business of the company and run the business  
20 till the entire money remaining unpaid has been fully recovered.

21 (7) Where necessary and whether or not, there is any arrears of un-  
22 paid debt, the Directorate of Nigerian Capacity Development and Monitoring  
23 on Solid Minerals and Metallurgical in its absolute discretion shall have and  
24 exercise the right to appoint a representative of the Directorate to act as a  
25 surveillance personnel to oversee the business of the Borrower especially in  
26 respect of inflow and outflow of funds from any business of the Borrower  
27 associated with the loan.

28 (8) Where the Directorate of Nigerian Capacity Development and  
29 Monitoring on Solid Minerals and Metallurgical acts as a guarantor in favour of  
30 any qualified applicant for loan under this clause and there are available funds

1 for disbursement by the Central Bank of Nigeria, the Bank of Industry or  
 2 any other financial institution wholly or partially owned by the Federal  
 3 Government of Nigeria, the applicant shall not be required to furnish any  
 4 further security/collateral for the applicant to be granted the loan.

5 **238.-(1)** Any equipment bought on loan by virtue of clause 208 of  
 6 this Bill, shall be on the name of the Seller, the Central Bank of Nigeria and  
 7 the indigenous Nigerian company and shall not be transferred to the  
 8 indigenous Nigerian company until the loan upon which the equipment was  
 9 bought and the interest accrued thereupon had been fully liquidated.

equipment bought  
on loan to jointly  
bear the name of  
the Seller, the Central  
Bank of Nigeria  
and the indigenous  
Nigerian company

10 (2) Where any loan and the accrued interest had been fully  
 11 liquidated, the seller shall effect a transfer of ownership of the equipment  
 12 in favour of the Borrower to wit, the indigenous Nigerian company that took  
 13 the loan.

#### 14 PART XXV - NIGERIAN CONTENT DEVELOPMENT CREDIT

##### 15 GUARANTEE SCHEME

16 **239.** The Central Bank of Nigeria shall establish a loan scheme to  
 17 be known as Nigerian Content Development Credit Guarantee Scheme  
 18 under which the Central Bank of Nigeria will subject to availability of funds  
 19 and qualification of the applicant, guarantee-

Establishment of  
Nigerian Content  
Development Credit  
Guarantees Scheme  
for the acquisition  
of equipment for  
the production of  
Made-in-Nigeria  
goods

20 (a) any investment or any loan given by any foreign investor who  
 21 invests in, or grant foreign loan to any indigenous Nigerian company, for the  
 22 construction, use and operation of modular or artisanal petroleum refinery  
 23 in Nigeria using wholly or substantially locally sourced raw materials;

24 (b) the payment of the price of any equipment to an original equipment  
 25 manufacturer who sells any equipment to a qualified indigenous Nigerian  
 26 company on credit for the exploitation of mineral resources;

27 (c) the payment of the price of any vessel for shipping activities  
 28 especially for the transportation of Made-in-Nigeria goods within and  
 29 outside Nigeria;

30 (d) the payment of the price of any equipment in favour of an

	1	original equipment manufacturer who sells the equipment to a qualified
	2	indigenous Nigerian company for use to manufacture any good that is
	3	otherwise imported in the Nigerian economy; and
	4	(e) loan given to any indigenous Nigerian company by a financial
	5	institution to produce high quality standard good required for domestic use
	6	and/or export.
Application for Nigerian Content Development Credit Guarantee Loan	7	<b>240.</b> -(1) Any indigenous Nigerian company engaged in productive
	8	economic activity in any of the sectors in the Nigerian ecosystem and seeking
	9	for a guaranteed loan to purchase equipment for the production of Made-in-
	10	Nigeria goods or services produced in Nigeria may submit an application to an
	11	accredited financial institution with which such person maintains an account,
	12	for a loan to be known as "Guaranteed Nigerian Content Development Loan".
	13	(2) The application shall be accompanied with a "Guaranteed Nigerian
	14	Content Development Loan Utilisation Plan" (Loan Utilisation Plan) which
	15	shall relate to the work programme with respect to the entire project for which
	16	the guaranteed Nigerian content development loan is sought.
Information required in the Guaranteed Nigerian Content Development Loan Utilisation Plan	17	<b>241.</b> A "Guaranteed Nigerian Content Development Loan Utilisation
	18	Plan" shall set out the following information among others-
	19	(a) the total amount required for the execution of the entire project;
	20	(b) cost of each component in the project;
	21	(c) the estimated monetary value of an on - going business of the
	22	applicant;
	23	(d) the expected quantity and quality of goods and/or services that
	24	may be produced from the execution of the project for which the loan is
	25	required;
	26	(e) the expected revenue to be derived from the project;
	27	(f) evidence that there is availability of market for the expected
	28	goods; and,
	29	(g) evidence that the good has the capacity to naturally compete with
	30	imported similar good in Nigeria.

1	<b>242.</b> An accredited financial institution to whom an applicant for a	Duty to acknowledge receipt of the submission of Application
2	guaranteed Nigerian content development loan submits an application for	
3	such loan shall acknowledge the receipt of the submission within seven	
4	days and shall within fourteen days of the receipt of the application review	
5	and assess the application.	
6	<b>243.-(1).</b> An accredited financial institution upon the receipt of an	Duty of Banks to forward the reviewed and assessed application to the Central Bank of Nigeria
7	application for a guaranteed loan under this Bill shall within fourteen days	
8	from the date of the receipt of the application review and assess the	
9	application with the attached Loan Utilisation Plan and, if satisfied that the	
10	application and the Loan Utilisation Plan substantially comply with the	
11	provisions of this Bill and the applicant is capable of repaying the	
12	guaranteed loan applied for, forward the application with its findings to the	
13	Central Bank of Nigeria.	
14	(2) In reviewing and/or assessing the application, an accredited	
15	financial institution shall always ensure that there is established evidence	
16	that the applicant is capable of paying back the guaranteed loan sought and	
17	such applicant is not in any way seeking for the utilisation of the money for	
18	any purpose other than the purpose against which the loan is being sought	
19	for.	
20	<b>244.-(1)</b> An accredited financial institution shall, upon reviewing	Duty to inform an applicant of decision on the approval or refusal of his application
21	and assessing an application, inform the applicant of its decision to	
22	recommend for approval or refusal to the Central Bank of Nigeria, the	
23	applicant's application for the guaranteed loan submitted to the financial	
24	institution.	
25	(2) Where for any reason any request for a guaranteed loan for the	
26	purposes of this Bill is rejected by any financial institution, the financial	
27	institution shall give reasons to the applicant for the rejection and shall	
28	specify what steps should be taken by the applicant to enable it comply with	
29	the appropriate requirements and resubmit the application for the	
30	guaranteed loan.	

Submission of a Revised Application for guaranteed Nigerian content development loan where a previous application was refused	1	<b>245.</b> An applicant may, where the financial institution refused to
	2	recommend its application for approval for a guaranteed Nigerian content
	3	development loan to the Central Bank of Nigeria, within a period of fourteen
	4	days from the date of the notification of the decision pursuant to sub clause (2)
	5	of clause 244 of this Bill-
	6	(a) amend the application taking into account the reasons given by the
	7	financial institution for the refusal; and
	8	(b) submit the Revised Application for the guaranteed local content
	9	development loan.
Time frame for the review of a Revised Application for guaranteed local content development loan	10	<b>246.</b> A Revised Application submitted upon the rejection of a
	11	previous application for a guaranteed loan shall be reviewed, assessed and
	12	approval given or denied within fifteen days from the date of the receipt of the
	13	said revised application.
Rate of interest to be charged on guaranteed Nigerian content development loan	14	<b>247.</b> The rate of interest payable on a guaranteed Nigerian content
	15	development loan granted pursuant to this Bill shall not be more than five per
	16	cent per annum.
Collateral required to be furnished for guaranteed Nigerian content development loan	17	<b>248.</b> Security required by a financial institution for the purpose of
	18	any guaranteed Nigerian content development loan under this Bill may be
	19	one or more of the following, that is to say-
	20	(a) a charge on land in which the borrower holds a legal interest or a
	21	right to use the property as a collateral for the loan;
	22	(b) a charge on the goods to be produced from the project for which
	23	the equipment to be purchased is to be used;
	24	(c) a charge on the movable property of the borrower;
	25	(d) a promissory note or other negotiable security;
	26	(e) stocks and shares;
Safeguard in respect of certain guaranteed Nigerian content development loan	27	(f) a personal guarantee; or
	28	(g) any other security acceptable to the financial institution.
	29	<b>249.</b> Where a guaranteed Nigerian content development loan or any
	30	portion thereof, in respect of which a guarantee is to be given under this Bill, is

1 to be applied to the purchase of raw materials, machinery or other  
2 equipment, the loan or portion thereof, as the case may be, shall not be paid  
3 to the borrower but shall instead be paid by the financial institution directly  
4 to the supplier who shall furnish the institution with a copy of the delivery  
5 note or other document in evidence of the delivery of the item to the  
6 borrower.

7 **250.**-(1) Where there has been a default in the repayment of the  
8 interest or principal of any guaranteed Nigerian content development loan  
9 under this Bill, the financial institution concerned shall in the first instance  
10 endeavour to recover the amount outstanding from the borrower or his  
11 sureties, if any, and may for that purpose dispose of any security obtained in  
12 respect of the guaranteed Nigerian content development loan

Recovery of  
outstanding loans

13 (2) Where any part of the interest or principal remains outstanding  
14 after the steps specified in sub clause (1) of this clause have been taken, or  
15 where the recovery of any amount outstanding is impracticable, the  
16 financial institution may apply to the Central Bank of Nigeria for payment  
17 and the Central Bank of Nigeria shall, in accordance with the terms of the  
18 guarantee, settle the claim.

19 **251.**-(1) No guaranteed Nigerian content development loan or any  
20 part thereof, shall be applied to any other purpose including but not limited  
21 to the payment of any fees for consultancy for any facilitation of the grant of  
22 the loan, except strictly for the purpose(s) for which the loan or grant is  
23 made.

Loans to be applied  
for purposes for  
which they made  
and offences thereto

24 (2) A beneficiary of any loan or grant given under this Bill shall  
25 give period account to the institution that granted the loan or gave the grant  
26 of how the loan or grant is/was utilized and it shall be the duty of the  
27 institution except a foreign institution to raise any query against any  
28 improper utilization of the loan or grant by the beneficiary.

29 (3) Any person who applies any guaranteed Nigerian content  
30 development loan granted pursuant to this Bill in contravention of sub-

1 clause(1) of this clause shall be guilty of an offence and shall be liable on  
 2 conviction to a fine of an amount not less than the amount of the guaranteed  
 3 loan in respect of which the offence was committed or to imprisonment for not  
 4 less than five years.

5 (4) Where an offence under this clause committed by a body corporate  
 6 is proved to have been committed with the consent or connivance of, or to be  
 7 attributable to any neglect on the part of any director, manager, secretary or  
 8 other similar officer of the body corporate (or any person purporting to act in  
 9 any such capacity) he as well as the body corporate shall be deemed to be guilty  
 10 of the offence and may be proceeded against and punished accordingly.

Financial institutions  
 to establish Nigerian  
 Content Finance  
 Departments

11 **252.** A lending financial institution shall establish at its head office, a  
 12 department to be known as the Nigerian Content Finance Department which  
 13 shall be responsible for-

14 (a) the Nigerian content development credit administration in the  
 15 financial institution;

16 (b) the formulation and implementation of Nigerian content credit  
 17 policies of the financial institution; and

18 (c) the co-ordination of the activities of the Nigerian Content Credit  
 19 Units in its zonal or area offices and branches.

Financial  
 Institutions  
 to make return  
 to the Central  
 Bank of Nigeria

20 **253.-(1)** A lending financial institution shall prepare and submit to  
 21 the Central Bank of Nigeria every month, a return on its activities with regard  
 22 to guaranteed loans granted by the financial institution for the purposes of this  
 23 Bill.

24 (2) The Central Bank of Nigeria may impose on any financial  
 25 institution that fails to submit a return under sub clause (1) of this clause the  
 26 following penalties, that is-

27 (a) N500,000.00 for each day on which the bank fails to submit the  
 28 return, for a maximum of thirty days; and

29 (b) N1,000, 000.00 for each day the failure persists beyond thirty days

1	<b>.254.</b> All legal proceedings of a civil nature arising-	Legal Proceedings
2	(a) from the failure of any borrower to repay a guaranteed loan	to recover debts
3	granted by a financial institution and guaranteed under this Bill, shall be	arising from
4	instituted and conducted by or against the financial institution; and	guaranteed loan
5	(b) from any matter pertaining to any guarantee given pursuant to	
6	this Bill, shall be instituted and conducted by or against the Central Bank of	
7	Nigeria.	
8	<b>255.</b> The Central Bank of Nigeria shall prepare and submit to the	Annual Performance
9	National Assembly, not later than three months after the end of each	report on progress
10	financial year, the Annual Performance Report in respect of the activities	of guaranteed local
11	relating to the utilization of and achievements if any, of the guaranteed local	content development
12	content development loan programmes.	loan scheme
13	<b>256.</b> The Central Bank of Nigeria shall upon consultation with	Central Bank of
14	relevant bodies that it deems fit and necessary to consult, make guidelines	Nigeria to prescribe
15	prescribing the tenure of the guaranteed Nigerian content development loan	conditions before
16	for various categories of equipment to be bought under the guaranteed	companies could
17	Nigerian content development loan scheme established under clause 211 of	access guaranteed
18	this Bill.	local content
19	<b>257.</b> A foreign investor or lender under clause 239 of this Bill	development loan
20	shall be entitled to repatriate the total sum of money he/it invested or lent at	
21	the official foreign exchange rate provided that such money was brought	Entitlement of
22	into the country at the official foreign exchange rate.	foreign investors
23	PART XXVI - PROMOTION OF NIGERIA CONTENT IN MINISTRIES,	and lenders to
24	EXTRA MINISTERIAL DEPARTMENTS, AGENCIES	repatriate funds
25	AND ARMS OF GOVERNMENT	at official exchange
26	<b>258.-(1)</b> For the purposes of implementing the provisions of this	rate
27	Bill in the ministries, departments and Agencies of the Federal Government	Establishment of
28	of Nigeria, there shall be set up in each Ministry, Extra Ministerial	Nigerian Content
29	Department and Agency of the Federal Government a unit to be designated	and Economic
30	as Nigerian Content and Economic Diversification Monitoring Unit (also	Diversification
		Monitoring Units
		for MDAs and
		others



Functions of  
the Monitoring  
Unit

1 called "Monitoring Unit" in this Bill).

2 (2) The Monitoring Unit set up pursuant to sub-clause (1) of this  
3 clause, shall be headed by an officer of the Council who shall not be less than  
4 the rank of an Assistant Director in the public service.

5 **259.** A Monitoring Unit shall-

6 (a) be responsible for overseeing, coordinating, monitoring and  
7 administering the implementation of the provisions of this Bill and ensuring  
8 measurable and continuous growth in Nigerian Content and economic  
9 diversification in relation to the activities of the ministry, extra ministerial  
10 department or agency in which the Monitoring Unit operates.

