

A BILL

FOR

AN ACT TO ENACT THE NIGERIAN CONTENT (NON - OIL AND GAS SECTOR) DEVELOPMENT (ESTABLISHMENT) BILL TO ESTABLISH THE NIGERIAN CONTENT (NON-OIL AND GAS SECTOR) DEVELOPMENT COUNCIL AND TO PROVIDE FOR PROGRAMME STRUCTURE FOR THE USE OF NIGERIAN EXPERTISE, MADE-IN-NIGERIA GOODS AND SERVICES, ECONOMIC DIVERSIFICATION AND FOR RELATED MATTERS

Sponsors:

Hon. Ogundu Kingsley Chinda & Thirty Eight Ors

[] Commencement

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

- 1 PART I - PRELIMINARY
- 2 1. The objectives of this Bill include-
- 3 (1) to establish and maintain programmes for the overall
- 4 development of the Nigerian economy, more especially, to encourage the
- 5 growth of Nigerian industries, services, technologies in order to raise the
- 6 standard of living of persons living in Nigeria to a reasonable level;
- 7 (2) to ensure the active participation of Nigerians in the economic
- 8 development and diversification in respect of any transaction in which:
- 9 (a) any public fund belonging to the Federal Government of
- 10 Nigeria or any of its arms and/or agencies is used in any sector of the
- 11 Nigerian economy to which this Bill applies:
- 12 (b) in donor or loan funded projects undertaken in Nigeria in any
- 13 sector of the Nigerian economy to which the provisions of this Bill are
- 14 applicable: and
- 15 (c) in activities carried out by any entity in possession of an
- 16 investment agreement with any arm of the Federal Government of Nigeria

Objectives of
the Bill

1 or any of its agencies in any of the sectors to which the provisions of this Bill
2 apply.

3 (3) the prioritization of Nigerian citizens in employment in all
4 activities where public money belonging to any arm or agency of the Federal
5 Government of Nigeria is used, in any sector of the Nigerian economy, in donor
6 or loan funded projects and in activities carried out by any entity in possession
7 of an investment agreement with any arm of the Federal Government of
8 Nigeria or any of its agencies;

9 (4) the encouragement of the transfer of skills and technology to
10 Nigerians in the course of the execution of projects undertaken in Nigeria in
11 any sector where the provisions of this Bill apply;

12 (5) the development and implementation of Nigerian Content Plans
13 and Programmes by persons carrying out public works and persons in
14 possession of a permit, license, lease, approvals in respect of any activity
15 regulated by any arm and or agency of the Federal Government of Nigeria;

16 (6) the development of the domestic capacities in the value chain
17 of the Nigerian economy through education, skills transfer and expertise
18 development, transfer of technology and know-how and active research and
19 development programmes;

20 (7) the achievement of minimum local employment level and in-
21 country spend for the provision of the goods and services in the value chain of
22 the Nigerian economy;

23 (8) the increment of the capability and international competitiveness
24 of Nigerian domestic businesses with the aim of making Nigeria a net exporter
25 country;

26 (9) the achievement and maintenance of a substantial degree of
27 control by Nigerians over economic development initiatives in Nigeria; and

28 (10) the provision of a robust and transparent implementation,
29 monitoring and reporting system to ensure delivery of Nigerian economic

1 policy objectives in the Nigeria economy except in the oil and gas sector of
2 the economy.

3 **2.** Notwithstanding anything to the contrary contained in any Application and
Scope
4 enactment or law except the Constitution of the Federal Republic of Nigeria,
5 the provisions of this Bill shall be applicable to all ministries, arms and
6 agencies of the Federal Government of Nigeria and more specifically, this
7 Bill shall apply to any entity-

8 (a) carrying out an activity where public money belonging to the
9 Federal Government of Nigeria or any of its agencies is used;

10 (b) carrying out a public procurement in accordance with the
11 Public Procurement Act, 2007 or any law succeeding that Act;

12 (c) carrying out a regulated activity or operation within the
13 provisions of-

14 (i) Nigerian Minerals and Mining Act, 2007;

15 (ii) Electricit Act, 2023;

16 (iii) the Nigerian Communications Act, 2003;

17 (iv) Nigerian Information Technology Development Agency Act;

18 and

19 (v) any other Act or deemed Act of the National Assembly except
20 laws made to regulate petroleum production.

21 (d) who is in possession of an investment license or being an entity
22 or individual, being a beneficiary of a tax remission or any such similar tax
23 incentives granted by the Federal Government of Nigeria or any of its
24 agencies;

25 (e) being a private party under a Public Private Partnership
26 Agreement;

27 (f) carrying out a public works,

28 (g) whose activities are financed through public borrowing or any
29 such similar arrangement; and

30 (h) that is executing any contract or subcontract awarded by the

	1	Federal Government of Nigeria or any of its arms or agencies.
	2	PART II - NIGERIAN CONTENT (NON OIL AND GAS SECTOR)
	3	DEVELOPMENT COUNCIL
Establishment of Nigerian Content (Non-Oil and Gas Sector) Development Council	4	3.-(1) There is hereby established, a Council to be known as Nigerian
	5	Content (Non Oil and Gas Sector) Development Council(in this Bill referred to
	6	as "the Council")
	7	(2) The Council;
	8	(a) shall be a body corporate with perpetual succession and a common
	9	seal; and
	10	(b) may sue and be sued in its corporate name.
Functions of the Council	11	4.-(1) The functions of the Council shall be to-
	12	(a) promote the development and diversification of the Nigerian
	13	economy and to enhance the interests of Nigerian businesses in the sectors
	14	covered by this Bill;
	15	(b) implement the provisions of this Bill and Regulations made
	16	thereunder;
	17	(c) supervise, coordinate, administer, monitor, manage and enforce
	18	the implementation and development of Nigerian content and economic
	19	diversification programmes and projects in the Nigerian economy except in the
	20	oil and gas sector;
	21	(d) appraise, evaluate and approve the Nigerian Resource
	22	Development Plan and reports submitted in compliance with any provision of
	23	this Bill;
	24	(e) award Certificate of Authorization and conduct reviews of the
	25	Nigerian Resource Development Plan and reports submitted in compliance
	26	with the provisions of this Bill;
	27	(f) administer, control and operate e-market place and National Joint
	28	Qualifications System for the Nigerian content development and economic
	29	diversification in accordance with the provisions of this Bill;
	30	(g) assist local contractors and Nigerian companies to develop their

1 capabilities and capacities in the Nigerian economy to further the
2 attainment of the goal of diversifying the Nigerian economy;

3 (h) make procedures to guide the implementation of this Bill in
4 respect of the development and enforcement of Nigerian content in the
5 Nigerian economy;

