A BILL FOR AN ACT TO AMEND THE PRICE CONTROL ACT CAP. P28 LFN, 2004 TO PROVIDE FOE CONCESSION AND WAIVERS, STIFFER PENALTIES AND FOR OTHER MATTERS CONNECTED THEREWITH, HB 264 &311

Provisions of the Principle Act	Provisions of the Principle Act	Committee of the Whole Recommendations
An Act to re-enact the Price Control Act, prescribe stiffer penalties and to make better provisions for the implementation of the scheme.	**Amendment of Cap. P28 LFN, 2004** 1. The Price Control Act Cap. P28 LFN, 2004 (in this bill referred to as the Principal; Act") is amended as set out in Bill	Retained
Constitution, etc., of Price Control Board and Committees 1. Price Control Board (1) There shall continue to be a Price Control Board, which shall consist of- (a) the Permanent Secretary, Federal Ministry of Commerce who shall be chairman and Chief Price Controller; (b) a representative of the Federal Ministry of Industry; (c) the chairman or a representative of the National Salaries, Income, Wages Commission; (d) the Chief Statistician of the Federation; (e) six representatives of the States as nominated by the Governor of the State	**Amendment of Section 1: Price Control Board** **2.** Section 1 of the Principal Act is amended by deleting the existing section an substituting therefore, the following new section 1, that is- ***"(1) There shall be a Price Control Board which shall consist of-*** ***(a) The Permanent Secretary, Federal Ministry of Industry, Trade and Investment who shall be the Chairman and Chief Price Controller;*** ***(b) The Chairman, National Salaries, Income and Wages Commission or his representative;*** ***(c) The Statistician-General of the Federation or his representatives;*** ***(d) The Director General, Standards Organization of Nigeria or his representative;*** ***(e) The Director-General, Consumer Protection Council or his representatives;***	Retained

concerned and appointed by the Minister for two years, so however that each State is sometime represented on the Board and that no two of them shall come from the same State; (f) one representative of consumers' associations in Nigeria; and (g) two representatives from outside the civil services of the Federation or of the States. (2) The members of the Board under paragraphs (f) and (g) of subsection (1) of this section shall be appointed by the Minister with the approval of the President and shall hold office on such terms and on such conditions as the Minister may with the like approval determine. (3) There shall be an Executive Secretary to the Board who shall be a public officer in the Federal Ministry of Commerce.	***(f) The Director-General, Small and Medium Enterprises Development Agency of Nigeria or his representative;*** ***(g) A representative from each of the following-*** ***(i) Manufacturers Association of Nigeria;*** ***(ii) Market Trader Association; and*** ***(iii) Farmer Association of Nigeria*** ***(h) A person of proven character and integrity from each of the six geopolitical zones of the Federation to be appointed by the President*** ***(2) the Members of the Board under paragraph (g) and (h) of subsection (1) of this section shall be appointed by the President on the recommendation of the Minster and shall hold office for a period of four years and no more.*** ***(3) There shall be a Secretary to the Board who shall be a public officer not below the rank of a Director in the Federal Ministry of Industry, Trade and Investment"***	
	Insertion of a new Section 1A: Functions of the Board ***2. The Functions of the Board shall include:*** ***(a) Fixing and regulating price of controlled commodities*** ***(b) Enlightenment and sensitization of the general public from time to time on development in productivity, supply,***	Retained

	distribution and prices of basic necessities, commodities and other provisions of the Act; ***(c)Enforcement and due administration of the Act;*** ***(d)Investigation and prosecution of offenders under the Act;*** ***(e)Monitoring and evaluation of the level of compliance of the provisions of the Act;*** ***(f) Advise the President on general policy matters for promotion and improvement in productivity, distribution and stabilization of prices of commodities;*** ***(g) Report to the President through the Minister the status and progress of the programmes, projects and measures undertaken by the Board and*** ***(h) Carry out such activities as are incidental to the discharge of its functions under this Act***	
2. Price Control Committees (1) There shall continue to be for each State a Committee to be known as the Price Control Committee. (2) The Committee in each State shall consist of- (a) the Permanent Secretary of the Ministry of Trade and Industries of the State, who shall be chairman of the Committee and State Price Controller;	**Amendment of Section 2: Price Control Committees** **3.** Section 2(3) of the Principal Act is amended by substituting the word "Commerce" with the words "Industry, Trade and Investment." That is-	Retained

