

A BILL

FOR

AN ACT TO ESTABLISH WEIGHTS AND MEASURES COUNCIL FOR RETAIL
COMMODITIES, TO MAKE PROVISION FOR MONITORING, AND
IMPLEMENTATION OF STANDARDISED MEASURES OF CONSUMABLE
PRODUCTS AND FOR RELATED MATTERS

Sponsored by Hon. Abdulraheem Olajide Jimoh

[] Commencement

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

PART 1 - PURPOSE, APPLICATION AND SCOPE OF THE BILL

- 1 1. The purpose of this Bill is to:
- 2 (a) Establish Weights and Measures Retail Commodities Council;
- 3 (b) Protect consumers and business by ensuring that equity
- 4 prevails in all commercial transactions involving determinations of
- 5 quantity;
- 6 (c) Protect consumers from overcharges and poor quality;
- 7 (d) Provide standard for retail commodities so as to discourage
- 8 unfair and dishonest commerce;
- 9 (e) Adopt rules and regulations to help eliminate fraud and
- 10 misrepresentations in commercial transactions.

PART II - ESTABLISHMENT AND COMPOSITION OF THE WEIGHTS AND MEASURES RETAIL COMMODITIES COUNCIL

- 13 2.-(1) There is established a council to be known as the Weights and
- 14 Measures Retail Commodities Council (in this Bill referred to as "the
- 15 Council").
- 16 (2) The Council shall be a body corporate with:
- 17 (a) Perpetual succession;
- 18 (b) A common seal; and

Establishment of
the Weights and
Measures Retail
Commodities
Council

1 (c) Power to sue and be sued in its corporate name.

2 3. The Council shall consist of:

3 (a) A chairman to be appointed by the president on the
4 recommendation of the minister;

5 (b) One person to represent each of the states of the Federation on the
6 recommendation of the Governor of the state; and

7 (c) Four persons to represent the following Federal Ministries:

8 (i) Trade and Industry;

9 (ii) Agriculture;

10 (iii) Health.

11 4. The chairman and members of the council other than ex-office
12 members shall each hold office for a period of three years (3yrs) and shall be
13 eligible for re-appointment for one further term only.

14 5. A member of the Council, other than an ex-office member may
15 resign his appointment by a letter under his hand addressed to the president.

16 6. Notwithstanding the provision of subsections (3) and (4) of this
17 act, the president may at any time, remove any member of the council from
18 office if he is of the opinion that it is not in the national interest or in the interest
19 of the council for such member to continue in office and shall cause such
20 member to be notified to that effect.

21 7. Where the council is of the opinion that the continued presence of
22 any member is not in the national interest or the interest of the council, it may
23 recommend to the president through the minister that the member concerned be
24 removed from office.

Functions of
the Council

25 8. The Council shall:

26 (a) Ensure the use of scale for the measurement of commodities to
27 consumers;

28 (b) Seek ways and means to ensure standardized measurement of
29 commodities in all the markets;

30 (c) Publish from time to time, list of products and approved

- 1 standardized measures by the Federal Government;
- 2 (d) Organize and undertake campaigns and other forms of
3 activities that will lead to increased public consumer awareness;
- 4 (e) Encourage trade, industry and professional associations to
5 develop and enforce in their various fields quality standards designed to
6 safeguard the interest of consumers;
- 7 (f) Issue guidelines to farmers, wholesalers and retailers in relation
8 to their obligation under this Act;
- 9 (g) Encourage the formation of voluntary consumer groups or
10 association for consumers well-being;
- 11 (h) Encourage the adoption of appropriate measures to ensure that
12 commodities are measured with scales for intended consumers; and
- 13 (i) Perform such other functions as may be imposed to the Council
14 pursuant to this Act.
- 15 **9.** In the exercise of its functions under this Act, the Council shall
16 have power to:
- 17 (a) Compel a producer to certify that all standardized
18 measurements of their commodities are met;
- 19 (b) Cause, as it deems necessary, quantity test to be conducted on
20 consumer products;
- 21 (c) Ban the use of illegal scale for the measurement of
22 commodities; and
- 23 (d) Compel dealers in commodities, to make use of scales for the
24 measurement of produce.
- 25 **10.-(1)** Subject to this Act and to section 27 of the interpretation
26 Act, the Council may make standing orders regulating the proceedings of
27 the Council.
- 28 (2) (a) The Council shall meet not less than four times (4) in each
29 year and shall meet whenever it is summoned by the chairman; and if the
30 chairman is required to do so by notice given to him by not less than nine