6 (i) monitor and coordinate the performances of Nigerian content
7 and economic diversification programmes and projects in the Nigerian
8 economy in accordance with the provisions of this Bill;

9 (j) make auditing procedures and conduct regular audits for the
10 purposes of certifying Nigerian companies, monitoring and enforcing
11 compliances with the provisions of this Bill and any Regulation made in
12 pursuant to this Bill;

13 (k) provide guidelines, definitions and measurement of Nigerian
14 content indicator to be utilized in all sectors covered by this Bill;

15 (l) conduct studies, researches and investigations that may further
16 the attainment of the goal of developing Nigerian content and economic
17 diversification in all sectors of the Nigerian economy covered by this Bill;

18 (m) organize conferences, workshops, seminars, symposia,
19 trainings, road shows and other public education fora to further the
20 attainment of the goal of developing Nigerian content and economic
21 diversification in all sectors of the Nigerian economy covered by this Bill;

22 (n) take steps to encourage indigenous professionals in the
23 Diaspora to collaborate with resident Nigerian professionals and technical
24 facilities and use their expertise to develop Nigerian capacity in all sectors
25 of the Nigerian economy to which this bill applies;

26 (o) promote mutually beneficial Public Private Partnership (PPP)
27 by encouraging direct collaboration in the production and manufacturing
28 ventures of products, such as fittings, spare parts, domestic wares etc.,
29 between foreign manufactures and indigenous engineering facilities, and
30 those to be brought in by foreign investors at reasonable cost;

1 (p) establish Centres for Acquisition of Technology in the Country for
2 the promotion of technology utilization, strengthening of technology
3 management capabilities and developing capacities;

4 (q) collaborate with any reasonable and responsible entity or person
5 to promote Research and Development in the Nigerian economy with a view to
6 creating jobs and wealth for Nigerians;

7 (r) prosecute any person that violates any provision of this Bill,
8 without prejudice to the powers of the Attorney General of the Federation to
9 prosecute under the Constitution of the Federal republic of Nigeria;

10 (s) promote the acquisition of bulk product manufacturing licenses
11 from foreign manufacturers for the use of locally trained small, medium and
12 large scale manufacturers;

13 (t) provide a transparent and independent system for addressing
14 grievances, complaints and resolving disputes arising from the
15 implementation of the provisions of this Bill; and

16 (u) do legally anything necessary to be done to facilitate the carrying
17 out of its functions under this Bill.

18 (2) The functions of the Council enumerated in sub clause (1) of this
19 clause except as the nature of the function will otherwise dictate, shall be
20 performed by the Council through the Board, Secretariat and Directorates
21 established under this Bill.

Establishment
of Directorates

22 **5.-(1)** There shall be established the following Directorates for the
23 Council-

24 (a) Directorate of Nigerian Content Development on Information
25 Communication Technology;

26 (b) Directorate of Nigerian Content Development on Solid Minerals
27 and Metallurgy;

28 (c) Directorate of Nigerian Content Development on Maritime and
29 Logistics;

30 (d) Directorate of Nigerian Content Development on Power;

1 (e) Directorate of Nigerian Content Development on
2 Manufacturing;

3 (f) Directorate of Nigerian Content Development on Health;

4 (g) Directorate of Nigerian Content Development on Agriculture
5 and Agro- Allied Products; and

6 (h) Directorate of Nigerian Content Development on Construction.

7 (2) Each Directorate shall have among others, the following
8 departments-

9 (a) Department of Finance and Supply;

10 (b) Department of Human Resources;

11 (c) Department of Monitoring, Evaluation and Enforcement;

12 (d) Department of Planning, Research and Statistics;

13 (e) Department of Legal Services;

14 (f) Department of Projects; and

15 (g) Department of Start Ups and Capacity Development.

16 **6.-(1)** The scope of the responsibilities for each of the Directorates
17 established under this Bill shall be as set out in the provisions of this Bill. Delimitation of
the responsibilities
of the Directorates

18 **7.-(1)** The Directorate of Nigerian Content Development on
19 Information Communication Technology shall be exclusively responsible
20 for overseeing, coordinating, monitoring, administering and enforcing the
21 implementation of Nigerian content in relation to all operations,
22 transactions and activities in the Nigerian Information Communication
23 Technology sector. Directorate of
Nigerian Content
Development on
Information
Communication
Technology

24 (2) For the avoidance of doubt, the responsibilities of the
25 Directorate of Nigerian Content Development on Information
26 Communication Technology shall include:

27 (a) proactively address perception of quality of Made-in-Nigeria
28 ICT products and services by working with leading national and global
29 quality organizations, and Nigerian industry groups to train and assist
30 indigenous Nigerian ICT companies and firms to improve their products,

- 1 services and processes;
- 2 (b) promoting capacity development in the relevant ICT thematic
- 3 proficiencies in primary, secondary and tertiary institutions and designated
- 4 Centres of Excellence;
- 5 (c) empowering Centres of Excellence around key emerging
- 6 technologies and promote the creation of a minimum of six Centres of
- 7 Excellence in partnership with Nigerian tertiary institutions;
- 8 (d) to designate Centres of Excellence based on set eligibility criteria,
- 9 application and evaluation in line with the defined criteria;
- 10 (e) to produce National ICT skills gap report in collaboration with
- 11 relevant stakeholders;
- 12 (f) to support academic research projects being conducted by
- 13 Nigerian scholars and educational institutions in Nigeria which focus on
- 14 developing the ICT sector in the country;
- 15 (g) to promote and support the commercialisation of research
- 16 activities in order to engender and encourage Nigerian entrepreneurship and
- 17 skills development in the Nigerian Information Communication Technology
- 18 Sector;
- 19 (h) to provide incentives for indigenous Nigerian companies and
- 20 firms to support and develop leading and emerging ICT;
- 21 (i) to support ICT technology incubation programs, Startups
- 22 communities, ICT clusters and other IT development networks to stimulate the
- 23 growth and promotion of the Nigerian content in the Information and
- 24 Communication Technology Sector;
- 25 (j) to partner with relevant organizations and other appropriate bodies
- 26 to setup a Technical & Vocational Skill Acquisition and Training Programme
- 27 for ICT practitioners and small-scale entrepreneurs;
- 28 (k) to mandate all IT third service providers with existing IT
- 29 contracts, partnerships or service agreements with the Federal Government to

1 engage graduate interns as a necessary component of IT service delivery for
2 Nigeria;

3 (l) taking all necessary steps to ensure that Nigerian companies
4 independently produce critical Made-in-Nigeria components, parts,
5 accessories, plants and equipment required in the Information and
6 Communication Technology Sector by actively partnering with Nigerian
7 companies to manufacture these and other allied products using totally or
8 substantially locally sourced raw materials in Nigeria, to meet up domestic
9 needs and for exports where there is a surplus in the quantities produced for
10 domestic need;

