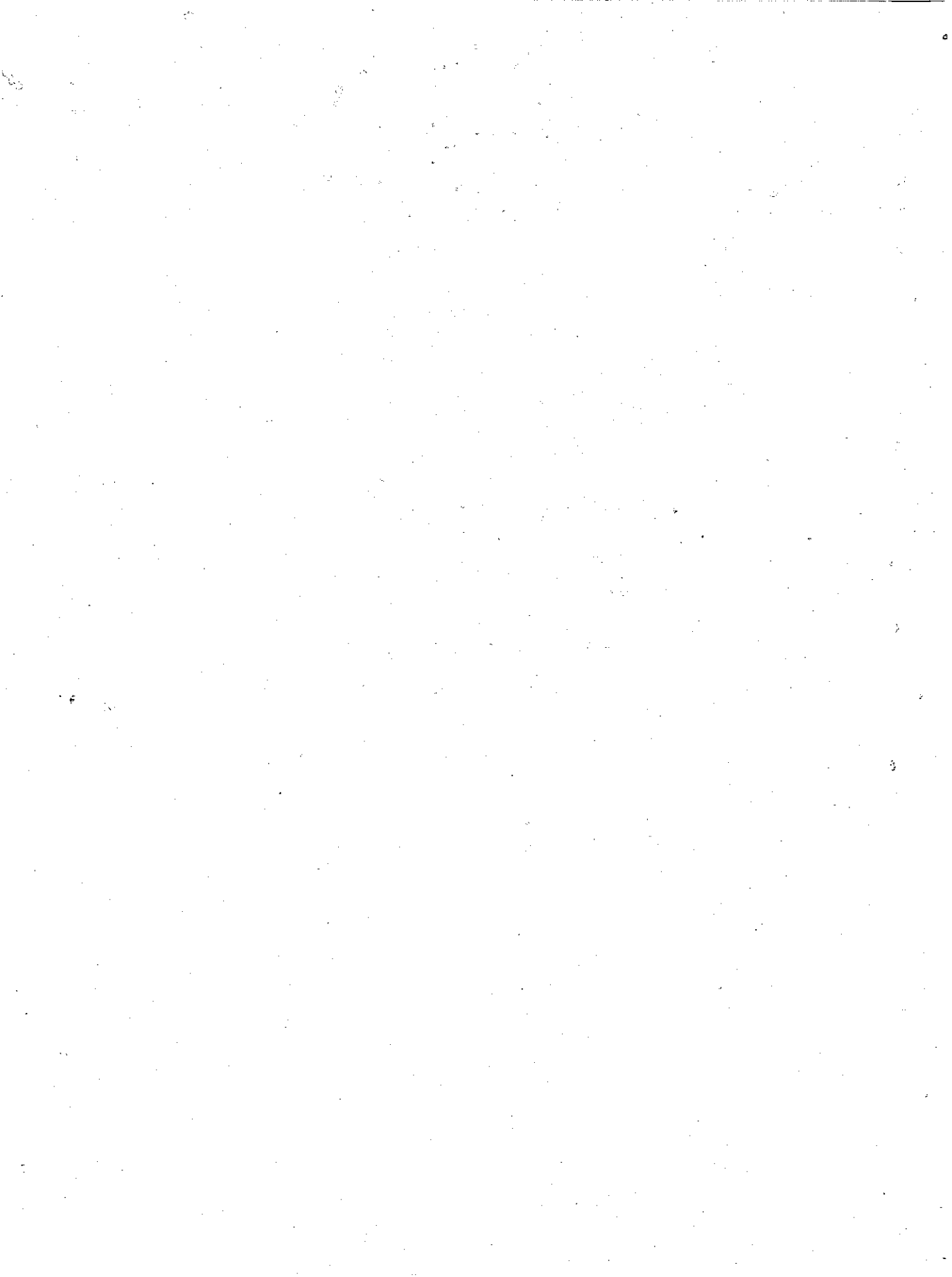


PRICE CONTROL (AMENDMENT) BILL, 2020

ARRANGEMENT OF SECTIONS

1. The Principal Act
 2. Amendment of Section 1(1)(a) of the Principal Act
 3. Deletion of Section 1(1)(b) of the Principal Act
 4. Amendment of Section 1(1)(d) of the Principal Act
 5. Section 1(1)(e) of the Principal Act
 6. Amendment of Section 1 of the Principal Act by adding new subparagraphs (i)-(l)
 7. Amendment of Section 1(2) of the Principal Act
 8. Amendment of Section 1(3) of the Principal Act
 9. Insertion of 1A of the Principal Act
 10. Amendment of Section 2 of the Principal Act
 11. Amendment of Section 3 of the Principal Act
 12. Amendment of Section 6(2) and 6(3) of the Principal Act
 13. Amendment of Section 6(4) of the Principal Act
 14. Amendment of Section 7 of the Principal Act
 15. Amendment of Section 12 of the Principal Act
 16. Amendment of Section 15 of the Principal Act
 17. Amendment of Section 16 of the Principal Act
 18. Amendment of Section 18 of the Principal Act
- Amendment of The Schedule to the Principal Act



A BILL

FOR

AN ACT TO AMEND THE PRICE CONTROL ACT CAP P28 LAWS OF
FEDERATION OF NIGERIA TO PROVIDE FOR STIFFER PENALTIES AND MAKE
BETTER PROVISIONS FOR THE IMPLEMENTATION OF THE PRICE CONTROL
REGIME IN NIGERIA AND FOR RELATED MATTERS

Sponsored by Hon. Taiwo Ohukemi Ohuga

[] Commencement

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

1 1. The Price Control Act Cap P28 Laws of Federation of Nigeria
2 2011 is in this Bill referred to as the (" Principal Act") and it is hereby
3 amended as follows: Amendment of
the Principal Act

4 2. Section 1 of the Principal Act is hereby amended by amending
5 paragraph a of subsection 1 by replacing Federal Ministry of Commerce
6 with Federal Ministry of Industry, Trade and Investment and it shall read as
7 follows: Amendment of
Section 1

8 "1(1)(a) the Permanent Secretary, Federal Ministry of Industry,
9 Trade and Investment;"

10 3. Section 1 of the Principal Act is further amended by deleting
11 subsection 1(1)(b) completely.