Additional
Powers

Proceedings of
the Council

1 other members, he shall summon a meeting of the Council to be held within
2 fourteen days from the date on which the notice is given;

3 (b) At any meeting of the Council the Chairman shall preside; but if he
4 is absent, the members present at the meeting shall appoint one of their
5 members to preside at the meeting;

6 (c) Where the Council desires to obtain the advice of any person on a
7 particular matter, the Council may co-opt him as a member for such period as it
8 thinks fit, but a person who is a member by virtue of this sub-section shall not
9 be entitled to vote at any meeting of the Council and shall not count towards the
10 quorum;

11 (d) Notwithstanding anything in the foregoing provisions of this
12 subsection, the first meeting of the Council shall be summoned by the Minister.

13 (3) The quorum of the Council shall be the Chairman and ten other
14 members, and the quorum of any committee of the Council shall be determined
15 by the Council.

16 (4) (a) The Council may appoint one or more committees to carry out
17 on behalf of the Council such of its functions as the Council may determine;

18 (b) A committee appointed under the section shall consist of such
19 number of persons (not necessarily all members of the Council) as may be
20 determined by the Council; and a person other than a member of the Council
21 shall hold office on the committee in accordance with the terms of his
22 appointment;

23 (c) A decision of the committee of the Council shall be of no effect
24 until it is confirmed by the Council.

25 (5) The fixing of the seal of the Council shall be of no effect until it is
26 confirmed by the Council.

27 (6) Members of the Council other than ex-office members shall be
28 paid out of money at the disposal of the Council, such remuneration, fees or
29 allowance in accordance with such scales as may be approved by the
30 minister;

1 (7) The validity of any proceedings of the Councilor of a
2 committee shall not be affected by any vacancy in the membership of the
3 Councilor of a committee, or by reason that a person not entitled to do so
4 took part in the proceedings.

5 **11.** Any member of the Council and any person holding office on a
6 committee of the Council who has a personal interest in any contract or
7 arrangement entered into or proposed to be considered by the Councilor a
8 committee shall disclose his interest to the Councilor committee and shall
9 not vote on any question relating to the contract or arrangement.

10 **12.-(1)** There shall be established to assist the Council in each state
11 of the Federation a state committee which shall, subject to the general
12 supervision of the Council, receive, investigate and act complaints from
13 consumers.

Establishment of
State Committee

14 (2) The state committee shall consist of the following persons:

15 (a) Three members to be nominated by the Governor of that state,
16 one of whom shall be the chairman of the State committee and the remaining
17 two persons to represent other diverse interests;

18 (b) Two other members to be appointed by the Minister, one of
19 whom shall be the professional officer in charge of the Ministry of
20 Commerce in the State who shall act as the secretary of the state committee.

21 (3) There shall be appointed by the Minister an officer to be
22 Secretary to the State committee and the Minister may appoint such other
23 staff as he thinks may be necessary.

24 (4) The Minister shall have power to remove from office any
25 member of the State committee.

26 (5) The state committee shall, subject to the control of the council:

Duty of State
Committee

27 (a) Receive complaint and enquires of any loss suffered or caused
28 by the traders or individual;

29 (b) Negotiate with the parties concerned and endeavor to bring
30 about a settlement; and

1 (c) Where appropriate, recommend to the council the payment of
2 compensation by the offending person to the consumer.

3 (6) Duty to Inform the Public:

4 (1) It shall be the duty of the council to inform the general public of the
5 standardized measure of commodities.

6 (2) Any person who violates the provision of subsection (1) of this
7 section commits an offence and liable on conviction to a fine of N50, 000 or
8 imprisonment for a term of 5 years (five) or both.

9 (7) Designation of Inspecting Officer:

10 (1) The council may designate as an inspector, any person (whether or
11 not a member of the public service of the Federation) who possesses such
12 qualification as may be required and shall be furnished with a certificate of
13 designation.

14 (2) An inspecting officer may, in the course of duty, at any reasonable
15 time and on production of his certificate of designation if so required:

16 (a) Enter any premises for the purpose of conducting an investigation;

17 (b) Examine the scale of any goods or products; and

18 (c) Seize and detain for such time as maybe necessary for the purposes
19 of this Act, any article or goods by means of or in relation to which he
20 reasonably believes any provision of this Act or the regulations has been
21 contravened.