11 (m) encouraging Nigerian businesses in the Information and
12 Communication Technology Sector to immediately identify, incubate and
13 execute commercially viable innovative ideas to increase Nigerian content
14 development on Information and Communication Technology;

15 (n) ensuring that all stakeholders in the Information and
16 Communication Technology Sector buy and support made in Nigeria goods,
17 components, spare parts, plant and machinery for the development of
18 Nigerian content in the Information and Communication Technology
19 Sector;

20 (o) holding periodic meetings of not less than once in a month with
21 selected stakeholders including Information Technology Association of
22 Nigeria (ITAN), Nigerian Internet Registration Association and other
23 associations and non- governmental bodies in the Information and
24 Communication Technology Sector on the challenges or otherwise that are
25 militating against the attainment of the goal of diversification in the
26 Information and Communication Technology of the Nigerian economy;
27 and

28 (p) briefing the Board of the Council established under this Bill on
29 the challenges militating against the attainment of the goal of diversification
30 in the Information and Communication Technology Sector of the Nigerian

1 economy and suggestions on how to overcome such challenges.

2 **8.-(1)** The Directorate of Nigerian Content Development on Solid
 3 Minerals and Metallurgy shall be exclusively responsible for overseeing,
 4 coordinating, monitoring, administering and enforcing the implementation of
 5 Nigerian content in relation to all operations, transactions and activities in the
 6 Solid Minerals and Metallurgy Industry in Nigeria.

7 (2) For the avoidance of doubt, the responsibilities of the Directorate
 8 of Nigerian Content Development on Solid Minerals and Metallurgy shall
 9 include:

10 (a) taking all necessary steps to ensure that Nigerian companies
 11 independently produce critical Made-in-Nigeria components, parts,
 12 accessories, plants and equipment required in the Solid Minerals and
 13 Metallurgy sector by actively partnering with Nigerian companies to
 14 manufacture these and other allied products using totally or substantially
 15 locally sourced raw materials in Nigeria, to meet up domestic needs and for
 16 exports where there is a surplus in the quantities produced for domestic need;

17 (b) ensuring that indigenous small and medium scale producers of building and
 18 Infrastructural development materials are encouraged with incentives,
 19 including single digit interest on loans to Made-in-Nigeria goods to meet the
 20 need of the Solid Minerals and Metallurgy Sector in Nigeria;

21 (c) encouraging Nigerian businesses in the Solid Minerals and
 22 Metallurgy sector to immediately identify, incubate and execute commercially
 23 viable innovative ideas to increase Nigerian content development on
 24 construction;

25 (d) ensuring that all stakeholders in the Solid Minerals and
 26 Metallurgy Sector buy and support made in Nigeria goods, components, spare
 27 parts, plant and machinery for the development of Nigerian content in the
 28 Solid Minerals and Metallurgy Sector;

29 (e) holding periodic meetings of not less than once in a month with
 30 selected stakeholders including Miners Association of Nigerian and other

1 associations and non- governmental bodies in the Solid Minerals and
2 Metallurgy Sector on the challenges or otherwise that are militating against
3 the attainment of the goal of diversification in the Solid Minerals and
4 Metallurgy Sector of the Nigerian economy; and

5 (f) briefing the Board of the Council established under this Bill on
6 the challenges militating against the attainment of the goal of diversification
7 in the Solid Minerals and Metallurgy Sector of the Nigerian economy and
8 suggestions on how to overcome such challenges.

9 **9.-(1)** The Directorate of Nigerian Content Development on
10 Maritime and Logistics shall be responsible for overseeing, coordinating,
11 monitoring, administering and enforcing the implementation of Nigerian
12 content in relation to the operations, transactions and activities in the
13 Nigerian Maritime Industry.

Directorate of
Nigerian Content
Development on
Maritime and
Logistics

14 (2) For the avoidance of doubt, the responsibilities of the
15 Directorate of Nigerian Content Development on Maritime and Logistics
16 shall include:

17 (a) taking all necessary steps to ensure that Nigerian companies
18 independently produce critical Made-in-Nigeria components, parts,
19 accessories, plants and equipment for the building of ships and other vessels
20 in the maritime industry in Nigeria by actively partnering with Nigerian
21 companies to manufacture these and other allied products using totally or
22 substantially locally sourced raw materials in Nigeria, to meet up domestic
23 needs and for exports where there is a surplus in the quantities produced for
24 domestic need;

25 (b) encouraging Nigerian businesses in the Maritime Industry to
26 immediately identify, incubate and execute commercially viable innovative
27 ideas to increase Nigerian content development in the Maritime Industry;

28 (c) ensuring that all stakeholders in the Nigerian Maritime Industry
29 buy and support made in Nigeria goods, components, spare parts, plant and

1 machinery for the development of Nigerian content in the Maritime Industry;
 2 (d) holding periodic meetings of not less than once in a month with
 3 selected stakeholders including Shipowners Association of Nigeria and other
 4 associations and non- governmental bodies in the maritime industry on the
 5 challenges or otherwise that are militating against the attainment of the goal of
 6 diversification and Nigerian content development in the Nigerian Maritime
 7 Industry; and

8 (e) briefing the Board of the Council established under this Bill on the
 9 challenges militating against the attainment of the goal of diversification and
 10 Nigerian content development in the Nigerian Maritime Industry and
 11 suggestions on how to overcome such challenges.

Directorate of
 Nigerian Content
 Development on
 Power

12 **10.-(1)**The Directorate of Nigerian Content Development on Power
 13 shall be exclusively responsible for overseeing, coordinating, monitoring,
 14 administering and enforcing the implementation of Nigerian content in
 15 relation to all operations, transactions and activities in the power sector in
 16 Nigeria provided that such responsibility shall not extend to any transaction or
 17 activity which any other Directorate or body had been specifically assigned
 18 responsibility under this Bill.

19 (2) For the avoidance of doubt, the responsibilities of the Directorate
 20 of Nigerian Content Development on Power shall include:

21 (a) taking all necessary steps to ensure that Nigerian companies
 22 independently produce critical Made-in-Nigeria components, parts,
 23 accessories, plants and equipment like transformers, cable wire, smart
 24 meters for billing of electricity consumption, Relay & Control Panels,
 25 Instrument Transformers, Disconnect Switches and Surge Arresters etc.
 26 required in the power sector by actively partnering with Nigerian companies to
 27 manufacture these and other allied products using totally or substantially
 28 locally sourced raw materials in Nigeria, to meet up domestic needs and for
 29 exports where there is a surplus in the quantities produced for domestic need;

30 (b) encouraging Nigerian businesses in the power sector to

1 immediately identify, incubate and execute commercially viable Off Grid
2 and mini grid renewable energy projects in solar, wind, biomass, small
3 hydro power etc. in Country;

4 (c).engaging Nigerian professionals to undertake projects to
5 enhance unabridged transmission and security of generated qualities and
6 quantities of power from the point of generation to the point of distribution
7 to final consumers.