11 (b) prepare guidelines, to include targets and  
12 formats for local content and economic diversification plans and projects, and  
13 reporting, in the ministry, extra ministerial department, agency including any  
14 agency under any arm of the Federal Government of Nigeria under its  
15 supervision;

16 (c) promote the maximization of value-addition and job creation  
17 through the use of local expertise, goods and services, businesses and  
18 financing in the value chain of the sector relevant to the responsibilities of the  
19 ministry, department or agency that the monitoring oversees, and their  
20 retention in Nigeria;

21 (d) make appropriate recommendations to the Minister or to the  
22 head of the extra ministerial department, agency or any agency under any arm  
23 of the Federal Government of Nigeria which the Unit oversees, for the smooth  
24 implementation of relevant provisions of this Bill as they relate to the activities  
25 of such ministry, extra ministerial department or agency;

26 (e) undertake public education to promote public awareness of the  
27 benefits of application of Nigerian Content and economic diversification in the  
28 work of the ministry, extra ministerial department or agency under any arm of  
29 the Federal Government of Nigeria that the Unit is overseeing;

30 (f) assist Nigerians and indigenous Nigerian companies to develop

1 their capabilities and capacities in respect of the area of work of the ministry,  
 2 extra ministerial department or agency in order to further the attainment of  
 3 the goal of developing Nigerian content in the work of such ministry, extra  
 4 ministerial department or agency;

5 (g) conduct studies, researches and investigations that may further  
 6 the attainment of the goal of developing Nigerian Content in the ministry,  
 7 extra ministerial department or the agency in which the Monitoring Unit  
 8 operates;

9 (h) to comply and enforce compliance with any Regulation made  
 10 by the Council that is applicable to the ministry, extra ministerial department  
 11 or any agency in which the Monitoring Unit operates; and

12 (i) perform any other function conferred on the Monitoring Unit  
 13 by the Council.

14 **260.** The Council shall deploy its staff to every ministry, extra  
 15 ministerial department, agency including any agency under any arm of the  
 16 Federal Government of Nigeria to perform the functions stipulated under  
 17 clause 231 of this Bill.

Council to deploy  
its staff to administer  
Monitoring Unit

18 **261.-(1)** Every Monitoring Unit shall not later than thirty days  
 19 from the beginning of a financial year, develop a Nigerian Content and  
 20 Economic Diversification Plan (NCEDP) indicating the minimum Nigerian  
 21 Content requirement for materials, services and labour required to execute  
 22 any project contained in the approved annual budget of the ministry, extra  
 23 ministerial department, agency or arm of the Federal Government of Nigeria  
 24 which the Monitoring Unit oversees and the measurable impact the  
 25 compliance with the Nigerian Content requirements may have on the  
 26 economic diversification of the Nigerian economy under this Bill, provided  
 27 that the Nigerian Content and Economic Diversification Plan (NCEDP) so  
 28 developed shall not be inconsistent with any subsisting minimum Nigerian  
 29 Content prescribed for any item in a Regulation made by the Board of the  
 30 Council under this Bill.

Monitoring Units  
to establish and  
maintain thresholds  
for materials, services  
and labour for projects

(2) The Nigerian Content and Economic Diversification Plan (NCEDP) prepared pursuant to sub clause (1) of this clause shall within thirty days from the date of the commencement of the annual budget of the Federal Government be submitted to the Board of the Council for approval.

(3) The Board shall upon the receipt of the Nigerian Content and Economic Diversification Plan (NCEDP) pursuant to sub clause (2) of this clause and within a period of not more than sixty days assess the Plan and either approve or reject the Plan.

(4) The Nigerian Content and Economic Diversification Plan (NCEDP) approved pursuant to this clause shall constitute the threshold for the evaluation of Nigerian Content in bids from companies bidding for contracts for the execution of projects by ministry, department, agency or arm of the Federal Government.

Information to be contained in the Nigerian Content and Economic Diversification Plan (NCEDP)

**262.** Every Monitoring Unit shall, in preparing the Nigerian Content and Economic Diversification Plan (NCEDP) for a ministry, extra ministerial department, agency or arm of the Federal Government of Nigeria, set out the following information-

(a) the expected total quantity and quality of goods and services that may be required for the execution of the entire project in the approved budget;

(b) the estimated quantum of goods and services produced in Nigeria that meet the required standards in the industry that are expected to be used for the execution of the entire project;

(c) justification for any decline to use Nigerian goods and services, where such goods and services are available for use but declined to be used by such organization;

(d) the estimate of goods and services produced in Nigeria that are declined to be used presently but capable of being used during the duration of the execution of the project if improvements are made to them;

(e) initiatives for capacity development programme(s) that could be made by the ministry, extra ministerial department, agency or arm of the

1 Federal Government of Nigeria to enable indigenous Nigerian companies to  
2 produce the goods and services described in sub clause (d) of this clause;

3 (f) the projected number and qualification required from  
4 Nigerians to be engaged in the execution of the project and the standards for  
5 the remuneration for Nigerian employees;

6 (g) strategies for the support of Nigerians' participation in the  
7 activities to which the plan relate;

8 (h) total budget estimate with regard to the implementation of the  
9 Nigerian content components of the annual budget; and

10 (i) projected measurable impact the threshold prescribed for  
11 Nigerian Content implementation will have on the economic diversification  
12 in the Nigerian economy.

13 **263.** Every Monitoring Unit shall, not later than sixty days from  
14 the date of the approval of its Nigerian Content and Economic  
15 Diversification Plan (NCEDP), publish in, official gazette of the Federal  
16 Government of Nigeria, its portals, websites and any other social media, the  
17 contents of the Nigerian Content and Economic Diversification Plan  
18 (NCEDP) and also deposit copies of the Nigerian Content and Economic  
19 Diversification Plan (NCEDP) in the National Library.

Nigerian Content  
and Economic  
Diversification  
Plan (NCEDP) to  
be publish to the  
notice of the public  
and be deposited  
in the National  
Library

20 **264.** Every ministry, extra ministerial department, agency  
21 including any agency under any arm of the Federal Government of Nigeria  
22 shall disclose any piece of information to a Monitoring Unit set up pursuant  
23 to the provisions of this Bill provided that the information is required to  
24 assist the Monitoring Unit to discharge its functions under the provisions of  
25 this Bill.

Duty of Ministry,  
Extra Ministerial  
Department and  
Agency to disclose  
information

26 **265.** Ministries, extra ministerial departments, agencies including  
27 any agency under any arm of the Federal Government of Nigeria shall seek  
28 and obtain the advice of the Monitoring Unit in their ministries, extra  
29 ministerial departments and agencies, in all matters relating to the  
30 development of, and/or, compliance with Nigerian content and economic

Monitoring Unit  
to advise on  
activities in relation  
to Nigerian content  
and economic  
diversification

	1	diversification matters.
Staff of the Council deployed to ministries, extra ministerial departments and agencies to be independent	2	<b>266.</b> In the performances of its obligations under this Bill, a
	3	Monitoring Unit shall not be subject to the direction or control of any other
	4	person except the Council which shall ensure that the Monitoring Unit
	5	implements the tenor and spirit of the provisions of the Bill in the ministry,
	6	extra ministerial department or agency of the Federal Government.
Monitoring Unit to monitor progress relating to performance of Nigerian Content obligations in contractual agreements	7	<b>267.</b> Subject to the powers of the Directorates, each Monitoring Unit
	8	shall monitor the activities of companies as they relate to the discharge of
	9	Nigerian content and economic diversification obligations contained in any
	10	contractual agreement that such companies have with the ministry, department
	11	or agency that the Monitoring Unit covers.
Monitoring Unit to submit monthly report	12	<b>268.</b> A Monitoring Unit shall submit a monthly report to the Council
	13	within ten days from the beginning of each month on the development of, and
	14	compliance with the requirements of, Nigerian content and economic
	15	diversification in the ministry, extra ministerial department or agency that the
	16	Monitoring Unit oversees Nigerian content development and economic
	17	diversification activities.
	18	PART XXVII - NIGERIAN CONTENT DEVELOPMENT AND ENFORCEMENT
	19	IN FREE AND SPECIAL ECONOMIC ZONES
Preservation of existing rights and incentives of companies operating in free and Special Economic Zones	20	<b>269.</b> All existing rights, powers, incentives and duties of companies
	21	and firms operating in the Free Trade or Special Economic Zones in Nigeria are
	22	preserved under this Bill and notwithstanding any other provision in this Bill,
	23	these companies and firms shall continue to exercise their existing rights,
	24	powers, incentives and discharge their obligations as provided under any
	25	existing enactment, regulation or policy.
Duty of Directorates to collaborate with Free Trade Regulatory Agencies on enforcement of Nigerian content	26	<b>270.</b> The Directorates shall always involve, and act only on the advice
	27	of the relevant regulatory agency overseeing a Free Trade Zone or Special
	28	Economic Zone before taking any step to enforce any applicable provision of
	29	this Bill against any company or firm operating in the Free Trade Zone or
	30	Special Economic Zone.

1	<b>271.</b> Subject to the provisions of clauses 269 and 270 of this Bill, a	Clauses relating to development of Nigerian content in Agreements of companies operating in Free Economic and Special Zones to be enforced
2	Directorate or a Monitoring Unit shall have the powers to enforce the	
3	provisions relating to Nigerian content development in any agreement that	
4	any company operating in the Free Economic and Special Zones has with	
5	the Federal Government or its agency.	
6	<b>272.</b> -(1) Each Directorate shall establish and maintain a Nigerian	Directorates to maintain Nigerian Content desk offices to obtain information and prepare statistics at Free Trade Zones
7	Content Desk Office in each of the Free Trade or Special Economic Zone for	
8	purposes of monitoring, verifying and assessing economic activities in the	
9	zone and obtaining information and preparing statistical data with a view to	
10	determining the level of development of Nigerian content by companies	
11	and firms operating in the Free Trade or Special Economic Zones.	
12	(2)The Directorate shall use the information obtained pursuant to	
13	sub clause (1) of this clause to advise the relevant agency overseeing the	
14	Free Trade or Special Economic Zone Area on the strategies to adopt in	
15	order ensure sustainable development of Nigerian content in the Free Trade	
16	or Special Economic Zone.	
17	<b>273.</b> For the purposes of monitoring, verifying and assessing	Duty on Free Trade Regulatory Agencies to supply information to Directorate
18	compliance with Nigerian content obligations contained in an agreement by	
19	a company operating in a Free Trade or Special Economic Zone area, an	
20	agency regulating a free trade or special economic zone shall provide the	
21	Nigerian Content Desk Office in the Free Trade or Special Economic Zone	
22	Area with access to facilities and all documentations relating to companies	
23	and firms operating in the Free Trade or Special Economic Zone.	
24	<b>274.</b> Every company or firm operating in a Free Trade or Special	Duty of companies operating in Free Trade or Special Economic Zone to file annual performance report on Nigerian content
25	Economic Zone shall not later than ninety days from the beginning of each	
26	year submit through the Nigerian Export Processing Zones Authority, a	
27	Report to be known as "Nigerian Content Annual Performance Report of	
28	Free Trade Zone Company" which shall cover all the projects, contracts	
29	and activities of the company or firm in the discharge of its Nigerian	
30	content obligations for the preceding year, to the relevant Directorate	

	1	overseeing Nigerian Content development in the sector of the Nigerian
	2	economy that the company or firm operates.
	3	PART XXVIII - NIGERIAN CONTENT AND NATIONAL FLAG, COAT
	4	OF ARMS AND CELEBRATIONS
Nigerian National Flag and Coat of Arms to be produced from locally sourced materials	5	<b>275.</b> Every material to be used for the production of the Nigerian
	6	National Flag or the Nigerian Coat of Arms shall be sourced from Nigeria.
Nigerians in diaspora to be encouraged to use Nigerian flags produces from local materials	7	<b>276.</b> Officials in all Nigerian foreign missions and Nigerians in
	8	Diaspora Council shall encourage all Nigerians in diaspora to use Nigerian
	9	flags that are produced from indigenous materials sourced from Nigeria.
Locally sourced products to be used for national celebrations	10	<b>277.</b> Every product to be used for any Nigerian national celebration
	11	in Nigeria or in any of its foreign missions shall be a product produced in
	12	Nigeria from locally sourced material.
	13	PART XXIX - SUBMISSION OF ANNUAL NIGERIAN CONTENT AND
	14	ECONOMIC DIVERSIFICATION DEVELOPMENT REPORT
	15	AND ANNUAL BUDGET
Duty of all ministries and agencies of the Federal Government to submit Nigerian Content and Economic Diversification Development annual Report	16	<b>278.-(1)</b> Within ninety days from the beginning of each year, every
	17	Ministry and agency of any arm of the Federal Government of Nigeria shall
	18	submit to the Board of the Council, a Report to be known as Nigerian Content
	19	and Economic Diversification Development Annual Report which shall
	20	contain all the activities of the Ministry or agency in respect of local content
	21	and economic diversification developments and programmes of the Ministry
	22	or agency in the preceding year.
	23	(2) The Nigerian Content and Economic Diversification
	24	Development Annual Report to be submitted pursuant to sub clause (1) of this
	25	clause shall also set out the achievements made by the ministry or agency in its
	26	implementation of the provisions of this Bill especially in respect to the award
	27	of contracts and the design and execution of projects in the ministry or agency
Nigerian Content Entities to submit Nigerian Content and Economic Diversification Annual Performance Report	28	in the preceding year.
	29	<b>279.-(1)</b> Subject to the provisions of sub clause (3) of this clause,
	30	within one hundred and twenty days from the beginning of each year, a

1 Nigerian Content Entity that carried out any regulated activity in the  
2 preceding year shall submit to the relevant Directorate a report to be known  
3 as Nigerian Content and Economic Diversification Annual Performance  
4 Report which shall contain details of all the activities of the Nigerian  
5 Content Entity in the preceding year in fulfilment of the Nigerian content  
6 development and economic diversification obligations imposed on the  
7 Nigerian Content Entity under the provisions of this Bill.

8 (2) The Nigerian Content and Economic Diversification Annual  
9 Performance Report to be submitted under sub clause (1) of this clause shall  
10 also set out-

11 (a) achievement(s) made in the development of Nigerian Content  
12 and economic diversification by the entity submitting the Report and how  
13 such development has improved the Nigerian economy;

14 (b) details of activities of the Nigerian Content Entity pertaining to  
15 research and development;

16 (c) training programmes targeted at transfer of technology and  
17 technical know-how and skill gaps abridged as a result of such programmes;

18 (d) employment in terms of hours or days worked by Nigerians;

19 (e) detailed particulars of the Nigerians employed with their  
20 names, addresses, phone numbers and emails;

21 (f) level of compliance where applicable, with any instruction  
22 issued by the relevant Directorate under this Bill for the employment of  
23 people from the catchment Areas of the operation and the names, addresses,  
24 phone numbers, community among other relevant information, of such  
25 employees; and

26 (e) quantity of Made-in-Nigeria goods and goods of foreign origin,  
27 procured by the Nigerian Content Entity.