22 (3) The owner or person in charge of any premises entered into by an
23 inspecting officer, and every person found there in, shall give all reasonable
24 assistance to the inspecting officer and shall make available to the inspecting
25 officer all such information as the inspecting officer may reasonably require for
26 the purposes of this Act.

27 (4) Any article or good seized under this Act shall be kept or stored in
28 such a place as the inspecting officer may direct and shall be returned to the
29 owner or the person from whom it was seized if the article or good upon
30 examination is found not to have contravened the provisions of this Act.

1 **13.** Any person who violates any order of the council or a State Penalty
 2 committee commits an offence and liable on conviction to a fine of
 3 N100,000 or imprisonment for a term of three years (3).

4 **14.**-(1) Service in the council shall be pensionable under the Pension
 5 pensions Act and accordingly, employees of the council shall, in respect of
 6 their service be entitled to such pensions, gratuities and other retirement
 7 benefits as are prescribed.

8 (2) Notwithstanding the provisions of subsection (1) of this
 9 section, nothing contained in this Act shall prevail the appointment of a
 10 person to any office on terms which preclude the grant of a person and
 11 gratuity in respect of that office.

12 (3) Subject to subsection (2) of this section, the pension Act shall,
 13 in its application by virtue of this section to any office, have effect as if the
 14 office were in the public service of the Federation within the meaning of the
 15 constitution of the Federal Republic of Nigeria.

16 **15.** The council shall establish and maintain a fund which shall Financial
 17 consist of: Provisions

18 (a) Such sum as may be provided by the Federal Government for
 19 the running of the expenses of the council;

20 (b) Such other sums as may accrue to the council either in the
 21 execution of its function under this Act or in respect of any property vested
 22 in the council;

23 (2) The council may, apply the proceeds of the fund established
 24 pursuant to this section:

25 (a) To the cost of administration of the council;

26 (b) For reimbursing members of the council or of any committee set
 27 up by the council of such expense as may be expressly authorized by the
 28 council in accordance with such rates as may be approved by the Federal
 29 Government;

30 (c) To the payment of salaries or other remuneration or allowances

1 and pensions payable to the employees of the council;

2 (d) For the maintenance of any property acquired or vested in the
3 council; and

4 (e) For and in connection with all or any of the functions of the council
5 under this Act.

6 (3) The council shall, not later than so" June in each year, submit to the
7 minister for approval its estimate of income and expenditure during the next
8 succeeding year.

Power to accept
gifts

9 **16.**-(1) The council may, with the approval of the minister accept gifts
10 of land, money and other property upon such terms and conditions if any, as
11 may be specified by the person or organization making the gifts.

12 (2) The council shall not accept any gift if the conditions attached by
13 the person or organization making the gift are incompatible with the functions
14 of the council

Borrowing
power

15 **17.**-(1) The council may, with the consent of the minister or in
16 accordance with the general guideline approved by the President, borrow, by
17 way of loan or overdraft from any source, any money required by the council
18 for meeting its obligations and discharging its functions under this Act.

19 (2) The council may invest any surplus fund of the council in such
20 securities as may be approved by the President.

Accounts and
Audit

21 **18.** The council shall keep proper account and proper records and
22 shall cause such account to be audited annually by a qualified auditor
23 appointed from the list and in accordance with the guidelines supplied by the
24 Auditor-General for the Federation.

Annual Report

25 **19.** The council shall prepare and submit to the president through the
26 minister, not later than June in each year, a report in such form as he may direct
27 on the activities of the council during the immediately preceding year and shall
28 include in such report, a copy of the audited accounts of the council for the year
29 and the Auditor-General's report.

Regulation

30 **20.** The council shall, with the approval of the minister, have power to

1 make regulations as may in its opinion be necessary or expedient for giving
2 full effect to the provisions of this Act.

3 **21.** In this Act, unless the context otherwise require:

Interpretation

4 "Chairman" means the chairman of the council;

5 "Consumer" means an individual who purchases, uses the product of
6 service;

7 "Council" means standardized measure of retail commodities;

8 "Member" any member of the council including the chairman;

9 "Minister" means minister charged with responsibility for matters relating
10 to commerce.

11 **22.** This Bill may be cited as the Weights and Measure Council for
12 Retail Commodities Bill, 2016.

Short Title

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Weights and Measures Council for Retail Commodities, to make provision for monitoring and implementation of standard measurements of consumable products in Nigeria. It also seeks to make rules and regulations to help eliminate fraud and misrepresentation in commercial transactions as well as to protect consumers from overcharges and poor quality commodities.