(b) the Commissioner of Police for the State, or his representative; (c) the Permanent Secretary, Ministry of Information of the State, or his representative; and (d) two other persons to be appointed by the State Commissioner for Trade and Industries. (3) The representative in the State of the Federal Ministry of Commerce, shall be the secretary to the Committee.	***"(3)the representative in the state of the Federal Ministry of Industry, Trade and Investments shall be the Secretary to the Committee"***	
3. Provisions supplemental to sections 1 and 2 (2) There may be paid to the members of the Board or any Committee, not being members who are public officers, such remuneration and allowances (if any) as the Minister may decide.	**Amendment of Section 3: Provisions supplemental to Section 1 and 2** **4.**Section 3(2) of the Principal Act is amended by substituting the words "as the Minister may decide" with the words "as prescribed by the Revenue Mobilization, Allocation and Fiscal Commission" that is- ***(2) There may be paid to the members of the Board or any committee, not being members who are public officers, such remuneration and allowances (if any) as prescribed by the Revenue Mobilsation, Allocation and Fiscal Commission."***	Retained

(3) The validity of any proceedings of the Board or a Committee shall not be affected by- (a) any vacancy in its membership; (b) any defect in the appointment of any member; or (c) the fact that a person not entitled to do so took part in the proceedings.		
Imposition of price control, offences, etc. **4. Imposition of price control** (1) Price control shall continue to be imposed in accordance with this Act on any goods which are of the kind specified in the First Schedule to this Act. (2) The Board may by order add any goods to the said First Schedule or delete any goods therefrom.	**Amendment of Section 4** **5.** Section 4 of the Principal Act is amended by- (a) Insert a new subsection (2) immediately after the existing subsection (2) as follows: ***"(2) Price Control mentioned in (1) above shall subject the grant of concessions and waivers based on realistic and well coordinated policy guidelines as condition precedent to implementation of price control"***	Retained
6. Prohibition of sale above controlled price (1) If shall be unlawful for any person to sell, agree to sell or offer to sell any or employ any other person, whether or not that other person is of full age, to sell any	**Amendment of Section 6** 6.Section 6 of the Principal Act is amended-	Retained

controlled commodity at a price which exceeds the controlled price. (2) If any person contravenes subsection (1) of this section in respect of any controlled commodity- (a) he shall be guilty of an offence and shall- (i) in the case of a retailer, be liable to a fine of not less than N200 and not more than N2,000 or to imprisonment for not less than six months, or to both such fine and imprisonment; and (ii) in the case of a manufacturer, wholesaler or major distributor, be liable to a fine of not less than N 1,000 and not more than N10,000, or to imprisonment for not less than twelve months, or to both such fine and imprisonment; and (b) the stock of the controlled commodity shall be liable to forfeiture. (3) Where a person is convicted of any offence under subsection (2) of this section in respect of any commodity the court shall make an order forfeiting the stock of the	(a) in subsection (2)(a)(i) by deleting the figure N200 and inserting "N100,000 and deleting the figure "N200" and inserting ***"N100,000"*** (b) in subsection (2)(a)(ii) by deleting the "N1000" and inserting the figure ***"N100,000"*** and deleting the figure "N10,000" and inserting the figure ***"N500,000"*** (c) by substituting the existing subsection (2)(b) with a new subsection (2)(b), that is- ***"(2)(b) the amount sold in excess of the controlled price shall be liable to forfeiture and the court shall make an order for such forfeiture and payment of the amount in to the Consolidated Revenue Fund of the Federation"*** (d) by deleting the existing subsection (3) and (4)	Retained

commodity; and, where such an order is made, the commodity shall be disposed of by the Board as it thinks fit, any proceeds of the disposal being paid into the Consolidated Revenue Fund of the Federation. (4) Where proceedings under subsection (2) of this section do not result in conviction the court shall make an order for the disposal at the controlled price of any commodity to which the proceedings relate and the proceeds of such disposal shall be applied as follows- (a) ninety per cent of the proceeds shall be paid to the owner of the commodity; (b) the remaining ten per cent shall be paid into the Consolidated Revenue Fund of the Federation. (5) For the purposes of subsection (1) of this section where any person employed by another to sell any controlled commodity is proved to have sold the commodity at any price which exceeds the controlled price, the employer of that person shall, notwithstanding anything to the contrary in any law or rule of law, be deemed to have employed	***(e) by substituting the existing subsection (5) with a new subsection and re-numbering it as a new (3), that is*** ***"(3) for the purpose of subsection (1) of the this section where any on person employed by another to sell any controlled commodity is proved to have sold the commodity at any price which exceeds the controlled price, the employers of that person shall be deemed to have employed that other person too sell the commodity concerned at the price at which it was in fact sold;***	Retained