8 (d). ensuring that all stakeholders in the Nigerian Power Sector
9 buy and support made-in-Nigeria goods, components, spare parts, plant and
10 machinery for the development of Nigerian content in the Nigerian Power
11 Sector;

12 (e) holding periodic meetings of not less than once in a month with
13 selected stakeholders including Nigerian Society of Engineers and other
14 associations and non- governmental bodies in the power sector on the
15 challenges or otherwise that are militating against the attainment of the goal
16 of diversification in the power sector of the Nigerian economy; and

17 (f) briefing the Board of the Council established under this Bill on
18 the challenges militating against the attainment of the goal of diversification
19 in the power sector of the Nigerian economy and suggestions on how to
20 overcome such challenges.

21 **11.** The Directorate of Nigerian Content Development on
22 Manufacturing shall be exclusively responsible for overseeing,
23 coordinating, monitoring, administering and enforcing the implementation
24 of Nigerian content in relation to all operations, transactions and activities
25 in the manufacturing sector in Nigeria, and shall-

Directorate of
Nigerian Content
Development
on Manufacturing

26 (a) collaborate with other Directorates to undertake joint ventures
27 and programmes to promote locally manufactured goods to aid
28 industrialisation of the Nigerian economy;

29 (b) shall ensure that standardized quality and sufficient quantities
30 of goods including parts, components, spare parts, plant and machinery are

1 Made-in-Nigeria for utilisation by stake holders in all the sectors of the
2 Nigerian economy;

3 (c) ensure that companies assembling goods in Nigeria use
4 components, parts and accessories manufactured in Nigeria for the assembling
5 of the goods, provided, such components meet the standard quality approved
6 by the Standard Organisation of Nigeria or any legally recognized Nigerian or
7 international agency for standardization;

8 (d) hold periodic meetings of not less than once in a month with
9 selected stakeholders including Manufacturers Association of Nigeria and
10 other associations and non- governmental bodies in the manufacturing sector
11 on the challenges or otherwise that are militating against the attainment of the
12 goal of diversification in the manufacturing sector of the Nigerian economy;

13 (e) brief the Board of the Council established under this Bill on the
14 challenges militating against the attainment of the goal of diversification in the
15 manufacturing sector of the Nigerian economy and proffer suggestions on how
16 to overcome such challenges; and

17 (f) collaborate with the Nigerian Export Promotion Council, Central
18 Bank of Nigeria, financial institutions, investors, foreign agencies and any
19 reasonable and responsible organization to promote and ensure the
20 implementation of factoring and for factoring as instruments of financing the
21 export of, and trading in, Made-in-Nigeria goods under Regulations to be
22 prescribed, within not more than twelve months of the coming into effect of
23 this Bill, by the Central Bank of Nigeria.

Directorate of
Nigerian Content
Development
on Health

24 **12.-(1)** The Directorate of Nigerian Content Development on Health
25 shall be exclusively responsible for overseeing, coordinating, monitoring,
26 administering and enforcing the implementation of Nigerian content in
27 relation to all operations, transactions and activities in the health sector in
28 Nigeria.

29 (2) For the avoidance of doubt, the responsibilities of the Directorate
30 of Nigerian Content Development on Health shall include:

1 (a) to collaborate with Governments of State, Nigerian Health
 2 Insurance Scheme (NHIS) and/or the private sector for the establishment of
 3 at least a world class Nigerian Content Development Specialist Hospital in
 4 each State of the Federation, which shall be managed under Public Private
 5 Partnership;

6 (b) taking all necessary steps to ensure that indigenous Nigerian
 7 companies independently produce medicines and medical equipment to
 8 meet up domestic needs and for exports where there is a surplus in the
 9 quantity produced for domestic need;

10 (c). the promotion of the use of locally produced pharmaceutical
 11 products and medical devices in Nigeria;

12 (d) prioritising pharmaceutical preparations, paying attention to
 13 the use of locally sourced raw materials, medical devices and equipment at
 14 different stages of the preparations;

15 (e) ensuring that all stakeholders in the Nigerian health sector buy
 16 and support made in Nigeria goods, components, spare parts, plant and
 17 machinery for the development of Nigerian content in the Nigerian health
 18 sector;

19 (f) holding periodic meetings of not less than once in a month with
 20 selected stakeholders including Nigerian Medical Association and other
 21 associations and non-governmental bodies in the health sector on the
 22 challenges or otherwise that are militating against the attainment of the goal
 23 of diversification in the health sector of the Nigerian economy; and

24 (g) briefing the Board of the Council established under this Bill on
 25 the challenges militating against the attainment of the goal of diversification
 26 in the health sector of the Nigerian economy and suggestions on how to
 27 overcome such challenges.

28 **13.-(1)** The Directorate of Nigerian Content Development on
 29 Agriculture and Agro-Allied Products shall be exclusively responsible for
 30 overseeing, coordinating, monitoring, administering and enforcing the

Directorate of
 Nigerian Content
 Development on
 Agriculture and
 Agro-Allied
 Products

1 implementation of Nigerian content in respect of all operations, transactions
2 and activities relating to agriculture and agro allied products in Nigeria.

3 (2) For the avoidance of doubt, the responsibilities of Directorate of
4 Nigerian Content Development on Agriculture and Agro- Allied Products shall
5 include:

6 (a) taking all necessary steps to ensure that Nigerians and indigenous
7 Nigerian companies independently or in partnership with foreigners, foreign
8 companies, domestic and international donor agencies, national and
9 international institutions, engage in agricultural transformation and
10 advancement activities to promote food security and produce raw materials
11 for agro- allied industries in Nigeria.

12 (b) the promotion of the use of Made-in-Nigeria agro allied products
13 in Nigeria;

14 (c) the promotion of the cultivation and use of locally sourced raw
15 materials for companies operating in Nigeria and for export;

16 (d) ensuring that all stakeholders in the Nigerian Agriculture and
17 Allied Products sector buy and support made in Nigeria goods, components,
18 spare parts, plant and machinery for the development of Nigerian content in
19 the Nigerian Agriculture and Agro Allied Products sector; and

20 (e) holding periodic meetings of not less than once in a month with
21 selected stakeholders including Federation of Agricultural Commodity
22 Associations of Nigeria and other associations and non-governmental bodies
23 in the agriculture and agro allied products sector on the challenges or otherwise
24 that are militating against the attainment of the goal of diversification in the
25 agricultural and agro allied products sector of the Nigerian economy; and

26 (f) briefing the Board of the Council established under this Bill on the
27 challenges militating against the attainment of the goal of diversification in the
28 agricultural and agro allied products sector of the Nigerian economy and
29 suggestions on how to solve such challenges.

