

# A BILL

## FOR

AN ACT TO AMEND THE NIGERIAN INVESTMENT PROMOTION COMMISSION ACT, CAP. N 117 LAWS OF THE FEDERATION OF NIGERIA 2004 TO RESERVE CERTAIN KINDS OF RETAIL BUSINESSES FOR NIGERIANS SO AS TO ENHANCE WEALTH CREATION AND GENERATE EMPLOYMENT FOR NIGERIANS, AND TO STIPULATE CONDITIONS FOR FOREIGNER'S PARTICIPATION THEREOF AND, FOR OTHER MATTERS CONNECTED THEREWITH.

*Sponsored by Hon. Mohammed Ogoshi Onawo*

[ ] Commencement

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

- 1           1. The Nigerian Investment Promotion Commission Act, Amendment of  
2           Cap.N117 LFN 2004 (in this Bill referred to as "*the principal Act*") is Cap. N117 LFN,  
3           amended as set out in this Bill. 2004
- 4           2. Section 17 of the Principal Act is amended by substituting for Amendment of  
5           the existing Section 17 a new Section "17". Section 17
- 6           "17. The enterprises specified in the Second Schedule are reserved  
7           for Nigerians and shall not be undertaken by a non-Nigerian."
- 8           3. Section 19 of the Principal Act is amended by substituting for Amendment of  
9           the existing Section 19 a new Section "19". Section 19
- 10          "19. ( 1) Subject to the provisions of Sections 17,18 and any other  
11          law, a non-Nigerian may invest and participate in the operation of any  
12          enterprise in Nigeria;
- 13          (2) An enterprise in which foreign participation is permitted in  
14          Sub- section (1) of this Section, shall not commence business, except:  
15          (a) it is incorporated or registered under the Companies and Allied  
16          Matters Act;

1 (b) obtained such licence, lease, permit or any other approval as may  
2 be required for the establishment and operation of the enterprise,

3 (c) in case of a joint enterprise with a Nigerian partner;

4 (d) if the enterprise is wholly owned by a foreigner there is an  
5 investment of a capital of not less than N500,000,000 (Fifty Million) or its  
6 equivalent worth in capital goods.

7 (3) Notwithstanding the provisions of Sub-section (2) of this Section,  
8 in case of a trading enterprise involving only the purchasing and selling of  
9 goods which is wholly or partly owned by a person who is not a Nigerian, there  
10 shall be:

11 (a) an investment of foreign capital or its equivalent in goods worth at  
12 least US\$500,000,000 by way of equity capital;

13 (b) at least fifteen Nigerians under the employment of the enterprise  
14 amongst which shall be 30% Senior and Management Staff“.

Introducing  
Second Schedule

15 4. The Principal Act is amended by introducing a second schedule  
16 thereto:

Citation

17 5. This Bill may be cited as the Nigerian Investment Promotion  
18 Commission (Amendment) Bill, 2015.

19 SECOND SCHEDULE

20 (Section 17)

21 ENTERPRISES WHOLLY RESERVED FOR NIGERIANS.

22 The sale of anything whatsoever in an open market, petty trading, hawking or  
23 selling from a kiosk.

24 (2) Operation of taxi services and car hire service. (A non-Nigerian  
25 may undertake this service where there is a minimum fleet of ten new  
26 Vehicles.)

27 (3) Service of artisan, Mason, Bricklayers, Iron benders, Welders,  
28 and Bakeries.

## EXPLANATORY MEMORANDUM

This Bill seeks to amend the Nigerian Investment Promotion Commission Act, Cap. N117. LFN, 2004 to reserve certain kinds of retail businesses for Nigerians and stipulates conditions for foreigners seeking to undertake such enterprises so as to create more wealth and create job opportunities for Nigerians.