28 (3) The provisions in this clause and other clauses in this Bill  
29 requiring the submission of periodic Reports to Directorates shall not be  
30 applicable to MMSEs notwithstanding that such MMSEs are Nigerian



	1	Content Entities under this Bill.
Nigerian Content and Economic Diversification Annual performance Report to disclose particulars of statutory payments made during the year under report	2	<b>280.</b> A Nigerian Content and Economic Diversification Annual
	3	Performance Report to be submitted pursuant to clause 279 of this Bill shall
	4	also contain particulars of payments made to the Federal Government or its
	5	agency during the year under review and such particulars shall show, where
	6	payments are required from the activities of the Nigerian Content Entity under
	7	any law, payment of-
	8	(a) taxes, other than personal income taxes;
	9	(b) royalties;
	10	(c) fees, including rental, entry, licences, permits or concessions;
	11	(d) regulatory charges;
	12	(e) production entitlements;
	13	(f) bonuses, including signature, discovery and production bonuses;
	14	(g) dividends other than dividends paid as ordinary shareholders;
	15	(h) infrastructure improvement; and
	16	(i) any other payment not specifically mentioned here but for which
	17	an operator, contractor and partner is obliged by law to pay.
Nigerian Content and Economic Diversification Annual Performance Report to contain Attestation Clause	18	<b>281.</b> A Nigerian Content and Economic Diversification Annual
	19	Performance Report shall include an attestation made by a Director of the
	20	Nigerian Content Entity and an independent auditor or accountant, stating that
	21	the information in the report is true, accurate and complete and without any
	22	intent to defraud the Federal Government or its agency.
Accessibility of Nigerian Content and Economic Diversification Annual Performance Report to the public	23	<b>282.</b> A Directorate upon the receipt of a Nigerian Content and
	24	Economic Diversification Annual Performance Report from a Nigerian
	25	Content Entity shall allow any interested member of the public obtain certified
	26	true copy of the Nigerian Content and Economic Diversification Annual
	27	Performance Report upon the payment of a fees to be prescribed by the
	28	Directorate, which fees shall not be unreasonably high but should cover the
	29	cost of the mechanical production of the Report.

1	<b>283.</b> A Directorate shall for the purposes of measuring the success	Regular Assessment and Verification of Nigerian Content and Economic Diversification Annual Performance Report for measurement of success or otherwise
2	or otherwise of activities relating to Nigerian Content development and	
3	economic diversification in the Nigerian economy, undertake regular	
4	assessment and verification of the Nigerian Content and Economic	
5	Diversification Annual Performance Report submitted by each Nigerian	
6	Content entity pursuant to the provisions of this Bill.	
7	<b>284.</b> Each Directorate shall issue directives to Nigerian Content	Issuance of Directives to facilitate Reporting activities
8	entities and other entities within the sphere of responsibilities of the	
9	Directorate in order to facilitate reporting of activities relating to any aspect	
10	of Nigerian Content Development and economic diversification of the	
11	sector under this Bill.	
12	<b>285.</b> For the purposes of assessment and verification of statements	Right of Access to information to substantiate Report
13	contained in a Nigerian Content and Economic Diversification Annual	
14	Performance Report, all Nigerian Content entities shall provide the relevant	
15	Directorate or its designated agent with access to their facilities and all	
16	documentations and information required for substantiating the statements	
17	contained in the Report.	
18	<b>286.</b> A Nigerian Content Entity shall effectively communicate its	Duty of Nigerian Content Entity to communicate its Nigerian content policies and ensure compliance
19	Nigerian content and economic diversification policies and procedures to	
20	its contractors and subcontractors and to monitor and ensure that its	
21	contractors and sub- contractors comply with the applicable provisions of	
22	this Bill.	
23	<b>287.</b> -(1) Each Directorate established under this Bill shall, not later	Submission of Projected Expenditure to the National Assembly
24	than 30th September of each year, submit to the National Assembly, through	
25	the Board, an estimate of the projected expenditure of the Directorate during	
26	the next succeeding year and shall include a copy of the audited accounts of	
27	that year and a copy of the auditor's report.	
28	(2) The Board shall, not later than 30th September of each year,	
29	submit to the National Assembly, an estimate of the projected expenditure of	
30	the Directorate during the next succeeding year and shall include a copy of	

	1	the audited accounts of that year and a copy of the auditor's report.
	2	PART XXX - DISCLOSURE OF INTEREST AND TRANSPARENCY
Person charged with the responsibility to evaluate Nigerian content requirements in the award of contracts to disclose interest	3	<b>288.</b> Any person who is charged with the responsibility to evaluate
	4	Nigerian content or economic diversification requirements for purposes of
	5	granting any license, lease, concessionary instrument or any contract shall
	6	disclose any private interest the person has in any company or entity applying
	7	for the grant of the license, lease, concessionary instrument or contract.
Persons with conflict of interest shall not participate in the award of contract	8	<b>289.</b> A person who has any personal and beneficial interest in any
	9	company, partnership or organization applying for the grant of any license,
	10	lease, concessionary instrument or any contract connected with the
	11	development of Nigerian content or economic diversification programme
	12	under this Bill, shall not participate in any process for the grant of such license,
	13	lease, concessionary instrument or contract.
Public Officer shall not use information for personal interest	14	<b>290.</b> No person whether a member of the Board of the Council, a
	15	member of staff of, the Secretariat of the Council or Directorates shall use
	16	information that is obtained in his or her capacity as a holder of an office which
	17	information is not available to the public, to further or seek to further his or her
	18	private interest or the interest of his/her relative, friend or associate.
Official position not to be used to influence a decision of another person so as to further personal interest or those of others	19	<b>291.</b> A member of the Board of the Council, staff of the, Secretariat of
	20	the Council or Directorate shall not use his or her official position to influence
	21	a decision of another person so as to further his or her personal interest or that of
	22	a relation, friend or associate.
Officials not to be influenced in the exercise of power, duty or function by extraneous factors	23	<b>292.</b> A member of the Board of the Council, staff of the, Secretariat of
	24	the Council or Directorate shall not allow himself or herself to be influenced in
	25	the exercise of an official power, duty or function by plans for, or offers of, any
	26	benefit outside his or her entitlements by virtue of his or her employment.
Public Office holders not to have interest in private entities	27	<b>293.</b> No public officer holder who is on permanent and pensionable
	28	employment shall have an interest in a private company or partnership, that is a
	29	Nigerian Content Entity under this Bill.

1                   **294.** The interest of an indigenous Nigerian company in any  
 2                   permit, license, lease or any concessionary instrument relating to any  
 3                   regulated activity shall not be transferred to a non-Nigerian indigenous  
 4                   company except with the approval of the Board of the Council.

Interest of an  
indigenous Nigerian  
company not to  
be transferred

5                   PART XXXI - PUBLIC RIGHT TO COMPLAIN AGAINST  
 6                   NON-COMPLIANCE

7                   **295** -(1) Any person who has any reason to believe that any  
 8                   provision of this Bill has not been complied with by any Nigerian Content  
 9                   Entity, ministry, extra ministerial department or agency of any arm of the  
 10                  Federal Government of Nigeria shall have a right to complain to the  
 11                  Directorate or the Monitoring Unit of the ministry, extra ministerial  
 12                  department or agency overseeing Nigerian content development and  
 13                  enforcement activities in the sector of the Nigerian economy or the  
 14                  ministry, extra ministerial department or agency in which the violation is  
 15                  believed to have been occurred.

Right of members  
of the public to  
complain against  
non-compliance  
by Nigerian  
Content entity,  
ministry, extra  
ministerial  
department of  
agency

16                  (2) The Directorate or the Monitoring Unit shall within two weeks  
 17                  from the date of the receipt of a complain pursuant to sub - clause (1) of this  
 18                  clause, take a decision on the complaint and accordingly inform the  
 19                  complainant of its decision and where the Directorate or the Monitoring  
 20                  Unit neglects or fails to take a decision within two weeks from the date of the  
 21                  receipt of the complaint, or takes a decision that is unsatisfactory to the  
 22                  Complainant, the Complainant shall in either case have the right to make a  
 23                  complaint directly to the Board of the Council and the Board shall within  
 24                  sixty days of the receipt of the complaint take a decision on the complaint  
 25                  and inform the complainant accordingly.

26                  **296.**-(1) Any person who has any reason to believe that a  
 27                  Directorate or Monitoring Unit in the discharge of its responsibility under  
 28                  this Bill did not comply or is likely not to comply, with any provision of this  
 29                  Bill shall have and exercise a right to complain to the said Directorate or the

Right of a member  
of the public to  
complain against  
violation by  
Directorate of  
Monitoring Unit

1 Monitoring Unit as the case may be, to comply with the provision of the Bill.

2 (2) The Directorate or Monitoring Unit upon the receipt of a  
3 complaint pursuant to sub clause (1) of this Bill shall within seven days from  
4 the date of the receipt of the complaint acknowledge the receipt of the  
5 complaint and, shall also within thirty days from the date of the receipt,  
6 consider and determine the merit of the complaint and inform the complainant  
7 of the decision of the Monitoring Unit.

When complaint  
is to be made to  
the Board of the  
Council

8 **297.** Where the Directorate or the Nigerian Content Development and  
9 Monitoring Unit upon the receipt of a complaint pursuant to clauses 295 and  
10 296 of this Bill neglects or fails to take a decision after thirty days from the date  
11 of the receipt of the complaint, or takes a decision that is unsatisfactory to the  
12 Complainant, the Complainant shall in either case have the right to make a  
13 further complaint directly to the Board of the Council and the Board shall  
14 within thirty days of the receipt of the complaint, take a decision on the  
15 complaint and inform the complainant accordingly.

Registered civil  
society actors to  
have right to  
request and obtain  
information

16 **298.**-(1) An accredited civil society shall have the right to request and  
17 obtain information from any Directorate, Monitoring Unit, Nigerian Local  
18 Content entity, ministry, extra ministerial department or agency of any arm of  
19 the Federal Government of Nigeria in respect of any transaction by such  
20 Directorate, Monitoring Unit, Nigerian Content entity, ministry, extra  
21 ministerial department or agency, on any matter relating to Nigerian content  
22 development or economic diversification under this Bill.

23 (2) A request for information pursuant to sub clause (1) of this clause  
24 shall only be made and approved, if the registered civil society requesting for  
25 the information intends using the information to expose, corruption, market  
26 manipulation, fraud, tax evasion or non-compliance with any provision of this  
27 Bill by any person, entity or organization.

Civil society  
actors shall not  
use information  
for personal interest

28 **299.** A civil society shall not use information that is obtained by  
29 virtue of clause 298 of this Bill to gain any personal advantage for itself or any  
30 other person or organization.

1	<b>300.</b> The Nigeria Extractive Industries Transparency Initiative	Civil society
2	(NEITI) shall be responsible for accrediting highly responsible and	actors to be
3	respectable civil society actors that shall have the right to request and obtain	accredited by
4	information under clause 298 of this Bill.	Nigeria Extractive Industries Transparency Initiative (NEITI)
5	PART XXXII - ESTABLISHMENT AND PROCEEDINGS OF THE BOARD	
6	<b>301.</b> There is hereby established for the Council a Board (in this	Establishment
7	Bill referred to as the "Board") which shall supervise the activities of the	of the Board
8	Directorates established under this Bill.	
9	<b>302.</b> -(1) The Board shall consist of the following-	Composition of
10	(a) a Chairman who shall be the President and Commander - in-	he Board
11	Chief of the Armed Forces of the Federal Republic of Nigeria;	
12	(b) a Vice Chairman who shall be the Vice President of the Federal	
13	Republic of Nigeria;	
14	(c) Ministers responsible for the following ministries:	
15	(i) Agriculture;	
16	(ii) Attorney - General of the Federation	
17	(iii) Finance;	
18	(iv) Communications and Digital Economy;	
19	(v) Health;	
20	(vi) Industry, Trade and Investment;	
21	(vii) Labour and Productivity;	
22	(viii) National Planning;	
23	(ix) Power;	
24	(x) Science and Technology;	
25	(xi) Solid Minerals and Steel Development;	
26	(xii) Transport; and	
27	(xiii) Works;	
28	(d) The Governor, Central Bank of Nigeria;	
29	(e) Executive Secretary to the Council; and	
30	(f) A representative of-	

Tenure of  
members

- 1 (i) Nigerian Economic Summit Group;
- 2 (ii) Nigeria Employers' Consultative Association;
- 3 (iii) Manufacturers Association of Nigeria;
- 4 (iv) Nigerian Association of Chambers of Commerce, Industry,
- 5 Mines and Agriculture;
- 6 (v) Nigerian Association of Small & Medium Enterprises;
- 7 (vi) Nigerian Association of Small Scale Industrialists;
- 8 (vii) Federation of Agricultural Commodity Associations of Nigeria;
- 9 (viii) Information Technology Association of Nigeria;
- 10 (ix) Miners Association of Nigeria; and
- 11 (x) Shipowners Association of Nigeria.
- 12 (2) The Board shall meet at least once in every month to review the
- 13 activities of the Directorates, Monitoring Unit or other bodies under this Bill
- 14 and to take appropriate decisions.
- 15 **303.**-(1) Any person appointed under sub clause (1) (f) of clause 302
- 16 of this Bill to represent interest shall have a non renewable tenure of four years.
- 17 (2) A person appointed under sub clause (1) (f) of clause 302 of this
- 18 Bill shall cease to hold office if-
- 19 (a) he dies;
- 20 (b) he becomes bankrupt;
- 21 (c) he is convicted of a felony or any offence involving dishonesty or
- 22 fraud;
- 23 (d) he becomes of unsound mind or is incapable for any reason of
- 24 carrying out his duties;
- 25 (e) he is guilty of a serious misconduct in relation to his duties;
- 26 (f) in the case of a person possessed of a professional qualification, he
- 27 is disqualified or suspended from practising his profession in any part of the
- 28 world by an order of a competent authority made in respect of that member; or
- 29 \ (g) he resigns his appointment by written notice under his hand to the
- 30 President.

1 (3) Where a member ceases to hold office for any reason before the  
 2 expiration of his term, another person representing the same interest as that  
 3 member shall be appointed in his place to finish the unexpired residue of the  
 4 term.

5 (4) A person appointed under sub clause (1) ( f) of clause 302 shall  
 6 be on part time.

7 **304.**-(1) The Board shall meet for the despatch of its businesses at Meeting of the  
 8 least once every month and at such time as the Chairman may determine. Board

9 (2) The Chairman shall preside at every meeting of the Board, and  
 10 in his absence, the Vice Chairman shall preside at that meeting.

11 **305.** Subject to the provisions of any applicable law, the Chairman, Remuneration  
 12 the Vice Chairman and members of the Board shall be paid such allowances and Allowances  
 13 and expenses as may be determined by the Revenue Mobilization,  
 14 Allocation and Fiscal Board.

15 **306.** The Board shall, in addition to any power vested in it under Powers of the  
 16 any provision of this Bill, have the following powers to- Board

17 (a) supervise the activities of the Directorates; and  
 18 (b) make rules and regulations for the proper functioning of the  
 19 Directorates.

20 **307.**-(1) Each Directorate established under this Bill shall subject Employees of the  
 21 to Regulations made by the Board of the Council in respect of appointment, Directorates and  
 22 promotion and disciplinary matters for the Directorates appoint such the Board  
 23 number of persons as in the opinion of the Directorate may be expedient and  
 24 necessary for the proper and efficient performance of the functions of the  
 25 Directorate and shall pay them remunerations and allowances as the  
 26 Directorate determines using the scale applicable in similar organisations in  
 27 the sector the Directorate is responsible for.