that other person to sell the commodity concerned at the price at which it was in fact sold.	***Provided that it shall be defence for such employer if he proves that-*** ***(a) He did not instruct the agent to sell the commodity above the controlled price; or*** ***(b) if he did not ratify or approve such act of the agent's sale of the commodity above the controlled price; or*** ***(c) If he did not benefit from the proceed of such sale"***	
7. Hoarding (1) If- (a) a person carrying on a business in the course of which controlled commodities of any description are normally sold has in his possession in the course of that business a stock of controlled commodities of that description; and (b) that person, or any person employed by him to sell goods in the course of that business, when asked by any other person (referred to in this section as "the buyer") to sell any controlled commodity of that description or whether he or, as the case	**Amendment of Section : Hoarding** **7.** Section 7 of the Principal Act is amended- (i) by inserting a new subsection (1A): that is- ***"(1A) for the purpose of subsection 1 of this section, it shall be defence for the employer if he proves that-*** ***(a) He did not instruct the agent to sell the commodity above the controlled price; or*** ***(b) if he did not ratify or approve such act of the agent's sale of the commodity above the controlled price; or*** ***(c) If he did not benefit from the proceed of such sale"***	Retained

may be, his employer has any such commodity for sale- (i) refuses to sell the commodity in question, or denies that he (or, as the case may be, his employer) has the commodity, or uses any words or gives any other indication calculated to lead the buyer to suppose that he (or, as the case may be, his employer) has not got the commodity or will not or cannot sell it; or (ii) offers to sell the commodity subject to a condition requiring the buying of any other goods (whether controlled commodities or not) or the making of any payment in respect of any service, or subject to any other condition except delivery within a reasonable time, the person carrying on the business shall be guilty of an offence. (2) It shall be a defence for a person charged with an offence under subsection (1) of this section in respect of any controlled commodity to prove that the sale of the commodity, or the sale of the commodity without the fulfillment of a condition proposed by him or his employee, would, having regard to the quantity of the commodity which he or his		

employee was requested to sell or any other consideration, involve a breach of some written and duly stamped contractual obligation lawfully binding on him, which obligation must be to an approved institution. (3) For the purposes of subsection (2) of this section, an "approved institution" means a hospital, school, educational institution, statutory corporation or any department or agency of the Government of the Federation or of a State. (4) Where a person is convicted of an offence under subsection (1) of this section in respect of any controlled commodity of any description- (a) he shall- (i) in the case of an individual, be sentenced to imprisonment for not less than six months without the option of a fine; and (ii) in the case of a body corporate be sentenced to a fine of not less than N 5,000; and (b) the stock of controlled commodities shall be liable to forfeiture.	(ii) in subsection (4) (a)(i) by substituting the words "not less than six months without the option of fine" with the words "one year, or to a fine of N400,000" that is- ***"(4) (a)(i) in the case of an individual, be sentenced to imprisonment for one year, or to a fine of N250,000"*** (iii) in subsection (4)(a)(ii) by substituting the words "not less than N5,000" with the word "N800,000" that is ***"(4)(a)(ii) in the case of a body corporate be sentenced to a fine of N800,000"***	Retained

(5) Where a person is convicted of any offence under this section in respect of any commodity the court shall make an order forfeiting the stock of the commodity; and where such an order is made, the commodity shall be disposed of by the Board as it thinks fit, any proceeds of the disposal being paid into the Consolidated Revenue Fund of the Federation. (6) Where proceedings under subsection (1) of this section do not result in conviction the court shall make an order for the disposal at the controlled price of any commodity to which the proceedings relate and the proceeds of such disposal shall be applied as follows- (a) ninety per cent of the proceeds shall be paid to the owner of the commodity; (b) the remaining ten per cent shall be paid into the Consolidated Revenue Fund of the Federation.	(iv) by deleting subsection (6) thereof	
8. Resale price maintenance (4) If any person contravenes subsection (3) of this section- (a) he shall be guilty of an offence and shall-	**Amendment of Section 8** **8.** Section 8 of the Principal Act is amended- (a) in subsection (4)(a)(i) by deleting the figure N200 and inserting the figure "N100,000 and deleting the figure "N2000" and inserting the figure ***"N100,000"***	Retained