- 1 14.-(1) The Directorate of Nigerian Content Development on Directorate of
2 Construction shall be responsible for overseeing, coordinating, monitoring, Nigerian Content
3 administering and enforcing the implementation of the provisions of this Development on
4 Bill in relation to the operations, transactions and activities including but Construction
5 not limited to construction of roads, buildings, rails, airports, seaports
6 among civil works in the Nigerian Construction industry provided that such
7 responsibility shall not extend to any construction carried out in aid of
8 exploration, production and exploitation of petroleum and mineral
9 resources.
- 10 (2) For purpose of clarity, the responsibilities of the Directorate of
11 Nigerian Content Development on Construction shall also include:
- 12 (a) taking all necessary steps to ensure that Nigerians and
13 indigenous Nigerian companies independently or in partnership with
14 foreigners, foreign companies, domestic and international donor agencies,
15 national and international institutions, actively engage in construction
16 activities that are of internationally acceptable quality in Nigeria.
- 17 (b) the promotion of the use of Made-in-Nigeria products for
18 construction work in Nigeria;
- 19 (c) ensuring that all stakeholders in the Nigerian Construction
20 industry buy and support Made -in-Nigeria goods, components, spare parts,
21 plant and machinery for the development of Nigerian content in the Nigerian
22 Construction Industry;
- 23 (d) holding periodic meetings of not less than once in a month with
24 selected stakeholders including relevant associations and non-
25 governmental bodies in the construction industry on the challenges in the
26 development of indigenous technologies and skills in the construction
27 industry in Nigeria; and
- 28 (e) briefing the Board of the Council established under this Bill on
29 the challenges militating against the development of indigenous skill in the

	1	construction industry in Nigeria and offer suggestions on how to overcome
	2	such challenges.
Appointment of heads of Directorates	3	15. Each Directorate shall be headed by an Executive Commissioner
	4	who shall be appointed by the President and Commander in Chief of the Armed
	5	Forces of the Federal Republic of Nigeria. Such person shall-
	6	(a) be a graduate of not less than 15 years with proven integrity;
	7	(b) possessed experience, knowledge and interest in the development
	8	of Nigerian Content in the Nigerian economy; and
	9	(c) by reason of his professional, business or occupational attainment
	10	is a fit and proper person capable of making useful contribution in furtherance
	11	of Nigerian Content development in the Directorate he is to be appointed
	12	executive commissioner.
Powers of the Directorates	13	16.-(1) A Directorate established under this Bill shall have the
	14	following powers
	15	(a) verification of Nigerian indigenous companies' capacities and
	16	capabilities in relation to the Nigerian Content requirements of this Bill as
	17	applicable to the responsibility of the Directorate;
	18	(b) evaluation of application of Nigerian content plan, reports and
	19	other documents submitted by Nigerian Content Entities or other entities upon
	20	whom obligation to submit such plan, report and other documents is imposed
	21	under this Bill;
	22	(c) tracking and monitoring of performance of Nigerian Content
	23	entities in fulfilling Nigerian content obligations in respect of any work,
	24	transaction or operation that the Directorate issued a Certificate of
	25	Authorisation;
	26	(d) ranking and categorization of companies or entities operating in
	27	the sector that the Directorate oversees Nigerian content development based on
	28	capabilities and capacities; and
	29	(e) ensure that development of Nigerian content under this Bill is
	30	geared towards the diversification of the Nigerian economy.

1 (2) A Directorate shall have and exercise powers to oversee,
2 coordinate, monitor, administer and enforce the implementation of the
3 provisions of this Bill and ensure measurable and continuous growth in
4 Nigerian content in relation to the responsibilities of the Directorate under
5 this Bill.

6 (3) Each Directorate established under this Bill shall also have and
7 exercise all the powers and rights of a legal person.

8 **17.**-(1) In the exercise of the functions and powers conferred upon
9 the Directorates under this Bill, the Directorates shall not be subject to the
10 direction or control of any other person except the Board of the Council
11 which shall ensure that the Directorates implement the tenor and spirit of
12 the provisions of this Bill in relation to the responsibilities of the
13 Directorates.

Independence and
synergies among
Directorates

14 (2) Directorates established under this Bill shall cooperate with
15 one another in the implementation of the provisions of this Bill and where
16 necessary, Directorates may enter into joint venture arrangements to finance
17 and execute projects that are mutually beneficial to the sectors of the
18 Nigerian economy that the Directorates oversee.

19 **18.**-(1) For the purposes of close proximity to the areas of greater
20 activities of the sectors for which the directorates are responsible, and also to
21 foster frequent beneficial interactions between the directorates and key
22 stakeholders of the sectors, the headquarters of the Directorates shall be as
23 set out hereunder-

Headquarters of
the Directorates

24 (a) The headquarters of the Directorate of Nigerian Content
25 Development on Information Communication Technology shall be sited in
26 Lagos, Lagos State;

27 (b) The headquarters of the Directorate of Nigerian Content
28 Development on Solid Minerals and Metallurgy shall be sited in Minna,
29 Niger State;

30 (c) The headquarters of the Directorate of Nigerian Content

1 Development on Maritime and Logistics shall be sited in Calabar, Cross River
2 State;

3 (d) The headquarters of the Directorate of Nigerian Content
4 Development on Power shall be sited in Abuja;

5 (e) The headquarters of the Directorate of Nigerian Content
6 Development on Manufacturing shall be sited in Nnewi, Anambra State;

7 (f) The headquarters of the Directorate of Nigerian Content
8 Development on Health shall be sited in Abuja; and

9 (g) The headquarters of the Directorate of Nigerian Content
10 Development on Agriculture and Agro-Allied Products shall be sited in
11 Markurdi in Benue State.

12 (2) Each of the Directorates may set up an office in any state of the
13 Federation.

14 PART III - NIGERIAN RESOURCE DEVELOPMENT PLAN

Submission of
Nigerian Resource
Development Plan

15 **19.**-(1) Any company participating in any Federal Government tender
16 bidding, or applying for, any licence, permit, lease or any interest to undertake
17 the development of any mineral or other natural resources in any sector of the
18 Nigerian economy to which this Bill applies, shall submit a Nigerian Resource
19 Development Plan ("the Plan") to the relevant Directorate along with the Bid
20 or application.

