

A BILL

FOR

AN ACT TO AMEND THE PRICE CONTROL ACT, PRESCRIBE STIFFER PENALTIES AND TO MAKE BETTER PROVISIONS FOR ITS IMPLEMENTATION

Sponsored by Hon. Gabriel Onyenwufe

[] Commencement

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

- 1 The Price Control Act, 1977 (hereinafter referred to as "the
- 2 Principal Act") is hereby amended as set out in this Act. Amendment of the Price Control Act, 1977
- 3 *Constitution, etc. of Price Control Board and Committee*
- 4 1. Section 1 of the Principal Act is amended by deleting the
- 5 existing Section 1 and substituting therefore, the following new Section 1,
- 6 that is - Amendment of Section 1, Price Control Board
- 7 "(1) There shall be a Price Control Board, which shall consist of-
- 8 (a) The Permanent Secretary, Federal Ministry of Industry, Trade
- 9 and Investment who shall be the Chairman and Chief Price Controller;
- 10 (b) The Chairman, National Salaries, Income and Wages
- 11 Commission or his representative;
- 12 (c) The Statistician-General of the Federation or his representative;
- 13 (d) The Director General, Standards Organization of Nigeria or his
- 14 representative;
- 15 (e) The Director-General, Consumer Protection Council or his
- 16 representative;
- 17 (f) The Director-General, Small and Medium Enterprises
- 18 Development Agency of Nigeria or his representative;
- 19 (g) A representative from each of the following-
- 20 (i) Manufacturers Association of Nigeria;
- 21 (ii) Market Traders Association; and

1 (iii) Farmers Association of Nigeria.

2 (h) A person of proven character and integrity from each of the six
3 geopolitical zones of the Federation to be appointed by the President.

4 (2) The members of the Board under paragraphs (g) and (h) of
5 subsection (1) of this section shall be appointed by the President on the
6 recommendation of the Minister and shall hold office for a period of four years
7 and no more.

8 (3) There shall be a Secretary to the Board who shall be a public
9 officer not below the rank of a Director in the Federal Ministry of Industry,
10 Trade and Investment."

Insertion of a
new Section 1A:
Functions of the
Board

11 2. The Functions of the Board shall include:

12 (a) Fixing and regulating prices of controlled commodities;

13 (b) Enlightenment and sensitization of the general public from time to
14 time on development in productivity, supply, distribution and prices of basic
15 necessities, commodities and other provisions of the Act;

16 (c) Enforcement and the due administration of the Act;

17 (d) Investigation and prosecution of offenders under the Act;

18 (e) Monitoring and evaluation of the level of compliance of the
19 provisions of the Act;

20 (f) Advise the President on general policy matters for promotion and
21 improvement in productivity, distribution and stabilization of prices of
22 commodities;

23 (g) Report to the President through the Minister the status and
24 progress of the programmes, projects and measures undertaken by the Board;
25 and

26 (h) Carry out such other activities as are incidental to the discharge of
27 its functions under this Act.

Amendment of
Section 2:
price Control
Committees

28 3.-(ii) Section 2 (3) of the Principal Act is amended by substituting the
29 word "Commerce" with the words "Industry, Trade and Investment," that is -

30 "(3) the representative in the state of the Federal Ministry of Industry

1 Trade and Investments shall be the Secretary to the Committee".

2 4. Section 3(2) of the Principal Act is amended by substituting the
3 words "as the Minister may decide" with the words "as prescribed by the
4 Revenue Mobilisation, Allocation and Fiscal Commission," that is-

Amendment of
Section 3:
Provisions
supplemental to
Section 1 and 2

5 "(2) there may be paid to the members of the Board or any
6 committee, not being members who are public officers, such remuneration
7 and allowances (if any) as prescribed by the Revenue Mobilisation,
8 Allocation and Fiscal Commission".