28 (2) The Board shall subject to Regulations it made on appointment,  
 29 promotion and disciplinary matters have powers to appoint such number of  
 30 persons as in the opinion of the Board may be expedient and necessary for



	1	the proper and efficient performance of the functions of the Secretariat of the
	2	Board and shall pay them remunerations and allowances as the Board
	3	determines using the scale applicable in similar organisations in the public
	4	service.
Secondment	5	<b>308.</b> The Directorates and the Board may also appoint persons on
	6	secondment from the Public Service of the Federation, as may, in the opinion of
	7	the Directorate or the Secretariat of the Board, be required to assist a
	8	Directorate or the Board in the discharge of any of its functions under this Bill.
Transfer of Service	9	<b>309.</b> The person seconded under clause 281 of this Bill may elect to be
	10	transferred to the service of the Directorate or the Board and the previous
	11	service he had rendered in the public service shall be deemed as service to the
	12	Directorate or the Secretariat of the Board for the purpose of any pension
	13	subsequently payable by the Directorate or the Board to the person.
Services in the Directorates and the Secretariat of the Board to be pensionable	14	<b>310.</b> -(1) The service in the Directorate or the Secretariat of the Board
	15	of the Council shall be approved service for the purposes of the Pension
	16	Reform Act or any other Act succeeding the Pension Reform Act.
	17	(2) The officers and other persons employed in the Secretariat of the
	18	Board of the Council shall be entitled to pension, gratuities and other
	19	retirement benefits as are enjoyed by persons holding equivalent ranks in
	20	similar organisations in the Federal Public Service.
	21	(3) Nothing in sub clauses (1) and (2) of this clause shall prevent the
	22	appointment of a person to any office on terms which preclude the grant of
	23	pension and gratuity in respect of that office.
Fund of the Board	24	<b>311.</b> -(1) The Board shall establish and maintain a fund to which all
	25	monies accruing to it shall be paid into or from which shall be defrayed all
	26	expenditures incurred by the Secretariat of the Board of the Council.
	27	(2) The Fund of the Board shall consist of-
	28	(a) five per cent of the Fund of each of the Directorates established
	29	under clause 197 of this Bill shall be deducted from the Fund of the Directorates
	30	and be paid into this Fund;

1 (b) all subventions and budgetary allocations provided by the  
2 Federal Government;

3 (c) sums accruing to the Board by way of donations, gifts, grants,  
4 endowment, bequest or otherwise;

5 (d) interest and revenue accruing from savings and investments  
6 made by the Board;

7 (e) loans, which may be required from time to time for the objects  
8 of the Board, provided that the Board shall not, without the prior approval of  
9 the President, borrow money in compliance with the provisions of the Fiscal  
10 Responsibility Act; and

11 (f) other revenues accruing to the Board from any other source.

12 **312.**-(1) The Directorates or the Board of the Council may accept  
13 gifts of money, land or other property on such terms and conditions, if any, as  
14 may be specified by the person or organization making the gift.

Acceptance and  
Limitation of gifts  
by the Directorates  
and the Board

15 (2) The Directorates and the Board shall not accept any gift if the  
16 conditions attached thereto are inconsistent with the functions of the  
17 Directorates or the Board or may influence the Board or Directorate to take  
18 any decision contrary to the tenor and spirit of the provisions of this Bill.

19 **313.** The Board may approve any expenditure of the Directorates  
20 and shall-

Approval of  
Expenditure by  
the Board

21 (a) issue proper accounts and records of the transactions and affairs  
22 of the Directorate and ensure that all expenditures are duly authorized; and

23 (b) prepare in respect of each financial year, a statement of account  
24 in such form as the Auditor-General of the Federation may direct.

25 **314.** -(1) For the purpose of providing offices and premises  
26 necessary for the performance of its functions under this Bill, each  
27 Directorate or the Board of the Council may, subject to the Land Use Act-

Purchase of land  
and construction  
of offices

28 (a) purchase or lease any interest in land or other property; and

29 (b) construct offices and premises, equip and maintain same.

30 (2) Each Directorate may, subject to the Land Use Act, sell or lease

	1	out any office or premises held by it, which office or premises is no longer
	2	required for the performance of its functions under this Bill.
	3	PART XXXIII - ESTABLISHMENT OF SECRETARIAT AND THE OFFICE OF
	4	THE EXECUTIVE SECRETARY
Establishment of Secretariat	5	<b>315.</b> -(1) There shall be established a Secretariat for the Board of the
	6	Council which shall be responsible for the following-
	7	(a) ensuring that the meetings of the Board of the Council are
	8	effectively and efficiently organized and proper records of minutes made and
	9	kept;
	10	(b) act as the custodian of the Board's documents and other property;
	11	(c) communicating the decisions of the Board to the Directorates
	12	established under this Bill and to any other relevant body or person;
	13	(d) liaise with the Directorates and other relevant entities to ensure
	14	that the decisions of the Board to the Directorates or such entities are complied
	15	with;
	16	(e) report to the Council any failure of any Directorate, entity or
	17	person to comply with any directive or decision of the Council; and
	18	(f) do anything legally necessary to be done to facilitate the carrying
	19	out of its functions under this Bill.
	20	(2) The Secretariat of the Board shall be sited in Abuja.
Appointment of the Executive Secretary	21	<b>316.</b> -(1) There shall be an Executive Secretary to the Board of the
	22	Council, who shall be appointed by the President and Commander-in-Chief of
	23	the Armed Forces of the Federal Republic of Nigeria on the recommendation of
	24	the Organised Private Sector of Nigeria.
	25	(2) The appointment of the Executive Secretary shall be subject to the
	26	confirmation by the Senate of the Federal Republic of Nigeria.
Qualification for the Executive Secretary	27	<b>317.</b> The person to be appointed as an Executive Secretary shall be:
	28	(a) a graduate of not less than 15 years in, science, technology,
	29	engineering, mathematics, economics, law or accounting; and
	30	(b) from the private sector with experience in economic

1 diversification and Nigerian content development.

2 **318.** The Executive Secretary shall be-

Functions of the  
Executive Secretary

3 (a) the Chief Executive and Accounting Officer of the Secretariat  
4 of the Council;

5 (b) responsible for the day to day management of the affairs of the  
6 Secretariat of the Council; and

7 (c) perform any other functions assigned to him by the Board.

8 **319.** The Executive Secretary-

Tenure of the  
Executive  
Secretary

9 (a) shall be appointed for a term of four years in the first instance;  
10 and

11 (b) may be re-appointed where as an incumbent he has shown  
12 significant achievements in the development of the Nigerian Content and  
13 economic diversification in his first tenure, for a further term of four years  
14 and no more.

15 **320.** The Executive Secretary shall be paid such remuneration as  
16 may be specified in his letter of appointment or as determined by the  
17 Revenue Mobilization, Allocation and Fiscal Council using the scale  
18 applicable in similar organisation.

Remuneration of  
Executive Secretary

19 **321.-(1)** The President may remove the Executive Secretary if he  
20 is satisfied that it is not in the interest of the Council or the public that the  
21 Executive Secretary continues in that office.

Removal and  
resignation of the  
Executive Secretary

22 (2) The Executive Secretary may resign his appointment by a  
23 written notice under his hand delivered to the President and Commander in-  
24 Chief of the Armed Forces of the Federal Republic of Nigeria.

#### 25 PART XXXIV - LEGAL PROCEEDINGS RELATING TO THE COUNCIL

#### 26 AND THE DIRECTORATES

27 **322.** No suit against any of the Council or any of its Directorates  
28 for any act done in pursuance or execution of any enactment or law, or of any  
29 public duties or authority, or in respect of any alleged neglect or default in  
30 the execution of such enactment or law, duties or authority, shall lie or be

Limitation of time  
within which to  
sue the Council  
or Directorate

	1	instituted in any court unless it is commenced within twelve months next after
	2	the act, neglect or default complained of or, in the case of a continuance of
	3	damage or injury, within twelve months next after the ceasing thereof.
Pre action notice to be issued before filing a suit	4	<b>323.</b> No suit shall be commenced against any of the Directorates or
	5	the Council before the expiration of a period of three month after written notice
	6	of intention to commence the suit shall have been served upon the Directorate
	7	or the Council by the intending plaintiff or his agent; and the notice shall clearly
	8	and explicitly state the cause of action, the particulars of the claim, the name
	9	and place of abode of the intending plaintiff and the relief which he intends to
	10	claim.
Pre action notice to be served on Executive Secretary or Executive Commissioner	11	<b>324.</b> The notice referred to in Clause 323 of this Bill and any
	12	summons, notice or other document required or authorised to be served upon
	13	any of the Directorates or the Council under the provisions of this Bill or any
	14	other enactment or law may be served by delivering the same to the Executive
	15	Commissioner in the case of a Directorate or the Executive Secretary in case of
	16	the Council, or by sending it by registered post addressed to the Executive
	17	Commissioner in the case of a Directorate or the Executive Secretary in case of
	18	the Council.
Payment of Judgment sum t	19	<b>325.</b> In any action or suit against the Council or any of the
	20	Directorates, no execution or attachment or process in the nature thereof shall
	21	be issued against the Council or the Directorate, but any sum of money which
	22	may, by the judgment of the court, be awarded against the Council or a
	23	Directorate, shall, subject to any directions given by the court where no notice
	24	of appeal has been given by the Council, be paid from the fund of the Board of
	25	the Council, in the case of the Council or be paid from the fund of the particular
	26	Directorate in the case of a Directorate.
Limitation of Enforcement of Judgment against funds of Directorates	27	<b>326.</b> To ensure the distinct status of the Fund of each Directorate
	28	established under this Bill, no judgment against the Council or any Directorate
	29	shall be enforced against the Fund of any Directorate when the Directorate was
	30	not specifically mentioned as a party in the suit in which the judgment is given.

1	<b>327.</b> A member of the Board, Executive Secretary, agent, auditor	Indemnity for
2	or employee for the time being of the Board or any employee of the	defending
3	Directorates shall be indemnified out of the Fund of the Board or Directorate	proceedings
4	against any liability incurred by him in defending any proceedings whether	
5	civil or criminal, if any such proceeding is brought against him in his	
6	capacity as such member, agent, auditor or employee as aforesaid where he	
7	acted in good faith in respect of the conduct complained against in the suit.	
8	<b>328.</b> The provisions of the Public Officer's Protection Act shall	Application of
9	apply in relation to any suit instituted against any officer or employee of the	Public Officer's
10	Council or the Directorate in his capacity as such officer or employee.	Protection Act
11	<b>329.</b> The audit of the Council or its Directorates shall be in	Audit of the
12	accordance with the provisions of the Constitution of the Federal Republic	Council
13	of Nigeria as amended.	
14	PART XXXV - NIGERIAN CONTENT DEVELOPMENT IN TEXTILES,	
15	GARMENTS, NEEDLES AND SYRINGE MANUFACTURERS	
16	<b>330.</b> -(1) MDAs including but not limited to all Nigerian military	Nigerian Security
17	and paramilitary agencies, Nigerian Content entities and all schools, either	agencies, MDAs,
18	owned or operating under the regulation of the Government except schools	schools, companies
19	owned by foreign missions, shall upon the commencement of this Bill only	to use Made-in-
20	use Made - in- Nigeria textile materials and garments as uniforms provided	Nigeria textiles
21	the Nigerian content including locally sourced raw materials in the	and garments for
22	manufacture of such textiles and garments is not less than eighty per cent of	uniforms
23	the entire component of the manufacture and meet the quality standard set	
24	by the Standard Organisation of Nigeria for such textiles or garments.	
25	(2) All uniforms to be used for national and social celebrations in	
26	Nigeria except celebrations by foreign missions shall be Made - in- Nigeria	
27	textiles materials or garments.	
28	(3) For the purposes of sub clause (1) of this clause, the Standard	
29	Organisation of Nigeria shall within six months from the coming into effect	
30	of this Bill, make Regulation prescribing quality standards for the textile	

	1	materials and garments to be used as various uniforms.
	2	(4) Any existing Regulation or specification setting standard for the
	3	production of uniforms by Nigerian military, paramilitary agencies and
	4	schools shall be used by manufacturers of textiles and garments in Nigeria for
	5	the production of such uniforms, in the absence of any Regulation made by the
Directorate of Nigerian Capacity Development on Manufacturing to encourage domestic production of raw materials for the local manufacture of textiles and materials	6	Standard Organisation of Nigeria as specified in sub clause (3) of this clause.
	7	<b>331.</b> The Directorate of Nigerian Capacity Development and
	8	Monitoring on Manufacturing shall encourage indigenous Nigerian companies
	9	to deploy human and material resources for the production of raw materials
	10	especially cotton for the manufacture of textiles and garments in Nigeria.
Establishment of Nigerian Textiles & Garments Sector Development Fund (NTDF)	11	<b>332.</b> There shall be established a Fund to be known as Nigerian
	12	Textiles and Garments Sector Development Fund (NTGDF) which shall be
	13	composed of-
	14	(a) a surcharge of two per cent on the monetary value of every
	15	imported textile and garment which sum shall be collected by the Federal
	16	Inland Revenue Service (FIRS) and be paid into the NTGDF;
	17	(b) ten per cent of the sum accrued to, and received by the Federal
	18	Government of Nigeria from import duties on imported textiles and garments,
	19	which sum shall be computed on monthly basis by the Accountant General of
	20	the Federation and be paid into NTGDF;
	21	(c) ten per cent of excise duties where imposed and collected by the
	22	Federal Government from companies in respect of domestic manufacture of
	23	textiles and garments which sum shall be computed on monthly basis by the
	24	Accountant General of the Federation and be paid into NTGDF; and
	25	(d) any fund obtained from any manner of fund raising including but
	26	not limited to crowd funding, or any other source for the development of the
	27	textiles and garments industry.
Application of Fund Nigerian Textile & Garment Sector Development Fund (NTDF)	28	<b>333.-(1)</b> The Nigerian Textile & Garment Development Fund
	29	(NTDF) shall be applied by the Directorate of Nigerian Capacity Development
	30	on Manufacturing for:

1 (a) the development and operation of Integrated Textiles and  
2 Garments Park to be established in each state of the Federation;

3 (b) granting loans for facilitating the rehabilitation and  
4 modernization of textiles and garments manufacturing factories or any unit  
5 thereof or the undertaking of any scheme for the development of raw  
6 materials for the manufacture of textiles and garments;

7 (c) making loans to textiles and garments manufacturing  
8 companies for the development of renewable power project for use for the  
9 production of textiles and garments at a cheaper rate; and

10 (d) giving grants for the purpose of any research and development  
11 project aimed at the development of the textiles and garments industry in  
12 Nigeria.

13 (2) The manner in which loans or grants may be made under this  
14 clause and the terms and conditions subject which such loans and grants may  
15 be made shall be prescribed by the Directorate of Nigerian Capacity  
16 Development on Manufacturing upon consultation with the Central Bank of  
17 Nigeria.

18 **334.-(1)** No imported textile or garment shall be offered for sale or  
19 be sold in Nigeria except the importer of such textiles or garments has been  
20 registered as an importer of such textile or garment with the Standard  
21 Organisation of Nigeria (SON).

Textiles and  
garments importers  
to register with  
Standard Organization  
of Nigeria

22 (2) The Standard Organisation of Nigeria shall ensure before the  
23 registration of such textiles or garments that the textiles or garments sought  
24 to be imported meet the standard requirements prescribed by the Standard  
25 Organisation of Nigeria (SON) for the registration of such textiles or  
26 garments.