12 4. Section 1 of the Principal Act is further amended by amending
13 paragraph d of subsection 1 to include a representative of the Chief
14 Statistician of the Federation and it shall read as follows:

15 "1(1)(d) the Chief Statistician of the Federation or is
16 representative".

17 5. Section 1 of the Principal Act is hereby amended by deleting the
18 existing paragraph (e) of subsection 1 and replacing it with a new paragraph
19 (e) which shall read as follows:

1 "a person of proven character and integrity from each of the geo-
2 political zones of the Federation as may be appointed by the President of the
3 Federal Republic of Nigeria."

4 6. Section 1 of the Principal Act is further amended by adding new
5 paragraphs (i) to (l) as follows:

6 "(i) the Director-General of the Standards Organisation of Nigeria or
7 his representative."

8 "(j) the Director-General of the Consumer Protection Council or is
9 representative;"

10 "(k) the Director-General of the Small and Medium Enterprises'
11 Development Agency of Nigeria or his representative;"

12 "(l) a representative each of the Manufacturers Sector, the Trading
13 Sector and the Agricultural Sector"

14 7. Section 1(2) is hereby amended, by deleting the existing
15 subsection 2 and replacing it as follows:

16 "(1)(2) the Members of the Board appointed under subsection
17 (1)(f),(g),(i),(k),(l) of this section shall be appointed by the President on
18 recommendation of the Minister of Industry Trade and Investment and on such
19 conditions as the Minister may with the like approval determine"

20 8. Section of the Principal Act is further amended by amending 1(3) of
21 the Principal Act by deleting the Word "Executive" since the Permanent
22 Secretary is the Chairman and Chief Executive of the Board and the word
23 "Commerce" be substituted with 'Industry, Trade and Investment' and it shall
24 read as follows:

25 "there shall be a Secretary to the Board who shall be a Public Officer
26 in the Federal Ministry of Industry, Trade and Investment".