9 5. Section 6 of the Principal Act is amended-

10 (i) in subsection 6(2)(a)(i) by substituting the words "not less than
11 N200 and not more than N2000" with the word "N50,000" and substituting
12 the words "not less than six months" with the words "one year" that is -

Amendment of
Section 6:
Prohibition of
sale above
controlled price

13 "in the case of a retailer, be liable to a fine of N50,000 or to imprisonment for
14 one year or to both such fine and imprisonment;" and

15 (ii) in subsection 6(2)(a)(ii) by substituting the words "not less than
16 N1,000 and not more than N10,000" with the words "N100,000" and the
17 words "not less than twelve months" with the words "two years" that is -

18 "in the case of a manufacturer, wholesaler or major distributor, be liable to a
19 fine of N100,000 or to imprisonment for two years, or to both such fine and
20 imprisonment; and"

21 (iii) by substituting the existing subsection (2) (b) with a new
22 subsection (2) (b), that is-

23 "2(b) the amount sold in excess of the controlled price shall be
24 liable to forfeiture and the court shall make an order for such forfeiture and
25 payment of the amount into the Consolidated Revenue Fund of the
26 Federation."

27 (iv) by deleting the existing subsections (3) and (4).

28 (iv) By substituting the existing subsection (5) with a new
29 subsection and re-numbering it as a new subsection (3), that is -

30 "(3) For the purpose of subsection (1) of this section where any on

1 person employed by another to sell any controlled commodity is proved to
 2 have sold the commodity at any price which exceeds the controlled price, the
 3 employer of that person shall be deemed to have employed that other person to
 4 sell the commodity concerned at the price at which it was in fact sold;

5 Provided that it shall be a defence for such employer if he proves that-

6 (a) He did not instruct the agent to sell the commodity above the
 7 controlled price; or

8 (b) If he did not ratify or approve such act of the agent's sale of the
 9 commodity above the controlled price; or

10 (c) If he did not benefit from the proceed of such sale."

Amendment of
 Section 7:
 Hoarding

11 6. Section 7 of the Principal Act is amended-

12 (i) by inserting a new subsection (1A); that is -

13 "(1A) For the purpose of subsection 1 of this section, it shall be a
 14 defence for the employer if he proves that-

15 (a) He did not instruct the agent to commit such act; or

16 (b) If he did not ratify or approve such act of the agent; or

17 (c) If he did not benefit from the proceed of such sale."

18 (ii) in subsection (4) (a) (i) by substituting the words "not less than six
 19 months without the option of fine" with the words "one year, or to a fine of
 20 N400,000" that is-

21 "(4)(a)(i) in the case of an individual, be sentenced to imprisonment
 22 for one year, or to a fine of N250,000".

23 (iii) in subsection (4)(a)(ii) by substituting the words "not less than
 24 N5,000" with the word "N800,000"; that is-

25 "(4)(a)(ii) in the case of a body corporate be sentenced to a fine of
 26 N800,000"

27 (iv) By deleting subsection (6) thereof.

Amendment of
 Section 8: Resale
 Price Maintenance

28 7. Section 8 of the Principal Act is amended:

29 (i) in subsection (4)(A)(i) by substituting the words "not less than
 30 N200 or to imprisonment for not less than six months" with the words

1 "N1000,000 or to imprisonment for 2 years" that is-

2 "(4)(a)(i) in the case of a retailer, be liable to a fine of N100,000 or
3 to imprisonment for 2 years or to both such fine and imprisonment; and"

4 "(ii) in subsection (4)(a)(ii) by substituting the words "not less than
5 N1,000 or to imprisonment for not less than twelve months" with the words
6 "N100,000 or to imprisonment for 2 years that is-

7 "(4)(a)(ii) in the case of a wholesaler, be liable to fine of N100,000
8 or to imprisonment for 2 years or to both such fine and imprisonment; and"

9 "(iii) by deleting subsection (6) thereof.