27 (3) Any person who offers for sale or sells in Nigeria any imported  
28 textile or garment without a prior registration with the Standard  
29 Organisation of Nigeria (SON) commits an offence and shall upon  
30 conviction, be sentenced to a term of custodial imprisonment for not less



1 than two years or with an option of fine of an amount not less than five times  
 2 the monetary value of the entire textiles and/or garments imported by the  
 3 convict from which he offered for sale or sold the subject textile or garment.

4 (4) The Court upon convicting and sentencing a person under sub  
 5 clause (3) of this Clause shall have powers to order for the confiscation and  
 6 disposal of the entire textiles and/or garments imported by the convict.

7 (5) Where an offence prescribed in sub-clause (3) is committed by a  
 8 body corporate, such body corporate and any director, manager, secretary or  
 9 other similar officer of the body corporate who was purporting to act in any  
 10 such capacity as herein mentioned and involved in the Council shall be liable to  
 11 be prosecuted and punished as required in sub clause (3) of this clause.

12 (6) A person or an entity convicted of an offence referred to in sub  
 13 clause(1) of this clause shall in addition to the penalty prescribed in sub clause  
 14 (3) of this clause, be barred from participating in any procurement process of  
 15 any ministry, extra ministerial department, agency, arm of the of the Federal  
 16 Government for a period lasting not less than ten years from the date of  
 17 conviction.

Manufacturers  
and importers  
of textiles and  
garments to  
register their  
trademarks in  
Nigeria

18 **335.** No textile or garment shall be offered for sale or sold in Nigeria  
 19 except the manufacturer or the importer of the textile material or garment has a  
 20 registered trademark with the relevant agency responsible for trademark  
 21 registration in Nigeria for the said textile or garment.

Establishment  
of Integrated  
Textiles and  
Garments Parks  
(ITGP) with  
facilities

22 **336.-(1)** The Directorate of Nigerian Capacity Development on  
 23 Manufacturing shall with the approval of the Board of the Council established  
 24 under this Bill enter into Public and Private Partnership Agreement (PPPA)  
 25 with other government agencies, international and domestic financial  
 26 institutions, indigenous Nigerian Content companies, private investors, among  
 27 others in order to raise funds and establish at least one Integrated Textiles and  
 28 Garments Park in each state of the Federation for the production of textiles and  
 29 garments.

30 (2) The Directorate of Nigerian Capacity Development on

1 Manufacturing shall take into consideration the nearness to raw materials,  
2 markets, availability of infrastructure including power, security and  
3 geographical advantages in siting an Integrated Textiles and Garments Park  
4 in establishing an Integrated Textiles and Garments Park in a State.

5 (3) An Integrated Textiles and Garments Park to be established in  
6 each State of the Federation shall have, among others:

7 (a) common source(s) of renewable energy designed to ensure  
8 adequate and sustainable supply of power at low cost to the companies  
9 operating in the Park;

10 (b) adequate water delivery and treatment system;

11 (c) good and sustainable transport network to ensure easy  
12 accessibility and transportation of manufactured products;

13 (d) security; and

14 (e) research and development centre.

15 337-(1) The Directorate of Nigerian Capacity Development on  
16 Manufacturing shall establish and maintain forward linkages to link  
17 cooperative societies, associations, unions and other organisations whose  
18 members are desirous of buying made-in-Nigeria textiles and garments,  
19 with Nigerian companies manufacturing textiles and garments to enhance  
20 bulk purchase of made - in - Nigeria textiles and garments at reasonable  
21 prices.

Directorate of  
Nigerian Capacity  
Development  
Manufacturing to  
assist in linking  
with manufacturers  
of textiles and  
garments in Nigeria

22 (2) An arrangement for the bulk purchase of made-in-Nigeria  
23 textiles and garments may include an arrangement for upward money  
24 deposit by the cooperative societies, associations, unions and other  
25 organisations for the manufacture of the textiles and garments for bulk  
26 purchase and may also involve financial institutions that are desirous of  
27 advancing loans for such transactions.

28 (3) The Directorate of Nigerian Capacity Development and on  
29 Manufacturing shall always ensure the protection of the interest of all parties

	1	to any arrangement contemplated under sub clauses (1) and (2) of this clause.
Health centres and facilities including hospitals, companies etc. to use Made-in-Nigeria neddles and syringes	2	<b>338.</b> All medical facilities either owned or operating under the
	3	regulation of the Federal Government of Nigeria or any Nigerian Content
	4	Entity shall upon the commencement of this Bill only use Made-in-Nigeria
	5	neddles and syringes provided the Nigerian content including locally sourced
	6	raw materials in the manufacture of such neddles and syringes is not less than
	7	eighty per cent of the entire component of the manufacture and meet the quality
	8	standard set by the Standard Organisation of Nigeria for such neddles and
	9	syringes.
	10	PART XXXVI - DIRECTORATES AND MONITORING UNITS TO
	11	COLLABORATE WITH NIGERIAN EXPORTS PROMOTION COUNCIL
Duty of Directorates and Monitoring Units to collaborate with Nigerian Export Promotion Council	12	<b>339.</b> Every Directorate or Monitoring Unit under this Bill shall
	13	collaborate with the Nigerian Exports Promotion Council in all matters relating
	14	to any plan or programme of the Directorate or Monitoring Unit for the
	15	development of any product for export.
	16	PART XXXVII - ANTI-SMUGGLING, COUNTERFEITING AND DUMPING OF
	17	SUBSTANDARD GOODS COMMITTEE
Establishment of National Committee on Anti-Smuggling, Counterfeiting and Dumping Committee	18	<b>340.-(1)</b> The Directorate of Nigerian Capacity Development and
	19	Monitoring on Manufacturing in order to eliminate smuggling and dumping
	20	of substandard imported goods on Nigeria, shall liaise with the Nigerian
	21	Customs Service, Economic and Financial Crime Commission, Standard
	22	Organisation of Nigeria, Federal Ministry of Industry, Trade and Investment,
	23	Nigerian Army, Nigerian Navy, Nigerian Air Force, Police, State Security
	24	Service, Nigerian Security and Civil Defence, Manufacturers Association of
	25	Nigeria and any other relevant entity to establish a Committee to be known as
	26	"National Committee on Anti -Smuggling, Counterfeiting and Dumping
	27	Committee" (also referred to as "Anti -Smuggling, Counterfeiting and
	28	Dumping Committee" in this Bill) which shall comprise of the representatives
	29	of all the entities mentioned in this clause.
	30	(2) The Chairman and members of the Committee shall be appointed,

1 and may be removed, by the Minister responsible for Industry, Trade and  
2 Investment upon the recommendation of the Manufacturers Association of  
3 Nigeria.

4 (3) The Chairman of the Anti -Smuggling, Counterfeiting and  
5 Dumping Committee shall be a member of the Manufacturers Association  
6 of Nigeria with proven record that he/she has been an advocate against  
7 smuggling and illegal dumping of goods on Nigeria by foreign countries or  
8 companies.

9 (4) The Anti -Smuggling, Counterfeiting and Dumping  
10 Committee may establish offices in the states of the Federation.

11 **341.** The functions of the Anti-Smuggling, Counterfeiting and  
12 Dumping Committee shall include, to-

Functions of the  
Anti-Smuggling,  
Counterfeiting and  
Dumping Committee

13 (a) initiate and adopt measures that will suppress smuggling of  
14 foreign goods into the Country;

15 (b) initiate and adopt measures that will eliminate counterfeiting  
16 and dumping of substandard goods on Nigeria;

17 (c) undertake anti-smuggling sensitization and awareness  
18 programmes to the populace on the dangers of smuggling into,  
19 counterfeiting and dumping of imported goods, on the Country by  
20 foreigners;

21 (d) maintain portals and other technological devices to obtain  
22 information on the activities of persons and companies involved in  
23 smuggling, dumping and counterfeiting of goods in Nigeria;

24 (e) share information and intelligence with security and other  
25 appropriate agencies on the movement of smuggled and substandard goods  
26 in Nigeria;

27 (f) exercise power to arrest and handover to the relevant security  
28 agency for investigation and possible prosecution of persons involved in  
29 smuggling, counterfeiting and dumping of goods in Nigeria; and

30 (g) give monthly reports of successes or otherwise of its activities

	1	to the Directorate of Nigerian Capacity Development and Monitoring on
	2	Manufacturing which shall brief the Board of the Council on the content of the
	3	Report, on monthly basis.
Funding of the Anti-Smuggling, Counterfeiting and Dumping Committee	4	<b>342.</b> The activities of the Anti -Smuggling, Counterfeiting and
	5	Dumping Committee under this Bill shall be funded from the fund provided
	6	under clauses 228 and 233 of this Bill.
	7	PART XXXVIII - NIGERIAN CONTENT DEVELOPMENT ON MARKETING
	8	OF AGRICULTURAL COMMODITIES
Establishment of National Technical Committee on Marketing of Agricultural Commodities	9	<b>343.</b> There is hereby established a body to be known as National Technical
	10	Committee on Marketing of Agricultural Commodities which shall consist of-
	11	(a) the National President of the Federation of Agricultural
	12	Commodity Associations of Nigeria as Chairman;
	13	(b) one representative each of the followings;
	14	(i) All Farmers Association;
	15	(ii) Bank of Agriculture;
	16	(iii) Bank of Industry;
	17	(iv) Central Bank of Nigeria;
	18	(v) Federation of Agricultural Commodity Associations of Nigeria;
	19	(vi) Federal Ministry of Trade, Industry and Investment;
	20	(vii) National Agency for Food & Drug Administrations;
	21	(viii) Nigerian Agricultural Quarantine Service; and
	22	(ix) Standard Organisation of Nigeria.
	23	(2) The National Technical Committee on Marketing of Agricultural
	24	Commodities may establish offices in the states of the Federation.
	25	(3) In this part of this Bill, agricultural commodities mean agricultural
	26	produce that the minister responsible for trade, industry and investment by an
	27	order published in the Gazette of the Federal Republic of Nigeria designate as
	28	agricultural commodities.
Functions of National Technical Committee on marketing of agricultural Commodities	29	<b>344.</b> The functions of the National Technical Committee on
	30	Marketing of Agricultural Commodities shall be-

1 (a) to support and stabilise the price of agricultural commodities  
2 for sales for exports or processing;

3 (b) to appoint licensed agricultural commodities buying agents,  
4 ginning and other agents;

5 (c) to fix and control the allowances to be paid to licensed  
6 agricultural commodities buying agents;

7 (d) to grant, renew and withhold licensed agricultural commodities  
8 buying agents;

9 (e) to impose conditions upon the granting or renewal of such  
10 agricultural commodities buying licences and to cancel or suspend them for  
11 good cause;

12 (f) to recommend to the minister responsible for trade, industry and  
13 investment to enable the said minister prescribe by public notice specific  
14 periods during which the buying of the agricultural commodities by licensed  
15 agricultural commodities buying agents for export or for mechanised  
16 processing shall be prohibited, restricted or allowed;

17 (g) ensure the arrest and prosecution, subject to the provisions of  
18 the Constitution of the Federal Republic of Nigeria, any person who  
19 commits an offence under this part or regulation made pursuant to clause  
20 348 of this Bill; and

21 (h) to do all things necessary for and in connection with the  
22 purchase, sale, cleaning, packing and transport of agricultural commodities.

23 **345.**-(1) There shall be appointed a Secretary to the National  
24 Technical Committee on Marketing of Agricultural Commodities who  
25 shall be an officer in the public service of the Federation who shall not be  
26 less the rank of a Director in the service of the Federation.

Appointment of  
Secretary to the  
national Technical  
Committee on  
marketing of  
Agricultural  
Commodities

27 (2) The Secretary shall be appointed, and may be removed by the  
28 Minister responsible for Trade, Industry and Investment in Nigeria.

29 **346.**-(1) The National Technical Committee on Marketing of  
30 Agricultural Commodities shall maintain an administrative secretariat

Secretariat of the  
national Technical  
Committee on  
Marketing of  
Agricultural  
Commodities

1 which shall be provided by the ministry responsible for Trade, Industry and  
2 Investment.

3 (2) The staff of the Secretariat shall be persons who are existing  
4 members of staff in the Federal Public Service and such persons shall be  
5 deployed to work in the administrative secretariat by the minister responsible  
6 for Trade, Industry and Investment.

Functions of  
the Secretariat

7 **347.** The Secretariat for the National Technical Committee on  
8 Marketing of Agricultural Commodities shall be responsible for the following-

9 (a) ensuring that the meetings of the National Technical Committee  
10 on Marketing of Agricultural Commodities are effectively and efficiently  
11 organized and proper records of minutes made and kept;

12 (b) act as the custodian of documents of the National Technical  
13 Committee on Marketing of Agricultural Commodities;

14 (c) communicating the decisions of the National Technical  
15 Committee on Marketing of Agricultural Commodities to the relevant  
16 indigenous Nigerian company or any other body or person;

17 (d) liaise with relevant entities to ensure that loans granted for  
18 purposes of marketing agricultural commodities are quickly disburse to  
19 indigenous Nigerian farmers, licensed agricultural commodities buying  
20 agents or any other person granted loan for the development of trade in the  
21 agricultural commodities in Nigeria;

22 (e) report to the National Technical Committee on Marketing of  
23 Agricultural Commodities any failure of any entity or person to comply with  
24 any directive or decision of the National Technical Committee on Marketing  
25 of Agricultural Commodities; and

26 (f) do anything legally necessary to be done to facilitate the carrying out of the  
27 functions of the National Technical Committee on Marketing of Agricultural  
28 Commodities under this Bill.

Appointment  
and regulation  
of licensed  
agricultural  
commodities  
buying agents,  
ginning and other  
agents

29 **348.** The minister responsible for trade, industry and investment  
30 shall not less than six months upon the commencement of this Bill make

1 regulations prescribing-

2 (a) the qualifications and conditions for the licensing of persons or  
3 indigenous Nigerian companies as agricultural commodities buying agents,  
4 ginning and other agents for the purposes of trading in agricultural  
5 commodities for exports or mechanised processing; and

6 (b) conditions under which buying agents, ginning or other agents  
7 shall operate in Nigeria.

8 **349.** The Federal Government of Nigeria and all its agencies  
9 including the Directorate of Nigerian Capacity Development and  
10 Monitoring on Agriculture and Agro- Allied Products shall not grant any  
11 financial or non - financial benefit to any person or company for the  
12 purposes of trading in agricultural commodities for exports or mechanised  
13 processing if such person or company is not licensed as an agricultural  
14 commodities buying agent under this Bill.

Restriction of  
persons and entities  
from enjoying  
Federal Government  
facilities for lack  
of license

15 **350.-(1)** The minister responsible for trade, industry and  
16 investment shall liaise with the National Technical Committee on Marketing  
17 of Agricultural Commodities to promote the establishment and operation of  
18 agricultural commodities buying centres throughout the Federation and  
19 shall for this purpose partner with the Central Bank of Nigeria, any other  
20 financial institution or donor agencies to assist licensed agricultural  
21 commodities buying agents to secure loans to buy agricultural commodities  
22 from the buying centres established under this clause.

Establishment of  
Buying Centres  
for agricultural  
commodities

23 (2) The National Technical Committee on Marketing of  
24 Agricultural Commodities shall ensure that agricultural commodities traded  
25 in the buying centres are of standard qualities and grades free from  
26 pollutants.