27 9. The Principal Act is further amended by inserting immediately
28 after the existing Section 1, a new section 1A which shall read as follows:

29 "1A FUNCTIONS OF THE PRICE CONTROL BOARD

30 (1) It shall co-ordinate the productivity, distribution and price

1 stabilization programmes, projects and measures of government to develop
2 comprehensive strategies to effect general stabilization of prices of basic
3 necessities and controlled commodities at affordable prices;

4 (2) It shall report to the Minister the status and progress of the
5 programs, projects and measures undertaken by each implementing
6 department, agency or office as well as comprehensive strategies developed
7 by the Council to stabilize the process of basic necessities and controlled
8 commodities;

9 (3) It shall advise the Minister and the President on general policy
10 for promotion and improvement in productivity, distribution and
11 stabilization of prices of basic necessities and prime commodities;

12 (4) It may when necessary inquire from its members and other
13 government agencies such information as it may deem necessary, and
14 conduct hearings for the purpose of assessing the supply, distribution and
15 price situation of basic necessities and controlled commodities;

16 (5) It shall publicize from time to time developments in
17 productivity, supply, distribution and process of controlled commodities in
18 Nigeria and;

19 (6) The Board shall be responsible for imposition of price control
20 and fixing of control price as contained in Section 4 and 5 of the Principal
21 Act; and

22 (7) such other functions as may be incidental to the above or
23 required by the National Assembly".

24 10. Section 2 of the Principal Act is hereby amended by amending
25 subsection 3 thereof by replacing the word "Commerce", with Industry
26 Trade and Investment and it shall read as follows:

Amendment of
Section 2

27 "2(3) the representative in the State of the Federal Ministry of
28 Industry Trade And Investment"

29 11. Section 3 of the Principal Act is hereby amended by amending
30 subsection 2 of the Section as follows;

Amendment of
Section 3

1 "3(2) there shall be paid to the members of the Board or any
2 Committee, not being members who are public officers, such remunerations
3 and allowances(if any) as may from time to time be determined by the
4 Revenue, Mobilization, Allocation and Fiscal Commission"

Amendment of
Section 6

5 12. Section 6 of the Principal Act is amended by amending section
6 6(2)(a), and 6(3) as follows:

7 "6(2) if any person contravenes subsection (1) of this section in
8 respect of any controlled commodity-

9 (a) He shall be guilty of an offence and shall-

10 (i) In the case of a retailer, be liable to a fine of not less than
11 N100,000.00 and not more than N10,000,000.00 or an imprisonment for less
12 than 1 year, or to both such fine and imprisonment; and

13 (ii) In the case of a manufacturer, wholesaler or major distributor, be
14 liable to a fine of not less than N500,000.00 and not more than N5,000,000 or to
15 an imprisonment for not less than 2 years, or to both such fine and
16 imprisonment; and

17 (b) The stock of the controlled commodity shall be sold, and the
18 excess above the controlled price shall be paid to the Consolidated Revenue
19 Fund of the Federation.

20 6(3) where a person is convicted of any offence under subsection (2)
21 of this section in respect of any commodity, the court shall make an order
22 forfeiting the excess of the stock, and where such an order is made, the
23 commodity shall be disposed of by the Board and only the excess above the
24 controlled price, shall be paid into the Consolidated Revenue Fund of the
25 Federation".

26 13. Section 6 of the Principal Act is further amended by completely
27 deleting subsection (4) and amending the existing subsection (5), which will
28 now be subsection (4) as follows:

29 "6(4) for the purposes of subsection (1) of this section where any
30 person employed by another to sell any controlled commodity is proved to

1 have sold the commodity at any price which exceeds the controlled price,
2 the employer of that person shall, be deemed to have employed that other
3 person to sell the commodity* concerned at the price in excess of the
4 controlled price if it can be proved that-

5 (a) The employer instructed the employee to sell the price in excess
6 of the controlled price;

7 (b) The employer ratified or approved the sale of the controlled
8 commodity above the controlled price;

9 (c) The employer failed or omitted to reasonably supervise the acts
10 of sale of the employee;

11 (d) The employer was negligent in the selection or employment of
12 his employee"

13 14. Section 7 of the Principal Act is hereby amended by deleting
14 completely subsection (6) of the Principal Act and amending subsections (1)
15 and (4) of the Principal Act and it shall read as follows:

16 "7(1) if-

17 (a) a person is carrying on a business in the course of the controlled
18 commodities of any description are normally sold has in his possession in
19 the course of that business a stock of controlled commodities of that
20 description; and