10 8. Section 10(2) of the Principal Act is amended by substituting the
11 words "not less than N200" with the words "N100,000" that is-

12 "10(2) Any person who -

13 (a) Refuses or neglects to give any information which the Board
14 may require pursuant to subsection (1) of this section or which may be
15 required by an inspector under subsection (4)(c) of Section 9 of this Act; or

16 (b) In respect of the request makes any statement which he knows
17 to be false or which he has no reason to believe to be true,

18 Shall be guilty of an offence and shall on conviction be liable to a fine of
19 N100,000.00 or imprisonment for not less than six months."

20 9. Section 12 of the Principal Act is amended-

21 (i) in subsection (2)(b)(ii) by substituting the words "twelve
22 weeks" with the words "three months" that is-

23 "(2)(b)(ii) may make a second or further appeal to the committee in
24 respect of the same matter if more than three months have passed since a
25 previous appeal; and "

26 (ii) in subsection 5 by substituting the word "not less than N5,000
27 with the word "N300,000" and the words "not less than two years" with the
28 words "one year" that is -

29 "(5) any person who knowingly and without reasonable excuse
30 breaks a seal affixed under subsection (1) of this section shall be guilty of an

Amendment of
Section 10: Duty
to furnish
information to the
Board; Penalty

Amendment of
Section 12:
Requisition and
Sealing of Premises

	1	offence and on conviction shall be liable to a fine of N300,000 or to
	2	imprisonment for one year."
Amendment of Section 13: Court Order Preventing Habitual Offender from carrying on business concerning controlled commodity	3	10. Section 13(2) of the Principal Act is amended by substituting the
	4	words "not less than N2,000 or to imprisonment for not less than three years"
	5	with the words "N200,000 or to imprisonment for two years" that is-
	6	"(2) if any person contravenes any provision of an order made under
	7	subsection (1) of this section, he shall be guilty of an offence and on conviction
	8	shall be liable to a fine of N200,000 or to imprisonment to two years".
Amendment of Section 15: Trial of Offences	9	11. Section 15 of the Principal Act is amended by deleting the
	10	existing section 15 and substituting it with a new section 15, that is-
	11	"15 Offences under this Act shall be tried summarily by the Court."
Amendment of Section 16: Exclusion of Personal Liability	12	12. Section 16 of the Principal Act is amended by deleting the words
	13	"or in purported pursuance" that is-
	14	"16 No personal liability in respect of any act done in good faith and in
	15	execution of his official duties in pursuance of this Act shall be incurred by any
	16	member of the Board or a committee, the Chief Price controller, the State Price
	17	Controller, any Inspector or any Police Officer".
Amendment of Section 17: Regulations	18	13. Section 17(b) of the Principal Act is amended by substituting the
	19	word "N200 with the word N100,000 and the words "six months" with the
	20	words "one year" that is -
	21	"(b) Prescribing penalties not exceeding a fine of N100,000 or
	22	imprisonment for one year for any contravention of the regulations".
Amendment of Section 18: Interpretation	23	14. Section 18 of the Principal Act is amended by redefining the
	24	words 'Court' and 'Minister' that is-
	25	"Court" means Federal High Court, High court of a State, High Court
	26	of the Federal Capital Territory, or Magistrate Court.
Short Title	27	15. This Bill may be cited as the Price control Act (Amendment) Bill,
	28	2015.
Amendment of the first schedule	29	16. The first schedule of the Principal Act is hereby amended by ting

- 1 deleting the existing list and substituting thereof a new list in the schedule,
2 that is-

SCHEDULE

FIRST SCHEDULE

[L.N.22 of 1979. Section 4]

Controlled Commodities

1. Bicycles, tricycles and spare parts
2. Flour
3. Matches
4. Milk
5. Motorcycles and spare parts
6. Motor vehicles and spare parts
7. Salt
8. Sugar
9. Books and stationeries
10. Fertilizer
11. Rice
12. Grains
13. Cereals
14. Electrical/electronic equipment
15. Computers and computer accessories
16. Cement

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Price Control Act, prescribe stiffer penalties and to make better provisions for its implementation.