27 **351.-(1)** No foreigner or foreign representative shall buy any  
28 agricultural commodity directly from farmers.

Restriction on  
foreigners and  
their representatives  
from buying  
agricultural  
commodities from  
farm gates

29 (2) Pursuant to sub clause (1) of this clause, only Nigerians or  
30 indigenous Nigerian companies shall be entitled to be licensed to buy



	1	agricultural commodities directly from farmers in Nigeria.
Sanction for selling or buying agricultural commodities directly from farmers by non-Nigerians or non-indigenous Nigerian companies	2	<b>352.</b> -(1) Any farmer who directly sells to any non Nigerian or non
	3	indigenous Nigerian company any agricultural commodity for export or for
	4	mechanised processing of such agricultural commodity commits an offence
	5	and if found guilty by a competent court shall be punished with a fine not less
	6	than twice the monetary value of the agricultural commodity or commodities
	7	sold or imprisonment for not less than one year.
	8	(2) Any non Nigerian or non indigenous Nigerian company who
	9	directly buys any agricultural commodity for export or for mechanised
	10	processing of such agricultural commodity commits an offence and if found
	11	guilty by a competent court shall be punished with a fine not less than thrice the
	12	monetary value of the agricultural commodity or commodities bought.
Funding of the National Technical Committee on Marketing of Agricultural Commodities	13	<b>353.</b> The activities of the National Technical Committee on
	14	Marketing of Agricultural Commodities shall be funded through the ministry
	15	responsible for trade, industry and investment and such fund shall consist of
	16	sums from existing surcharges accruing from exports of agricultural
	17	commodities in Nigeria, and , any other sum from grants from the Federal
	18	Government of Nigeria, international donors, financial institutions, private or
	19	any other person or body.
	20	PART XXXVIII - PENAL SANCTIONS
Penal offences	21	<b>354.</b> -(1) It is a criminal offence for any person or entity -
	22	(a) to attempt to, or, corruptly influence any public officer exercising
	23	any power or performing any duty under this Bill to do or omit to do
	24	anything contrary to the stipulation of any provision of this Bill;
	25	(b) to engage in fronting practice;
	26	(c) to engage in any form of illicit financial flow arising from any
	27	transaction including but not limited to the execution of any project or
	28	contract under this Bill;
	29	(d) without any reasonable cause as provided under this Bill, to fail or
	30	neglect to host any sovereign data that originated from Nigeria in Nigeria, or in

1       any way, aid, assist or abet or do any act that will cause a failure to host  
2       Nigerian sovereign data in Nigeria.

3               (e) to sell, transfer or assign any contract, licence, lease or any  
4       interest obtained on the basis of being an indigenous Nigerian company or  
5       a Nigerian citizen to any non-Nigerian or a foreign company; and

6               (f) to fail or neglect without any reasonable cause to perform the  
7       contracted works or to abscond from performing, or abandon, a contract  
8       before completion when the said contract was exclusively awarded to the  
9       person or company on the basis that such person is a Nigerian or an  
10      indigenous Nigerian company.

11             (2) A person or entity who commits an offence prescribed in-

12               (a) sub clause (1) (a), (b), (c) and (d) is liable on conviction, to a  
13      term of imprisonment for not less than five years but not exceeding ten years  
14      and to a fine of an amount not less than twenty million naira.

15               (b) sub clause (1) (e) and (f) is liable on conviction, to a term of  
16      imprisonment not exceeding three years or to a fine of an amount not less  
17      than five million naira.

18             (3) Where an offence prescribed in sub-clause (1) is committed by  
19      a body corporate, such body corporate and a director, manager, secretary or  
20      other similar officer of the body corporate who was purporting to act in any  
21      such capacity as herein mentioned and involved in the Council shall be  
22      liable to be prosecuted and punished as required in sub clause (2) of this  
23      clause.

24             (4) A person or an entity convicted of an offence referred to in  
25      subclause (1) of this clause shall in addition to the penalty prescribed in sub  
26      clause (2) of this clause, be barred from participating in any procurement  
27      process of any ministry, extra ministerial department, agency, arm of the of  
28      the Federal Government or Nigerian Content Entity for a period lasting not  
29      less than ten years from the date of conviction.

Criminal offence  
relating to issuance  
of work permit  
and expatriate  
quota

1                   **355.** Any public officer charged with the responsibility of issuing  
2 work permits to non - Nigerians and/or granting expatriate quota to companies  
3 who issues any such work permit to any non-Nigerian and/or grant such  
4 expatriate quota to a company without verification from the relevant body as  
5 to the availability in Nigeria of the skill and/or services such to be rendered  
6 by the applicant for the work permit or expatriate quota shall upon conviction  
7 be sentenced to prison for a period of two (2) years without an option of fine in  
8 a Correctional Facility.

9                   PART XXXIX - ADMINISTRATIVE SANCTIONS BY DIRECTORATES

Administrative  
measures for  
compliance with  
the provisions  
of the Bill

10                   **356.**-(1) Where a person or entity fails, refuses or neglects to comply  
11 with any of the provisions of this Bill, provided that such provision does not  
12 amount to a crime, or fails to comply with any directive or order issued by the  
13 relevant Directorate under this Bill, the Directorate may-

14                   (a) blacklist such a person, contractor, supplier or subcontractor, for  
15 a period of not less than five (5) years or to when such person, contractor,  
16 supplier or sub contractor had fully complied with the provisions of the Bill,  
17 directives or orders he or the entity breached.

18                   (b) suspend or direct the suspension of the activity being carried out  
19 by such person or entity for a period that the contractor, supplier or  
20 subcontractor fully complies with the provisions of the Bill, directives or  
21 orders.

22                   (c) impose an administrative fine on the contractor, supplier or  
23 subcontractor, or any other individual as empowered under this Bill;

24                   (d) where the breach of the provision of the Bill relates to fulfilling a  
25 Nigerian content obligation that will involve financial expenses on the part of  
26 the contractor, supplier or subcontractor, require such contractor, supplier or  
27 subcontractor to pay into a designated account with the Central Bank of  
28 Nigeria, a percentage of the total financial implication required to fulfil the  
29 local content obligation under this Bill;

30                   (e) withhold or direct the withholding of any payment due to the

- 1 contractor, supplier or subcontractor; and
- 2 (f) take any other action as maybe prescribed by regulations.
- 3 (2) Whenever a contractor, supplier or subcontractor, is suspended
- 4 or blacklisted by a Directorate such entity shall-
- 5 (a) in case of suspension, cease or suspend all its activities until the
- 6 suspension is lifted;
- 7 (b) in case of being blacklisted, be barred from doing business with
- 8 Government or participating in any public procurement or being awarded a
- 9 subcontract for a period of ten years.
- 10 (3) The Directorate shall within five days of making a decision
- 11 under this clause communicate the same to the contractor, supplier or
- 12 subcontractor, and shall also communicate its decision-
- 13 (a) in case of an order under subsection (1) (a), to the Bureau of
- 14 Public Procurement;
- 15 (b) in case of an order made under subsection (1) (f), to the relevant
- 16 tax Council and the Ministry responsible for Finance;
- 17 (c) in case of an order under subsection (1) (c), to the Ministry
- 18 responsible for Finance and Tax authorities; and
- 19 (d) in case of orders under subsection (1) (e), to the relevant person,
- 20 body or entity responsible for making such payment.
- 21 (4) The entity that receives a notification in sub clause (3) shall
- 22 immediately take action as required in the notification and report back on the
- 23 actions taken to the Directorate that issued the notification.

24 **357.** A Directorate may require a contractor, subcontractor or

25 supplier to make arrangements for the execution of a bond or other form of

26 security for the performance and observance of the obligations under this

27 Bill or any contract to which such an entity may be subject to.

Security for  
performance of  
obligations

28 **PART XI - DISPUTE RESOLUTION**

29 **358.-(1)** Without prejudice to the effect of clause 305 and 306 of

30 this Bill, any dispute in respect of any civil right and obligation between

Procedure for  
resolving civil  
disputes arising  
from Nigerian  
content disputes

1 parties arising from the implementation of the provisions of this Bill shall be  
 2 resolved, in the first instance, on an amicable basis and where parties cannot  
 3 resolve their dispute by an amicable settlement, any of the parties to the dispute  
 4 shall in writing make a complaint to the appropriate Directorate for resolution,  
 5 or where there is no Directorate responsible for the sector, to the Monitoring  
 6 Unit in the ministry or agency responsible for the sector or industry.

7 (2) A Directorate or a Monitoring Unit which in pursuant to clause (1)  
 8 of this clause receives a complaint shall within seven days from the date of the  
 9 receipt of the complaint resolve the dispute between the parties and where the  
 10 Directorate or Monitoring Unit cannot resolve such dispute, the Directorate or  
 11 the Monitoring Unit through the Board Secretariat of the Council, shall  
 12 immediately refer the resolution of the dispute to the Independent Dispute  
 13 Resolution Committee of the Board of the Council.

Establishment  
of Independent  
Dispute Resolution  
Committee

14 **359.**-(1) The Board of the Council shall establish an Independent  
 15 Dispute Resolution Committee which membership shall be selected by the  
 16 Board of the Council through a selective bid from qualified and experienced  
 17 persons.

18 (2) There shall be for each panel of Independent Dispute Resolution  
 19 Committee set up to mediate and reconcile parties to a dispute under this Bill, a  
 20 Chairman and two members.

21 (3) The Chairman of the Board of the Council shall appoint the  
 22 chairman and members for each panel.

Functions of  
the Independent  
Dispute Resolution  
Committee

23 **360.** The functions of the Independent Dispute Resolution Committee  
 24 shall include-

25 (a) bringing disputing parties together in a safe and non - adversarial  
 26 environment for the resolution of their dispute;

27 (b) ensuring peaceful resolution of grievances, where possible,  
 28 through mutually acceptable compromise;

29 (c) issuing of interim orders for the maintenance of the status quo in  
 30 respect of all matters relating to the complaint pending the final resolution of

1 the dispute; and

2 (d) to lawfully do anything to perform its functions under this  
3 clause.

4 **361.** The Independent Dispute Resolution Committee shall not  
5 issue any interim order for the maintenance of the status quo of any matter  
6 relating to the complaint except there is exceptional circumstance  
7 demonstrating that if such an order is not issued, an irreparable loss or  
8 damage may occur to the party asking for the order.

Interim Orders  
of the Committee  
to be issued only  
in exceptional  
circumstances

9 **362.** The Independent Dispute Resolution Committee shall not  
10 issue any interim order for the maintenance of the status quo in any dispute  
11 before it except all the disputing parties and any other party that the interim  
12 order may affect have been given adequate opportunity to be heard on the  
13 proprietary or otherwise of the issuance of the order.

Interim Orders  
not to be issued  
without affording  
all parties opportunity  
of fair hearing on  
the issuance

14 **363.** An interim order issued pursuant to the provisions of this Bill  
15 shall be respected and be binding on all parties, their agents, servants and  
16 privies until same has been vacated pursuant to the order of the Committee.

Interim orders  
to be binding nt

17 **364.** The Independent Dispute Resolution Committee shall  
18 involve the Chairman or Vice Chairman of the Board of the Council where it  
19 appears to the Committee during the resolution of a dispute that the  
20 resolution of the dispute could be achieved more effectively, efficiently and  
21 expeditiously by involving the Chairman or Vice Chairman of the Board of  
22 the Council in the resolution of the dispute.

Chairman or  
Vice Chairman  
of the Board of  
the Council to be  
involved in the  
resolution of dispute  
where necessary

23 **365.** The Independent Dispute Resolution Committee shall adopt  
24 conciliation and mediation approaches in its resolution of disputes and shall  
25 ensure that all disputes referred to it are expeditiously resolved within  
26 fourteen days from the date of such referral.

Dispute Resolution  
Committee to adopt  
Conciliation and  
Mediation Approaches

27 **366.** Where a dispute is not resolved in accordance with the  
28 provisions of clause 365 of this Bill, any of the parties to the dispute shall  
29 have the right to institute action in a court of law with competent jurisdiction  
30 for the enforcement of his/her right.

Rights of parties  
where dispute is not  
resolved by the  
Independent Dispute  
Resolution Committee

Federal High Court to have jurisdiction	1	<b>367.</b> The Federal High Court shall have jurisdiction to try causes and
	2	matters arising from any dispute relating to the enforcement and/or
	3	implementation of the provisions of this Bill, or in connection with any
	4	transaction carried out between persons pursuant to any provision of this Bill.
Litigation on Nigerian content to be given accelerated determinations by courts	5	<b>368.</b> Any matter arising from the enforcement and/or implementation
	6	of the provisions of this Bill, or, any dispute in connection with any transaction
	7	carried out between persons pursuant to any provision of this Bill shall be
	8	given accelerated hearing and determination.
Special Rules to be made for the litigation of disputes relating to Nigeria content	9	<b>369.</b> The Chief Judge of the Federal High Court shall make Practice
	10	Directions to regulate and ensure accelerated hearing and determination of any
	11	dispute relating to the enforcement and/or implementation of the provisions of
	12	this Bill, or, any dispute arising from any transaction carried out between
	13	persons pursuant to any provision of this Bill.
Prosecution of offences	14	<b>370.</b> -(1) An offence under this Bill shall, subject to the Rules of the
	15	Court, be tried in the Federal High Court and references in this clause to
	16	"Court" shall be construed accordingly.
	17	(2) Prosecution for offences under this Bill shall be instituted before
	18	the Court in the name of the Federal Republic of Nigeria by the Attorney-
	19	General of the Federation or such officer in the Federal Ministry of Justice as he
	20	may authorize so to do.
	21	(3) Notwithstanding the provisions of this clause or any other law or
	22	enactment contrary, any legal practitioner employed by the Directorate shall
	23	be entitled to represent the Directorate before any Court or any Panel and for
	24	this purpose, the consent of the Attorney-General of the Federation is deemed
	25	to have been given to legal practitioners employed by the Directorates to
	26	prosecute or represent the Directorates.
	27	(4) The question whether any or what authority has been given in
	28	pursuance of sub clause (2) of this clause shall not be inquired into by a person
	29	other than the Attorney-General of the Federation.
	30	(5) A person accused of an offence under this Bill shall be entitled to

1 defend himself in person or by a person of his own choice who is a legal  
2 practitioner resident in Nigeria.

3 PART XLII - MISCELLANEOUS PROVISIONS

4 **371.**-(1) The Board of the Council shall upon consultation with Regulations  
5 relevant key industry stakeholders, government and regulatory agencies,  
6 chambers of commerce, professional associations of the sectors that this Bill  
7 covers make regulations for carrying out the purposes of this Bill  
8 particularly for-

9 (a) establishing the minimum standards, facilities, personnel and  
10 technology for Nigerian Contents in the sectors covered by this Bill;

11 (b) specifying modalities involving Nigerian Content Entities as  
12 partners in training and development;

13 (c) setting out targets to ensure-

14 (i) maximum utilization and steady growth of Nigerian companies  
15 engaged in exploration in the case of the extractive sector and in other  
16 preliminary activities or operations in the other sectors covered by this Bill;

17 (ii) seismic data processing in the case of the mining sector;

18 (iii) engineering design;

19 (iv) reservoir studies;

20 (v) gps surveys in the case of agriculture;

21 (vi) manufacturing and fabrication of equipment; and

22 (vii) other facilities as well as provisions of other support services  
23 in the Nigerian economy in the sectors covered by this Bill.