(i) in the case of a retailer, be liable to a fine of not less than N200 and not more than N 2,000 or to imprisonment for not less than six months, or to both such fine and imprisonment; and (ii) in the case of a wholesaler, be liable to a fine of not less than N1 ,000 and not more than N100,000, or to imprisonment for not less than twelve months, or to both such fine and imprisonment; and (b) the stock of the commodity shall be liable to forfeiture.	(b) in subsection (4)(a)(i) by deleting the figure "N1,000" and inserting the figure "N100,000" and deleting the figure "N10,000" and inserting the figure ***"N500,000"***	
9. Enforcement staff (5) Any person who knowingly obstructs the Chief Price Controller, the State Price Controller or an inspector in the exercise of his functions shall be guilty of an offence and liable on conviction to a fine of not less than N200 and not more than N2,OOO or to imprisonment for not less then six months, or to both such fine and imprisonment.	**Amendment of Section 9** **9.** Section 9(5) of the Principal Act is amended by deleting the figure "N2000" and inserting the figure ***"N100,000"***	Retained
10. Duty to furnish information to the Board; penalty (2) Any person, who-	**Amendment of Section 10: Duty to furnish information to the Board; penalty**	Retained

(a) refuses or neglects to give any information which the Board may require pursuant to subsection (1) of this section or which may be required by an inspector under subsection (4) (c) of section 9 of this Act; or (b) in respect of the request makes any statement which he knows to be false or which he has no reason to believe to be true, shall be guilty of an offence and shall on conviction be liable to a fine of not less than N 200 or imprisonment for not less than six months.	10.Section 10(2) of the Principal Act is amended by substituting the words "not less than N200" with the words "N100,000" that is "***10(2) Any person who*** ***(a)Refuses or neglects to give any information which the Board may require pursuant to subsection (1) of this section or which may be required by an inspector under subsection (4)(c) of Section 9 of this Act; or*** ***(b) in respect of the request makes any statement which he knows to be false ort which he has no season to believe to be true,*** ***Shall be guilty of an offence and shall conviction be liable to a fine of N100,000 or imprisonment for not less than six months"***	
12. Requisition and sealing of premises (2) Where an inspector acts under subsection (1) of this section- (a) he shall report his action to the Committee within 24 hours; (b) any person aggrieved by the action- (i) may appeal to the Committee, which may confirm or cancel the action; and (ii) may make a second or further appeal to the Committee in respect of the same .	**Amendment of Section 12: Requisition and sealing of premises** **11.** Section 12 of the Principal Act is amended- (i) in subsection 2(b)(ii) by substituting the words "Twelve weeks" with the words "three months" that is- ***"(2)(b)(ii) make a second or further appeal to the committee in respect of the same matter if more than three months have passed since a previous appeal; and"***	Retained

(5) Any person who knowingly and without reasonable excuse breaks a seal affixed under subsection (1) of this section shall be guilty of an offence and on conviction shall be liable to a fine of not less than N5,000 or to imprisonment for not less than two years.	(ii) in subsection 5 by substituting the word " not less than two years" with the words "one year" that is- ***"(5) any person who knowingly and without reasonable excuse breaks a seal affixed under subsection (1) of this section shall be guilty of an offence and on conviction shall be liable to a fine of N300,000 or to imprisonment for one year"***	Retained
13. Court order preventing habitual offender from carrying on business concerning controlled commodity (2) If any person contravenes any provision of an order made under subsection (1) of this section he shall be guilty of an offence and on conviction shall be liable to a fine of not less than N2000 or to imprisonment for not less than three years or to both such fine and imprisonment.	**Amendment of Section 13: Court order preventing habitual offender from carrying on business concerning controlled commodity** 12. Section 13(2) of the Principal Act is amended by substituting the words "not less than N2,000 or to imprisonment for not less than three years" with the words N200,000 or to imprisonment for two years" that is ***(2) if any person contravenes any provisions of an order made under subsection (1) of this section shall be guilty of an offence and on conviction shall be liable to a fine of N200,000 or to imprisonment to two years"***	Retained
15. Trial of offences (1) The Chief Judge of a State shall for the purpose of the trial of offences under	**Amendment of Section 15: Trial of offences** 13. Section 15 of the Principal Act is amended by deleting the existing section	Retained