21 (2) A Directorate may prescribe fees for the processing of Nigerian
22 Resource Development Plan.

Duty to set out
certain prescribed
information in the
Nigerian Resource
Development Plan

23 **20.**-(1) A company shall, in preparing a Nigerian Resource
24 Development Plan, set out the following information-

25 (a) the expected total quantity and quality of goods and services that
26 may be required for the execution of the entire project;

27 (b) the estimated quantum of goods and services produced in Nigeria
28 that meet the required standards in the industry that are expected to be used out
29 of the total estimated quantity and quality of goods and services that may be
30 required for the execution of the entire project;

1 (c) justification for any decline to use Made-in-Nigeria goods and
2 services produced in Nigeria, where such goods and services are available
3 for use by the company, but declined to be used by the company;

4 (d) the estimated quantum of goods and services produced in
5 Nigeria that are declined to be used presently but capable of being used
6 during the duration of the execution of the project if specified improvements
7 are made on such Made-in-Nigeria goods and services produced in Nigeria;

8 (e) initiatives for capacity building programme(s) that could be
9 made by the company to enable indigenous Nigerian companies to produce
10 Made-in-Nigeria goods and services produced in Nigeria, described in sub-
11 clause (d) of this clause;

12 (f) the projected number and qualification required from
13 Nigerians to be engaged in the execution of the project and the standards for
14 the remuneration for Nigerian employees;

15 (g) strategies for the support of Nigerians' participation in the
16 activities to which the plan relate; and

17 (h) total budget estimate with regard to the implementation of the
18 Nigerian content components of the entire project.

19 (2) A company shall, subject to the provisions of this Bill and for
20 the purposes of sub clause (2) of clause 19 of this Bill, include in its Plan, the
21 following-

22 (a) employment and skills development plan;

23 (b) purchase of Made -in Nigeria products, components, parts,
24 plant and equipment plan;

25 (c) research and development plan;

26 (d) technology transfer plan;

27 (e) financial services plan;

28 (f) legal services plan;

29 (g) insurance services plan;

30 (h) succession plans for positions not held by Nigerians; and

	1	(i) such other plans as may be prescribed in an appropriate
	2	Regulation pursuant to this Bill.
Duty to acknowledge \ receipt of the of Plan	3	21. A Directorate to whom a Nigerian Resource Development Plan is
	4	submitted shall acknowledge the receipt of the submission within two days
	5	from the date of the receipt of the Plan.
Issuance of Certificate of authorisation	6	22.-(1) A Directorate upon the receipt of Nigerian Resource
	7	Development Plan shall within thirty days review and assess the Plan and, if
	8	satisfied that the Plan complies with the provisions of this Bill in relation to the
	9	development of Nigerian content, issue a Certificate of Authorisation ("the
	10	Certificate') to the company.
	11	(2) For the purposes of reviewing or assessing the Plan vis - a-vis, the
	12	requirements for Nigerian content by virtue of the provisions of this Bill, a
	13	Directorate to which a Plan is submitted may conduct a public hearing in
	14	relation to the exercise of any of its powers or/and functions under this Bill
	15	provided that any such review or assessment is completed and certificate
	16	issued or denied within thirty days from the date of the Plan.
Public participation in the review and assessment of Nigerian Resource Development Plan	17	23.-(1) The Directorate shall, in reviewing and assessing the Nigerian
	18	Resource Development Plan under clause 22 of this Bill ensure public
	19	participation and shall, for this purpose,-
	20	(a) publicize the plan in at least three widely circulated national
	21	newspaper, the website of the Directorate and the Council and through such
	22	other media as the Directorate may consider appropriate;
	23	(b) involve the relevant stakeholders in the industry to which the plan
	24	relates and afford such stakeholders an opportunity to be heard at the public
	25	hearing; and
	26	(c) take into account any written and oral representations made before
	27	and during the public hearing.
	28	(2) The Directorate shall publicize the plan as stipulated in sub -
	29	clause (1) (a) of this clause within a period of seven days upon the receipt of
	30	the Plan.

1 (3) Any person or entity may make contribution to the public
2 hearing by forwarding written presentation about the plan to the relevant
3 Directorate seven days to the date fixed for the public hearing.

4 **24.-(1)** A Directorate shall, upon reviewing and assessing a
5 Nigerian Resource Development Plan, inform the applicant of its decision to
6 approve or disapprove the plan within a period of seven days from the date
7 of its decision.

Duty to inform
an applicant of
decision on the
approval or refusal
of Nigerian Resource
Development Plan

8 (2) Where a Directorate refuses to approve a plan, it shall furnish
9 the entity that submitted the Plan with a written statement stating the
10 reasons for the refusal and may issue relevant advice to the company to
11 correct any defect in the disapproved plan and resubmit the Plan for
12 consideration within the period stipulated in clause 23 of this Bill.

13 **25.-(1)** An entity whose Plan was disapproved under clause 24 of
14 this Bill may within a period of ten days from the date of notification of the
15 decision by the Directorate refusing to approve the Plan-

Submission of a
Revised Plan where
previous plan was
refused

16 (a) revise the Nigerian Resource Development Plan that was
17 rejected, taking into account the reasons given for the refusal; and

18 (b) submit the revised Nigerian Resource Development Plan to the
19 Directorate.

20 (2) The revise plan submitted pursuant to clause (1) of this clause
21 shall be reviewed and assessed and approval given or denied within fifteen
22 days from the date of the receipt of the said revised plan.

23 **26.** Where a Directorate upon the receipt of a Plan fails to inform
24 the applicant of the approval or denial of the Plan within thirty days from the
25 receipt of the application, the failure shall be deemed to be an approval of
26 the Plan submitted to the Directorate.

Deemed Grant
of Approval of
Nigerian Resource
Development Plan

27 **27.-(1)** A Nigerian Resource Development Plan once approved
28 shall not be deviated from except in exceptional circumstances and with the
29 approval of the relevant Directorate that issued the Letter of Authorisation
30 in relation to the plan.

Deviation from
Approved Nigerian
Resource Development
Plan

1 (2) A company intending to deviate from an approved Nigerian
2 Resource Development Plan shall apply in writing to the Directorate that
3 approved the plan, stating the grounds for which the deviation is sought.

4 (3) The exceptional circumstances referred to in sub clause (1) of this
5 clause is where the company shows that the performance of an item contained
6 in the Plan has due to reasonable unforeseen circumstances at the time of
7 submitting the Plan, become impracticable to be performed or adhere to, and
8 the company cannot reasonably be expected to do anything to avoid the
9 impracticability.