24 (d) setting targets for Nigerian Content on the type of joint venture  
25 or alliances to be achieved for public project (s);

26 (e) setting Nigerian Content targets for the growth of research and  
27 development in the sectors covered by this Bill;

28 (f) require any operator or company or its professional employees  
29 engaged in the provision of engineering or other professional services in the  
30 sectors covered by this Bill to be registered with the relevant professional



- 1 bodies in Nigeria;
- 2 (g) requiring any operator to invest in or set up a facility, factory,
- 3 production units or other operations in Nigeria for the purposes of carrying out
- 4 any production, manufacturing or providing a service otherwise imported into
- 5 Nigeria;
- 6 (h) setting auditing procedures to enable the Directorates to conduct
- 7 regular audits for the purposes of monitoring and enforcing compliances with
- 8 the provisions of this Bill in their various sphere of operations;
- 9 (i) setting out the qualifications and other relevant criteria for the
- 10 capturing of indigenous Nigerian companies and Nigerian citizens on the
- 11 National Supplier database and the maintenance and regular update of the
- 12 database;
- 13 (j) monitoring of business and other activities of Nigerian Startup
- 14 Participants, Incubators and Accelerators which shall require the submission of
- 15 periodic progress and other reports to the relevant Directorate by Nigerian
- 16 Startup Participants, Incubators and Accelerators registered under this Bill;
- 17 and
- 18 (k) the operation and management of Nigerian Startups, among
- 19 others, providing for standards and guidelines for the regulation of-
- 20 (i) registration and management of Nigerian Startup;
- 21 (ii) eligibility of a startup participant to benefit from the Nigerian
- 22 Startup Development Fund;
- 23 (iii) credit guarantee for startups;
- 24 (iv) qualifications and other requirements for investors in startups to
- 25 be entitled to credit guarantee;
- 26 (v) capacity building on financial and risk management in startups;
- 27 and
- 28 (vi) relationship among startups, incubators, accelerators and
- 29 investors.
- 30 (2) The Board of the Nigerian Content and Economic Diversification

1 Monitoring Council shall within 180 days from the date of the  
2 commencement of this Bill make the Regulations under this clause.

3 **372.-(1)** The provisions of this Bill shall take precedence over all  
4 existing laws in respect of the regulation, monitoring and enforcement of  
5 Nigerian Content and economic diversification in the sectors of the Nigerian  
6 economy to which this Bill applies.

Superiority of  
this Bill over  
enactments

7 (2) From the commencement of this Bill, any Nigerian content  
8 reservation or economic diversification scheme in any sector of the Nigerian  
9 economy to which this Bill applies shall be consistent with the provisions of  
10 this Bill and regulations made under this Bill.

11 **373.-(1)** Upon the commencement of this Bill, a contractor,  
12 subcontractor or supplier carrying on an activity under any Nigerian  
13 Content arrangement to which the provisions of this Bill applies shall  
14 continue to carry on that activity as if the same was contracted under this  
15 Bill.

Savings and  
Transitional

16 (2) Pursuant to sub clause (1) of this clause, the overseeing,  
17 monitoring and the implementation of Nigerian Content in respect of  
18 existing contracts, subcontract or activity shall upon the commencement of  
19 this Bill, be regulated by the relevant Directorate overseeing and  
20 monitoring the implementation of Nigerian Content in the sector the  
21 contract or activity relates to.

22 **374.** In this Bill, except the context indicates otherwise-  
23 "artisanal miner or small scale - miner " means a subsistence miner who is  
24 not officially employed by a licensed mining company, but works  
25 independently, mining minerals using their own resources, usually by hand  
26 or other locally fabricated tools or equipment;  
27 "Board" means the Board of the Nigerian Content and Economic  
28 Diversification Monitoring Council established under this Bill;  
29 "Committee" means the Dispute Resolution Committee established under  
30 this Bill;

Interpretation

- 1 "Council" means the Nigerian Content and Economic Diversification  
2 Monitoring Council established under this Bill;
- 3 "Directorate" means any Directorate established under this Bill;
- 4 "Economic Diversification" means the process of shifting the Nigerian  
5 economy away from the dependence on petroleum as the single source of  
6 income to the Federal Government towards multiple sources from other  
7 sectors of the Nigerian economy;
- 8 "Federal Government" means the Government of the Federal Republic of  
9 Nigeria;
- 10 "Foreign Company" means a company incorporated or registered outside  
11 Nigeria;
- 12 "fronting" means to deceive any Directorate or any ministry, extra  
13 ministerial department or agency of the Government as being an indigenous  
14 Nigerian company or a Nigerian for the purpose of fulfilling any local content  
15 requirement when the person or company is indeed acting for the benefit of a  
16 foreigner or non- indigenous Nigerian company or organization to fulfil the  
17 local content requirement.
- 18 "goods" means objects of every kind and description, including commodities,  
19 raw materials, manufactured products, and equipment, industrial plant,  
20 objects in solid, liquid or gaseous form and electricity.
- 21 "ICT" means Information Communication Technology;
- 22 "in-country spend" means the amount of money spent in Nigeria in relation to  
23 economic activities carried out by a person or an entity;
- 24 "Indigenous Nigerian Company" means a legal entity wholly owned by  
25 Nigerians without foreign affiliation except technical partnership;
- 26 "indigenous Nigerian financial institution" means a financial institution that  
27 is wholly owned by Nigerians without foreign affiliation except technical  
28 partnership;
- 29 "Information Communication Technology" includes all the technology used to  
30 handle telecommunications, broadcast media, intelligent building

- 1 management systems, audiovisual processing and transmission systems,  
2 and network-based control and monitoring functions;
- 3 "Innovation" means the creation of new ideas that results to the  
4 development of new or improved products, processes, or services which are  
5 then spread or transferred across the market;
- 6 "illicit fund transfer" means any transfer of funds out of Nigeria to any other  
7 country as a result of activities relating to corruption, market manipulation,  
8 fraud or tax evasion;
- 9 "instrument" means a written approval from a regulatory agency in Nigeria  
10 to undertake a regulated activity;
- 11 "joint venture" means an association where firms or persons are jointly and  
12 severally liable for the entire contract and shall designate one party to act as a  
13 leader with a mandate to bind the joint venture and to sign contract with the  
14 procurement entity;
- 15 "licensee" means a person granted a licence to undertake any regulated  
16 activity in any sector of the Nigerian economy except, the oil and gas  
17 sector;
- 18 "lessee" means a person granted a lease to undertake any regulated activity  
19 in any sector in the Nigerian economy except, in the oil and gas sector;
- 20 "major project" includes a project whose cost or appraised value is not less  
21 than one billion naira;
- 22 "manufacture" means -
- 23 (a) to produce, assemble or process good or the making of any good  
24 or part of any good;
- 25 (b) the altering, ornamenting, finishing, assembling or processing  
26 in any form of any good; or
- 27 (c) the adapting for sale of any good, in which machinery operated  
28 by mechanical power is used;
- 29 "Margins of Preference" means extra mark ups on prices allowed bidders  
30 under competitive biddings;

- 1 "MDAs" means ministries, extra- ministerial departments and agencies of the  
2 Federal Government of Nigeria;
- 3 "Minister" means a person appointed by the President and Commander In  
4 Chief of the Armed Forces of the Federal Republic of Nigeria under the  
5 Constitution of the Federal Republic of Nigeria 1999 as amended, as the  
6 political head of a Federal Government Ministry;
- 7 "Monitoring Unit" means Nigerian Content and Economic Diversification  
8 Monitoring Unit;
- 9 "MSMEs" means Micro Small and Medium Enterprises;
- 10 "Nigerian Company" means a company registered or incorporated in Nigeria;
- 11 "Nigerian Electricity Supply Industry" means the totality of activities in the  
12 production, transportation and delivery of electrical energy to consumers and  
13 customers within Nigeria, including the generation, transmission, system  
14 operations, distribution, retail, and trading of electricity energy, as well as the  
15 provision of support services to any of these regulated activities;
- 16 "Nigerian Content" refers to the quantum of composite value added to or  
17 created in the Nigerian economy by a systematic development of  
18 capacity and capabilities through the deliberate utilization of Nigerian  
19 human and material resources and services in the Nigerian economy;
- 20 "Nigerian Content Entity" means an operator or any entity carrying out any  
21 regulated activity under any Act or deemed Act of the National Assembly in  
22 any sector of the Nigerian economy to which the provisions of this Bill apply;
- 23 "Oil and Gas sector" means the sector in the Nigerian economy relating to  
24 petroleum exploitation;
- 25 "Operator" includes every licensee, lessee, any minerals title holder, their  
26 subsidiaries and joint venture partners and any indigenous Nigerian company,  
27 any foreign company operating in the regulated sector of the Nigerian  
28 economy;
- 29 "Organised Private Sector of Nigeria" means the umbrella organisation of the  
30 following associations-

- 1 (i) Manufacturers Association of Nigeria (MAN),
- 2 (ii) Nigerian Employers Consultative Association (NECA),
- 3 (iii) Nigeria Association of Chambers of Commerce, Industry,
- 4 Mines, and Agriculture (NACCIMA),
- 5 (iv) Nigerian Association of Small Scale Industries (NASSI) and
- 6 (v) Nigerian Association of Small and Medium Enterprises.
- 7 "Petroleum Exploitation" means the operation of producing oil and gas from
- 8 the deposit, their separation and initial processing, preparation of the
- 9 produced oil or gas for transport and storage;
- 10 "Plan" means Nigerian Resource Development Plan required to be
- 11 submitted under this Bill;
- 12 "Public private partnership agreement" means an agreement entered into
- 13 between the Federal Government of Nigeria or any of its agencies and a
- 14 private sector company or companies pursuant to the provisions of the
- 15 Infrastructure Concession Regulatory Council (Establishment) Act 2005 or
- 16 any enactment of like effect;
- 17 "Public works" includes any construction work undertaken by a person,
- 18 body or entity on behalf of the Federal Government of Nigeria or any of her
- 19 agencies which is funded or financed in whole or in part with public money
- 20 or with loan obtained on behalf of the Federal Government of Nigeria or any
- 21 of her agencies;
- 22 "Regulated Activity" means an activity that could only be lawfully
- 23 undertaken with the consent of the Federal Government of Nigeria or any of
- 24 her agencies;
- 25 "Research and Development" means activities undertaken by a Local
- 26 Content Entity, institution or government to obtain new knowledge to create
- 27 new technology, products, services, or system that it will utilise for itself or
- 28 dispose of;
- 29 "Startup" means innovative idea conceived by novice entrepreneur or
- 30 entrepreneurs with the ultimate aim of commercialising the idea for the

1 purposes of making a business venture from commercialised innovative idea.  
2 "Startup Incubator" means any organisation including corporate bodies,  
3 partnerships, non- governmental organizations that is engaged in providing  
4 resources to novice entrepreneurs with innovative ideas to enable such  
5 entrepreneurs scale up their innovative ideas to commerciality and such  
6 resources include workspace, administrative, seed funding, mentoring,  
7 research and development, transfer of technology and other requisites for  
8 running successful businesses;  
9 "Startup Participant" means a registered or incorporated entity in Nigeria  
10 which aims to develop an innovative product, process, or business model that  
11 has been registered by a Directorate as a Startup Participant under this Bill;  
12 "sub contractor" means a third party to whom a contractor has entered into a  
13 contract for the supply of goods and/or provision of services;  
14 "technology transfer" means activities and mechanisms aimed at transferring  
15 skills, knowledge, technologies and methods from foreign entity to an  
16 indigenous Nigerian company or citizen;  
17 value - addition means the economic improvement of a product or service in  
18 the business activities in -country.

Short title

19 **375.** This Bill may be cited as the Nigerian Economic Diversification  
20 Bill, 2022.

## EXPLANATORY MEMORANDUM

This Bill seeks to ensure:

(I) the diversification of the Nigerian economy through the application of Nigerian Content principles to transactions in the Nigerian economy where regulated activities are carried out except in the production of oil and gas;

(ii) the development of domestic capacities and capabilities in the value chain of some critical sectors like ICT, Mining, Power, Maritime, Manufacturing, Health, agriculture etc., in the Nigerian economy through strategic investments, education, skills transfer, expertise development, transfer of technology and know-how and active research and development programmes;

(iii) the achievement of minimum local employment level and in-country spend for the provision of goods and services in various value chains of the Nigerian economy;

(iv) strengthening of the international competitiveness of Nigerian domestic businesses;

(v) the achievement and maintenance of control by Nigerians over the economic developmental initiatives and activities in Nigeria;

(vi) the provision of a robust and transparent monitoring and reporting system to ensure delivery of Nigerian Content policies; and

(vii) supervision and coordination of the implementation and monitoring of Nigerian capacities and capabilities development in the Nigerian economy.





NIGERIAN TELEVISION AUTHORITY COLLEGE, JOS

(ESTABLISHMENT) BILL, 2022

ARRANGEMENT OF SECTIONS

1. Establishment of Nigerian Television Authority College, Jos
2. Objectives of the College.
3. Board of Governors of the College
  - \* Membership of the Board
  - \* Meetings of the Board
4. Rector of the College
5. Office of the Registrar
6. Other Principal Officers of the College
7. Procurement and Execution of Contracts
8. Staff of the College
9. Secretary of College.

*Financial Provisions*

10. Funds of the College
11. Borrowing Powers
12. Moneys to be paid into Bank Account of the College
13. Accounts and Audit.
14. Financial Year of the College
15. Annual Report, Etc.

*Miscellaneous and supplementary Provisions*

16. Regulations
17. Exemptions
18. Interpretation
20. Citation



FOR

*Sponsored by Senator Istifanus Dung Gyang*

[ ] Commencement

Establishment  
of Nigerian  
Television Authority  
College, Jos

## Objectives of the College

(1) to undertake the training of broadcasters, Engineers / technologists, Journalists, Content Producers, Information and Communication technologists, Broadcast and Communication Managers in Nigeria.

1 (2) to operate as a specialized Public Service Polytechnic with a  
2 mandate to award National and Higher National Diploma in relevant fields of  
3 Science, Engineering technology, Management, Mass Communication,  
4 Information and Communication.

5 (3) to train television producers, television broadcasters, television  
6 engineering, television journalism and Mass Communication (Television) on  
7 national and international basis; and

8 (4) to organize classes, lectures, seminars, demonstrations,  
9 experiments, researches and practical training in all aspects of television  
10 production and other related matters.

Governing Board  
of the College

11 3.-(1) The governing body of the College shall be the Board of  
12 Governors referred to in this Bill as the "Board".

13 (2) Membership of the Board shall consist of-

14 (a) a Chairman;

15 (b) the Rector of the College;

16 (c) a representative of the Minister, Federal Ministry of Information;

17 (d) a representative of the Minister, Federal Ministry of Education;

18 (e) a representative of the Director-General, Nigerian Television  
19 Authority;

20 (f) a representative of the Director-General, National Broadcasting  
21 Commission;

22 (g) one person of standing in the community where the College is  
23 situate;

24 (3) The Chairman of the Board shall be appointed by the Honorable  
25 Minister in accordance with this Bill.

26 (4) The term of office of members of the Board other than the Rector  
27 shall be three years.

28 (5) A member of the Board shall, at the expiration of his term of office,  
29 be eligible for re-appointment for another term of three years and no more.