this Act, or regulations made thereunder, constitute a separate division of the High Court of the State which shall be presided over by a judge of the High Court of that State and which shall, notwithstanding anything to the contrary in any law, by virtue of this section have jurisdiction to try offences under this Act committed in any part of the State concerned, and to make such orders as may be required under this Act. (2) The division of the High Court constituted pursuant to subsection (1) of this section shall, notwithstanding anything to the contrary as aforesaid, be engaged exclusively on the trial of offences and the hearing of applications and other matters arising from the operation of this Act, and shall consist of such number of judges (who, for the avoidance of doubt, shall sit separately) as the Chief Judge may determine and such judges shall sit in such places within the State concerned as the Chief Judge may, from time to time, direct. (3) Offences under this Act shall be triable summarily by the division of the High Court constituted pursuant to subsection (1) of this section, and the provisions of Chapter VI of the Criminal Procedure Act or Law or, where applicable, of Chapter XVIII of the	15 and substituting it with a new section 15, that is- ***15. Offences under this Act shall be tried summarily by the Court***	

Criminal Procedure Code Law shall apply in relation to the trial of the offences. (4) It shall be the duty of a court before whom an accused is brought under this section to ensure that the offence is tried and finally disposed of within 28 days of the date on which the accused was first brought before such court.		
Miscellaneous 16. Exclusion of personal liability No personal liability in respect of any act done in good faith and in proper execution of his official duties in pursuance or in purported pursuance of this Act shall be incurred by any member of the Board or a Committee, the Chief Price Controller, the State Price Controller, any inspector or any police officer.	**Amendment of Section 16** **13.** Section 16 of the Principal Act is amended by deleting the words "or in purported pursuance" and the new section to read: ***"16 No personal liability in respect of any act done in good faith and in execution of his official duties in pursuance of this Act shall be incurred by any member of the Board or a committee, the Chief Price controller, the State Price Controller, any Inspector or any Police Officer"***	Retained
17. Regulations (b) prescribing penalties not exceeding a fine of N200 or imprisonment for six months for any contravention of the regulations	**Amendment of Section 17(b)** **14.** Section 17(b) of the Principal Act is amended by substituting the word "N200" with the word "N100,000 and the words "six month" with the words "one year" and the new section to read: ***"(b) Prescribing penalties not exceeding a fine of N100,000 or imprisonment for one year for any contravention of the regulations"***	Retained

18. Interpretation (1) In this Act, unless the context otherwise requires- "court" means a special division of the High Court of a State constituted pursuant to section 15 of this Act; "Minister" means the Minister responsible for commerce;	**Amendment of Section 18: Interpretation** **15**.Section 18 of the Principal Act is amended by defining the words "Court" and Minister that is- "Court" means Federal High Court, High Court of a State, High Court of the Federal Capital Territory, or Magistrate Court. "Minister" means the Minister responsible for Commerce;	Retained
	Short Title **16.** This Bill may be cited as the Price Control (Amendment) Bill, 2016	Retained
FIRST SCHEDULE [L.N. 22 of 1979. Section 4.] Controlled commodities 1. Bicycles and spare parts. 2. Flour. 3. Matches. 4. Milk. 5. Motorcycles and spare parts.	**Amendment to the First Schedule** **17**. The First Schedule of the Principal Act is hereby amended by deleting the existing list and substituting thereof a new list in the schedule, that is- ***FIRST SCHEDULE*** ***[L.N. 22 of 1979. Section 4.]*** ***Controlled commodities*** ***1. Bicycles and spare parts.*** ***2. Flour.*** ***3. Matches.*** ***4. Milk.*** ***5. Motorcycles and spare parts.*** ***6. Motor vehicles and spare parts.***	Retained

6. Motor vehicles and spare parts. 7. Petroleum products. 8. Salt. 9. Sugar.	***7. Salt.*** ***9. Sugar.*** ***10. Fertilizer*** ***11. Rice*** ***12. Grains*** ***13 Cereals*** ***16 Electrical/electronic equipment*** ***15. Computers and computer accessories*** ***16 Cement***	
	EXPLANATORY MEMORANDUM This Bill seeks to amend the Price Control Act, to provide for concessions and waivers, stiffer penalties and to make better provsi0ns for its implementation.	