10 (4) The relevant Directorate in approving deviation shall require the
11 company to replace the item in the Plan sought to be deviated from, with a
12 proper and fit alternative in addition to the payment of prescribed
13 administrative fees which shall not be more than the fees to be paid under
14 clause 19(4) of this Bill.

Commencement
of the utilisation
of instrument or
execution of project

15 **28.** The utilisation of any instrument or execution of any project to
16 which the provisions of this Bill apply shall not commence until the company
17 which is to utilise the instrument or execute the project has obtained a
18 Certificate of Authorisation showing that the Nigerian Resource Development
19 Plan that the entity submitted to the Directorate met the requirements of the
20 provisions of this Bill and has been accordingly approved by the Directorate.

Duty of
Directorates to
transfer application
in respect of plans

21 **29.** Where a company or Nigerian Content Entity in its bid to fulfil
22 any obligation imposed on it to make an application to obtain an approval from
23 a Directorate under this Bill makes an application to a wrong Directorate, such
24 Directorate shall upon discovery of the error immediately transfer the
25 application to the appropriate Directorate and shall accordingly inform the
26 applicant of the transfer.

Preparation and
implementation
of strategies and
plan for the
development of
indigenous Nigerian
skills and technical
know-how

27 **PART IV - NIGERIAN CAPACITY DEVELOPMENT ON EMPLOYMENT**
28 **AND SKILL**

29 **30.** An operator shall, in order to develop the skills and technical
30 know-how of Nigerians to enable Nigerians participate effectively in the

1 sector or sectors it operates, prepare and implement strategies and plans for-

2 (a) technical service contracts, joint ventures and strategic
3 alliances to broaden opportunities for Nigerians to develop technical and
4 business capacities in areas where there are technical deficits in the sector of
5 the Nigerian economy;

6 (b) technology transfer programmes with indigenous Nigerian
7 companies to provide credible and measurable plans on incremental transfer
8 of technological know-how to Nigerians, where the Nigerian Content Entity
9 is not an indigenous Nigerian company; and

10 (c) internships to equip Nigerians at all levels of the value chain in
11 the relevant sector of the Nigerian economy with a view to developing a
12 critical mass of knowledgeable and competent national skills pool.

13 **31.-(1)**At the commencement of this Bill, an operators hall, for the
14 purpose of clause 30, prepare a Nigerian Content Employment and Skill
15 Development Plan.

Submission of
Nigerian Content
on Employment
and Skill Development
Plan

16 (2) A Nigerian Content Employment and Skill Development Plan
17 shall include-

18 (a) a forecast of the employment and training needs of the operator
19 or other connected entity which shall also include-

20 (i) a specification of the skills needed;

21 (ii) the anticipated indigenous Nigerian skill shortages in the local
22 workforce;

23 (iii) the specific training requirements to develop Nigerians to
24 meet ;and

25 (iv)the anticipated expenditure that will be incurred by the operator
26 or other connected entity in implementing the employment and training
27 plan;

28 (b) a time frame within which the operator, or other entities
29 involved in the business activities of the Nigerian Content Entity shall

	1	provide employment opportunities for the Nigerian workforce for each phase
	2	of the project to enable Nigerians prepare for such opportunities;
	3	(c) efforts made and procedures adopted for the accelerated training
	4	of Nigerians; and
	5	(d) the information in the implementation of the strategies and plans
	6	set out under clause 19(1) of this Bill
Submission of quarterly report on employment and training	7	32. -(1) An operator shall, in addition to the requirement under sub
	8	clause (1) of clause 31 of this Bill, submit to the relevant Directorate a
	9	quarterly report setting out -
	10	(a) the employment and training activities undertaken during the
	11	reporting period; and
	12	(b) a comparative analysis of the employment and training plan to
	13	monitor compliance.
	14	(2) The quarterly report submitted to the Directorate under this
	15	clause shall specify the number of Nigerians recently employed during the
	16	quarter and their job descriptions.
	17	(3) The Directorate may request for such further information with
	18	respect to the employment and skills development plan as the Directorate
	19	considers necessary for the purpose of the implementation of this Bill.
Research and Development Plan	20	33. -(1) At the commencement of this Bill, every operator shall
	21	prepare and submit to the relevant Directorate, its research and development
	22	plan.
	23	(2) A Research and Development Plan shall contain-
	24	(a) a not more than five year plan of the research initiatives to be
	25	undertaken in Nigeria by the operator within the said period;
	26	(b) plan on the expenditure to be incurred in implementing the
	27	research and development plan; and
	28	(c) request for proposals for research and development initiatives
	29	related to the activities of the operator.
	30	(3) An operator shall-

1 (a) annually review and update the research and development plan
 2 submitted to the Directorate under sub clause (1) of this clause ;and
 3 (b) submit such annually updated plan to the Directorate.

4 **34.**-(1) A Directorate shall, pursuant to the objectives of this Bill,
 5 put in place measures and implement strategies including but not limited to
 6 the provision of research grants to private persons and research institutes in
 7 order to abridge any identified knowledge gap in relation to any area in the
 8 sector that the Directorate is responsible.

Abridgement of
knowledge gap
by promoting
research and
development

9 (2) A Directorate shall, for the purpose of sub clause (1) of this
 10 clause, liaise with research institutions and regulatory bodies in the
 11 conceptualization and review of local training curricula, provision of
 12 equipment and training facilities to meet up with the need for the relevant
 13 skill and knowledge in any area of the sector that the Directorate identifies
 14 knowledge and skill gap.

15 **35.**-(1) An operator shall annually set aside 0.5% of the taxable
 16 annual profit of its business activities for the funding of research and
 17 development activities of the operator.

Fund on Research
Development

18 (2) The sum mentioned in sub- clause (1) of this Clause shall be
 19 collected by the Federal Inland Revenue Service and be paid into the Fund
 20 established under sub clause (3) of this clause.

21 (2) Subject to the provision of clause 36 of this Bill, the Fund set
 22 aside under sub clause (1) of this clause shall be applied as follows-

23 (a) fifty percent of the fund shall be allocated to sponsor specific
 24 research and development programmes in Nigerian tertiary or research
 25 institution to aid the operator in the improvement of the entity's business
 26 activities for the attainment of possible maximum level of international
 27 business competitiveness; and

28 (b) fifty percent shall be applied to research and development
 29 activities within the facilities of the entity, in Nigeria, or for the funding of
 30 startup and incubation activities under this Bill.

1 (3) For the purposes of this clause, an operator to which the provisions
2 of this Bill apply, shall establish a Fund to be known as Nigerian Content
3 Research and Development Fund which shall be domiciled in the Central Bank
4 of Nigeria into which the 0.5% of the taxable annual profit of the business
5 activities of the entity shall be paid into pursuant to sub clause (1) of this
6 clause.