30 (6) Members of the Board other than the Rector shall be paid such

1 traveling and other allowances as may be determined by the Board.

2 (7) The Chairman or any member of the Board other than the  
3 Rector may resign his office by writing addressed to the Honorable Minister  
4 of Information and any such person may vacate office where:

5 (a) he is adjudged to be a person of unsound mind;

6 (b) he is declared insolvent or bankrupt; or

7 (c) he has been sentenced to death or to a term of imprisonment  
8 exceeding twelve months without the option of a fine or has been convicted  
9 of an offence involving dishonesty or moral turpitude and in each case has  
10 not been granted free pardon.

11 (8) The person appointed to fill a vacancy created by resignation or  
12 removal from office of a member shall hold office for the unexpired period  
13 of such member.

14 (9) Subject to the provisions of this Bill, where a member of the  
15 Board is incapacitated by absence from Nigeria or illness or any other  
16 sufficient cause from performing the duties of his office, the Honorable  
17 Minister may on the advice of the Board appoint another person to hold  
18 office in his place until the expiration of the term of office of such member.

19 4.-(1) The Board shall meet once a month but may be summoned to  
20 transact any extraordinary business on a particular date at the request of the  
21 Chairman or three members of the Board and such a request shall be made to  
22 the Rector in writing with a summary of the business to be transacted at least  
23 seven days before that date.

Meetings of the  
Board

24 (2) At every meeting of the Board at which he is present, the  
25 Chairman shall preside, and in his absence, a member of the Board  
26 appointed by the members present from among themselves, shall preside.

27 (3) The quorum for any meeting of the Board shall be four.

28 (4) Every question before a meeting of the Board shall be  
29 determined by a simple majority of the members present and voting.

1 (5) At any meeting of the Board, the Chairman thereof shall have a  
2 casting vote.

3 (6) The validity of any proceedings of the Board shall not be affected  
4 by any vacancy among its members or by any defect in the appointment of any  
5 of them.

6 (7) Any member of the Board who has any interest in a contract  
7 proposed to be made with the College shall disclose the nature of his interest to  
8 the Board and shall, unless the Board otherwise directs, be disqualified from  
9 participating in any deliberations of the Board on the said contract and shall in  
10 any case be disqualified from voting in any decision of the Board on such  
11 contract.

12 (8) Any member of the Board who infringes the provisions of  
13 subsection (7) shall be liable to be removed from the Board.

14 (9) The Board may appoint such committees consisting of such  
15 persons (whether members of the Board or not) as it thinks fit to perform such  
16 functions as the Board may assign to them.

17 (10) The Board may, at any time, co-opt any person or persons to act  
18 as adviser or advisers at any of its meetings, so however that no person so co-  
19 opted shall be entitled to vote at any such meeting on any matter for decision by  
20 the Board.

Rector of the  
College

21 5.-(1) The College shall have a Rector who shall be the Chief  
22 Executive Officer.

23 (2) The Rector shall be appointed by the Honorable Minister on the  
24 recommendation of the Director-General, Nigerian Television Authority  
25 (NTA) in accordance with this Bill and shall hold office for a period of five  
26 years beginning with the effective date of his appointment upon such terms and  
27 conditions as may be specified in his instrument of appointment.

28 (3) The Rector may be re-appointed for a further period of five years  
29 and no more.

30 (4) Where the office of the Rector becomes vacant the Board shall

1 notify the Honorable Minister through the Director-General, Nigerian  
2 Television Authority, of the occurrence of the vacancy.

3 (5) Any vacancy in the post of Rector shall be filled in accordance  
4 with subsection (2) of this section.

5 (6) Where the Rector is temporarily incapacitated from the  
6 performance of his functions under this Bill, the Board may authorise the  
7 Secretary to perform those functions for the duration of the incapacity.

8 (7) The Rector shall, subject to the general control of the Board on  
9 matters of policy-

10 (a) be charged with the direction of policy, day-to-day business of  
11 the College and of its administration, organization and control of all the  
12 employees of the College; and

13 (b) ensure the maintenance of the academic standards of the  
14 College.

15 (8) For the purposes of paragraph (b) of subsection (7), the Rector  
16 shall with the approval of the Board-

17 (a) prescribe the curriculum and syllabus of the College;

18 (b) regulate the conduct of examinations and the award of  
19 certificates;

20 (c) determine the admission of students to the college; or

21 (e) discipline, suspend or dismiss for good cause any student of the  
22 College.

23 **6.-(1) A Registrar-**

Office of the  
Registrar

24 (a) shall hold office for a period of four years beginning from the  
25 effective date of his appointment and on such terms and conditions as may  
26 be specified in the letter of his appointment; and

27 (b) may be re-appointed for one further period of four years and no  
28 more.

29 (2) Where on the commencement of this section, a Registrar has  
30 held office-



Other Principal  
Officers of the  
College

1 (a) for four years or less, he shall be deemed to be serving his first term  
2 of office and may be re-appointed for a further term of four years;

3 (b) for more than four years but less than eight years, he shall  
4 complete the maximum period of eight years and thereafter relinquish his post  
5 and be assigned other duties in the College;

6 (c) for eight years or more, the College may allow him to serve as  
7 Registrar for a further period of one year only and thereafter he shall relinquish  
8 his post and be assigned other duties in the College.

9 7.-(1) There shall be for this College the following other principal  
10 officers in addition to the Registrar, that is-

11 (a) the Bursar; and

12 (b) the College Librarian, who shall be appointed by the Rector on the  
13 recommendation of the Board, constituted under section 3 (1) of this Bill.

14 (2) The Bursar shall be the Chief Financial Officer of the College and  
15 be responsible to the Rector for the day to day administration and control of the  
16 financial affairs of the College.

17 (3) The College Librarian shall be responsible to the Rector for the  
18 administration of the College library and the co-ordination of the library  
19 services in the teaching units of the College.

20 (4) The Bursar or Librarian-

21 (a) shall hold office for a period of three years in the first instance and  
22 on such terms and conditions as may be specified in his letter of appointment;

23 (b) may be re-appointed for a further period of three years and no  
24 more.

25 (5) Where on the commencement of this section, a Bursar or Librarian  
26 has held office-

27 (a) for three years or less, he shall be deemed to be serving his first  
28 term of office and may be reappointed for a further term of three years.

29 (b) for more than three years but less than six years, he shall complete  
30 the maximum period of six years and thereafter relinquish his post and be

1 assigned other duties in the College;

2 (c) for six years or more, the College may allow him to serve as  
3 Bursar or Librarian for a further period of one year only and thereafter he  
4 shall relinquish his post and be assigned other duties in the College.

5 **8.-(1)** The use of the seal of the College shall be authenticated by  
6 two signatures, namely- Procurement  
and Execution  
of Contracts

7 (a) the signature of the Rector and;

8 (b) the signature of the Secretary or some other officer of the  
9 College authorised by the Board to act in the Secretary's place for that  
10 purpose.

11 (2) The College may by instrument in writing under its common  
12 seal empower any person generally or in respect of any specified matters as  
13 its attorney, to execute deeds on its behalf in any place situated in Nigeria or  
14 abroad; and every deed signed by such attorney on behalf of the College and  
15 under his seal, shall be binding on the College and have the same effect as if  
16 it were under the common seal of the College.

17 (3) Any instrument or contract which, if executed or entered into by  
18 a person other than a body corporate would not be required to be under seal,  
19 may be executed or entered into on behalf of the College by the Rector or any  
20 member of the Board if such person has previously been authorised by a  
21 resolution of the Board to execute or enter into that particular instrument or  
22 contract:

23 Provided that where the College thinks fit, it may by writing under  
24 its common seal appoint any person in Nigeria or abroad as agent to execute  
25 or enter into the instrument or contract and the instrument or contract if  
26 executed or entered into on behalf of the College shall have effect as if it had  
27 been duly executed or entered into as prescribed for the purposes of this  
28 subsection.

29 (4) Every document purporting to be an instrument executed or  
30 issued by or on behalf of the College and to be-

Staff of the  
College

1 (a) sealed with the common seal of the College authenticated in the  
2 manner provided by subsection (1) of this section;

3 (b) signed by and under the seal of a person appointed as attorney  
4 under subsection (2) of this section; or

5 © signed by the Rector shall be deemed to be so executed or issued  
6 until the contrary is shown.

7 **9.-(1)** The College may from time to time engage such employees as  
8 may be necessary for the proper and efficient conduct of the business and  
9 functions of the College.

10 (2) The College may also engage the services of such consultants and  
11 specialists on such terms and conditions as the Board may determine upon the  
12 recommendations of the Rector.

13 (3) The Board shall in consultation with the standing Appointments  
14 and Promotions Panel in every Academic Unit of the College be responsible for  
15 the appointment and promotion of employees of the College.

16 (4) The Board acting on the recommendation of the Rector shall be  
17 responsible for the discipline and removal of the employees of the College.

18 (5) The terms and conditions of service of the teaching staff of the  
19 College shall be determined by the Board.

20 (6) The Board may delegate to the Rector the power to appoint,  
21 promote, discipline or remove such employees of the College as the Board may  
22 determine.

23 (7) Staff of Nigerian Television Authority (NTA) may be transferred  
24 or seconded to the College or may otherwise give assistance of their expertise  
25 to the College.

26 (8) Staff of Nigerian Television Authority (NTA) so transferred or  
27 seconded may be appointed at that point in the salary scale of the College which  
28 approximates as closely as possible to the point in the salary scale applicable to  
29 employees of the College of a similar class, category or description.

30 (9) If a Staff of Nigerian Television Authority (NTA) is seconded to

1 the service of the College such officer shall continue to be eligible for  
2 consideration for promotion in the service from which such staff was  
3 seconded.

4 (10) If a Staff of Nigerian Television Authority (NTA) eligible to  
5 receive on retirement a pension is seconded to the service of the College-

6 (a) the period during which he serves with the College shall for the  
7 purposes of computation of the time and amount of pension under any  
8 enactment relating to pensions for the time being applicable to him, be  
9 deemed to be service in a pensionable office; and

10 (b) the amount of such pension shall be calculated on the basis of  
11 the emoluments applicable at the time of his retirement to the post held by  
12 him in the service from which he was seconded.

13 (11) Any person who immediately before the coming into  
14 operation of this Bill was a member of the teaching staff or an employee of  
15 the College as formerly existing shall continue to be such a member or  
16 employee of the College subject to the provisions of this Bill.

17 **10.-(1)** The College shall have a Secretary who shall be appointed  
18 by the Board on such terms and conditions as may be determined by the  
19 Board.

Secretary of  
College

20 (2) The Secretary shall act as Secretary to the Board and shall,  
21 subject to the directions of the Board, arrange the business for and cause to  
22 be recorded and keep minutes of all meetings of the Board.

23 (3) The Secretary shall also perform such functions as the Board  
24 may by writing, direct.

25 (4) The Secretary shall assist the Rector in the day-to-day  
26 administration of the College.

27 (5) The Secretary shall be assisted in his functions by such staff of  
28 the College as the Board may on the recommendation of the Rector, direct.

29 **11.** The funds of the College shall consist of-

Funds of the  
College

30 (1) moneys appropriated by the Federal Government for the

1 purposes of the College;

2 (2) all moneys paid to the College by way of grants, subsidies,  
3 donations, gifts, fees, subscriptions, rents, interest or royalties;

4 (3) all moneys derived from the sale of any property held by or on  
5 behalf of the College; and

6 (4) all accumulations of income derived from any property or money  
7 held by or on behalf of the College.

Borrowing  
Powers

8 **12.**-(1) The College may obtain loans and other credit facilities, on the  
9 guarantee of the Federal Government from such banks, other financial  
10 institutions, local authority or persons as the Minister responsible for Finance  
11 may approve.

12 (2) The College may charge its assets, undertakings and income with  
13 the repayment of any money borrowed together with interest thereof and may  
14 do all such other things necessary in connection with or incidental to such  
15 borrowing.

Moneys to be  
paid into Bank  
Account of the  
College

16 **13.**-(1) All moneys received for or on behalf of the College by any  
17 officer or employee of the College shall as soon as practicable after receipt  
18 thereof be paid into such bank account as the Board may direct.

19 (2) No money shall be withdrawn from the bank account of the  
20 College except by cheque signed by an officer or employee of the College  
21 authorised for the purpose by the Board and counter-signed by the Rector or  
22 Secretary; or approved electronic transfer by the Board.

Accounts and  
Audit

23 **14.**-(1) The College shall keep proper books of account and proper  
24 records in relation thereto and the account books and records of the College  
25 shall be in such form as the Auditor General of the College may approve.

26 (2) The books and accounts of the College shall within three months  
27 after the end of each financial year be audited by the Auditor-General of the  
28 College or an auditor appointed by him.

29 (3) The College shall pay in respect of such audit, such fees (if any) as  
30 the Auditor-General of the College and the Board may agree or in the case of

1 failure to agree, such fees as the Rector may prescribe.

2 (4) It shall be the duty of the Board as soon as possible after  
3 receiving the report of the Auditor-General of the College under this section  
4 to forward a copy of such report to the Honorable Minister through the  
5 Director-General, Nigerian Television Authority.

6 (5) The Director-General, Nigerian Television Authority (NTA)  
7 shall as soon as practicable upon receipt thereof, cause to be laid before the  
8 Honorable Minister a copy of the Auditor General's report forwarded to him  
9 under this section.

10 **15.**-(1) The College's financial year shall be the period of twelve  
11 months commencing on 1st January and ending on 31st December in each  
12 year.(2) For the purpose of this section the period extending from the  
13 commencement of this Bill to the 31st day of December, 2017 shall be  
14 deemed to be a financial year.

Financial Year  
of the College

15 **16.**-(1) The Rector shall, as soon as possible after the expiration of  
16 each academic year but within three months after the termination of that  
17 year, submit to the Board an annual report dealing generally with the  
18 activities and operations of the College, including a statement of account for  
19 the preceding financial year.

Annual Report,  
Etc.

20 (2) The Board shall, as soon as practicable after the receipt of the  
21 Rector's annual report referred to in subsection (1) of this section, forward it  
22 to the Honorable Minister through the Director-General, Nigerian  
23 Television Authority (NTA).

24 (3) The Director-General, Nigerian Television Authority (NTA)  
25 shall forward a copy of every such annual report before the Honorable  
26 Minister.

27 **17.**-(1) The College shall be exempted from the payment of such  
28 taxes and duties as the Minister responsible for Finance may in writing  
29 approve.

Exemptions

Interpretation	1	<b>18.</b> In this Bill, unless the context otherwise requires:
	2	"academic year" means a period of nine months commencing in October and
	3	ending in June;
	4	"Minister" means the Honorable Minister of Information, Federal Ministry of
	5	Information and Culture;
	6	"Rector" means Rector of the College;
	7	"Secretary" means Secretary of the College;
	8	"Registrar" means Registrar of the College;
	9	"Librarian or Bursar" means Librarian or Bursar of the College.
Citation	10	<b>19.</b> This Bill may be cited as the Nigerian Television Authority
	11	College, Jos (Establishment) Bill, 2022.

## EXPLANATORY MEMORANDUM

This Bill seeks establish the Nigerian Television Authority College, Jos and to undertake the training of broadcasters, Engineers/technologists, Journalists, Content Producers, Information and Communication technologists, Broadcast and Communication Managers in Nigeria.