21 (b) That person, or any person employed by him to sell the goods in
22 the course of that business, when asked by any other person (referred to in
23 this section "as the buyer") to sell any controlled commodity of that
24 description or whether he or, as the case may be, his employer has any such
25 commodity for sale-

26 (i) Refuses to sell the commodity in question, or denies that he (or,
27 as the case may be, his employer) has the commodity, or uses any words or
28 gives any other indication calculated to lead the buyer to suppose that he (or
29 has the case may be, his employer) has not got the commodity or will not or
30 cannot sell it; or

1 (ii) Offers to sell the commodity subject to a condition requiring the
2 buying of any other goods (whether controlled commodities or not) or the
3 making of any payment in respect of any service, or subject to any condition
4 except delivery within a reasonable time,

5 The person carrying in the business shall be guilty of an offence of hoarding,
6 provided that in the case of the employer, he was the one that authorized his
7 employee to refuse to sell the commodity to the buyer, denies that he has the
8 commodity or represents that he does not have the commodity or offers to sell
9 the commodity with a condition that the buyers buys another commodity or
10 pays for any other service as a precondition to purchase the commodity.

11 7(4) where a person is convicted of an offence under subsection (1) of
12 this section in respect of any controlled commodity of any description-

13 (a) He shall-

14 (i) In the case of an individual be sentenced to an imprisonment of less
15 than six months with an option of fine of N100,000.00;

16 (ii) In the case of a body corporate to a fine of not less than
17 N500,000.00-

18 (b) "the stock of controlled commodity shall be liable for forfeiture
19 upon conviction".

Amendment
of Section 8

20 15. Section 8 of the Principal Act is hereby amended by deleting
21 entirely the provisions of subsection (6) of the Section.

Amendment
of Section 12

22 16. Section 12 of the Principal Act is hereby amended by amending
23 Section 12(2)(b)(ii) which shall read as follows:

24 "12(2)(ii) may make a second or further appeal to the Committee in
25 respect of the same matter if more than three(3)months have passed since a
26 previous appeal".

Amendment
of Section 15

27 17. Section 15 of the Principal Act is hereby amended by deleting
28 subsections(1)(2)(4)(4) and replacing it as follows:

29 "15 The Federal High Court, High Court of a State and High Court of

1 the Federal Capital Territory shall have jurisdiction to try for offences under
2 this Bill";

3 18. Section 16 of the Principal Act is hereby amended by Amendment of
4 completely deleting the phrase " or in purported pursuance" is hereby Section 16
5 expunged and the section shall read as follows:

6 "No personal liability in respect of any act done in good faith and in
7 proper execution of his official duties in pursuance or in purported of this
8 Act shall be incurred by any member of the Board or a Committee, the Chief
9 Price Controller, the State Price Controller, any inspector or any Police
10 Officer"

11 19. Section 18 of the Principal Act is amended by redefining the Amendment of
12 words "Court" and "Minister" and it shall read as follows: Section 18

13 "18(1)-

14 "Court" means Federal High Court, High Court of the Federal Capital
15 Territory and High Court of a State;

16 "Minister" means Minister responsible for Industry, Trade and Investment.

17 20. This Bill may be cited as the Price Control (Amendment) Bill, Citation
18 2020.

19 AMENDMENT OF FIRST SCHEDULE

20 The First Schedule of the Principal Act is hereby amended to read as
21 follows:

- 22 (i) Bicycle, tricycles and spare parts;
23 (ii) Flour;
24 (iii) Matches;
25 (iv) Milk;
26 (v) Motorcycles and spare parts;
27 (vi) Motor vehicles and spare parts;
28 (vii) Salt;
29 (viii) Sugar;
30 (ix) Books and stationeries;

- 1 (x) Fertilizer;
- 2 (xi) Rice;
- 3 (xii) Grains;
- 4 (xiii) Cereals;
- 5 (xiv) Electrical/electronic equipment;
- 6 (xv) Computers and computer accessories;
- 7 (xvi) Cement.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Price Control Act Cap P28 Laws of Federation of Nigeria to provide for stiffer penalties and make better provisions for the implementation of the Price Control Regime in Nigeria.