7 (4) The 0.5% of the net profit of such entities paid into the Nigerian
8 Content Research and Development Fund shall be tax deductible and every
9 withdrawal from such fund shall not be subjected to value added tax and bank
10 charges.

11 (5) An operator shall not spend any money from its Nigerian Content
12 Research and Development without the approval of the Directorate
13 responsible for the sector under which the operator operates.

14 6) An operator seeking to utilize any part of its Nigerian Content
15 Research and Development Fund shall apply to the relevant Directorate for
16 approval and shall state the specific research and development activities that
17 the fund is to be utilized and the expected benefit(s) to the operator and the
18 Nigerian economy.

Directorates to
direct Nigerian
Content Entities
to collaborate
to fund research
and development
programmes

19 **36.** A Directorate shall encourage and collaborate with Nigerian
20 Content Entities to fund any research and development programme where-

21 (a) the Directorate finds that funds accrued in the Nigerian Content
22 Research and Development Fund of the operators cannot fund a reasonable
23 research and development programme without a collaboration with others; or

24 (b) the research is on a complex but mutually beneficiary programme
25 that will require pulled resources from the operators to fund.

Nigerian Content
Entities to benefit
from tax credit for
engaging in Research
and Development
activities

26 **37.-(1)** A Nigerian Content Entity that engages in research and
27 development activities and creates a new knowledge or improved process,
28 service or good that results to greater and more quality production of Made-in-
29 Nigeria good or service or production of good or service that is otherwise

1 imported shall be entitled to a tax credit at the rate of fifteen per cent
2 provided a prior application for approval to undertake the research and
3 development activities was made to the Board of the Council through the
4 relevant Directorate, and the Board approves of the research and
5 development activities before the Nigerian Content Entity embarked on
6 such research and development activities.

7 (2) The Board shall not give its approval under sub clause (1) of this
8 clause if the activities relate to the application of existing knowledge in a
9 new situation.

10 **38.**-(1) Any person, agency, organization or institution that is
11 engaged in any research under this Bill shall forward a copy of his or its
12 research findings to the entity that engaged him /it within seven days from
13 the date of the conclusion of the research.

Obligation of
researcher to report
finding to Nigerian
Content entity

14 (2) The entity shall within seven days from the date of the receipt
15 of such findings acknowledge the receipt of the copy of the findings and take
16 immediate step to study the findings and determine the applicability or
17 otherwise of the findings in the improvement of its business activities in the
18 Nigerian economy.

19 (3) The entity shall within sixty days from the date of its receipt of
20 the findings give a feedback on its observation(s) on the findings to the
21 researcher.

22 **39.**-(1) Each Directorate shall for the purposes of assessing and
23 verifying the impact of research and development activities liaise with
24 relevant operators in the sector and obtain relevant information from such
25 operators to assist the Directorate to verify and assess the positive or
26 otherwise impact of research and development activities on the sector the
27 Directorate oversees under this Bill.

Directorates to
obtain information
for assessment and
verification of
research and
development
activities

28 (2) The information to be submitted under sub clause (1) of this
29 clause shall identify the researcher, the research programme, the dates the
30 research programme commenced and concluded and the benefits accrued to

	1	the operator and the generality of the relevant sector of the Nigerian economy.
	2	PART V - USE OF LATEST TECHNOLOGY FOR NIGERIAN CAPACITY
	3	DEVELOPMENT AND SUCCESSION PLAN
Use of latest technology to promote the development of Nigerian capacity	4	40. Each Directorate shall, in consultation with the Board of the
	5	Council and in collaboration with relevant stakeholders in the sector that the
	6	Directorate is responsible for-
	7	(a) identify areas in the relevant sector where there is the need for the
	8	use of any latest technology and/or skill in the production of goods and/or
	9	services by Nigerian content entities in the sector of the Nigerian economy the
	10	Directorate oversees and formulate strategic plans and programmes for the
	11	acquisition and use of such required latest technology and skill by Nigerian
	12	employees in these Nigerian Content entities; and
	13	(b) encourage and ensure in such manner as it shall consider
	14	appropriate that all Nigerian Content entities use such latest technology and
	15	skills in their businesses.
Submission of implementation plan for the use of latest technology and skills	16	41.-(1) At the commencement of this Bill, a Nigerian Content Entity
	17	shall ensure that latest scientific and technological skills in use by international
	18	businesses are used in its business activities in Nigeria.
	19	(2) The Nigerian Content Entity shall pursuant to sub - clause (1) of
	20	this clause prepare and submit to the relevant Directorate, its plans and
	21	programmes including but not limited to training programmes for its
	22	employees on the use of such latest technology or technologies and skills in its
	23	business operations in Nigeria.
	24	(3) A plan to be submitted under sub clause (1) of this clause shall
	25	include-
	26	(a) the specific nature and scope of the latest technology and skill to
	27	be used by the Nigerian Content Entity and the number of Nigerians to be
	28	trained to acquire the relevant expertise knowledge and skills;
	29	(b) schedule of activities aimed at ensuring the effective use of the

1 latest technology and skill by Nigerian employees in the Nigerian Content
 2 Entity;
 3 (c) timeframe for the implementation of the anticipated activities;
 4 (d) the anticipated expenditure, if any, that will be incurred by the
 5 Nigerian Content Entity for the use of such latest technology and skill;
 6 (e) the expected outputs; and
 7 (f) costs of the programmes.

8 (4) Every Nigerian Content Entity pursuant to sub clauses (1) (2)
 9 and (3) of this clause shall take all reasonable steps to ensure the use of latest
 10 technology and skills used by reputable international businesses and for this
 11 purpose shall-

12 (a) prepare and adopt technology transfer agreements with
 13 reputable foreigners or foreign companies for the implementation of
 14 credible and measurable programmes for the use of emerging technologies
 15 and skills in Nigeria; and

16 (b) facilitate the formation or entry into joint ventures and
 17 partnering through licensing agreements between Nigerian Content Entity
 18 and foreigners or foreign companies.

19 (5) The relevant Directorate shall, for the purpose of this clause,
 20 prepare an assessment tool for the monitoring and evaluation of the use of
 21 latest technologies and skills by Nigerian employees in every Nigerian
 22 Content Entity under this Bill.

23 (6) For the purposes of this part of this Bill, technology transfer
 24 includes the sharing of information on, data, designs, inventions, skills,
 25 materials, software, technical knowledge or trade secrets by a foreigner or
 26 foreign company with Nigerians or indigenous Nigerian companies for the
 27 utilization of such information by Nigerians.

28 **42.** Any cost incurred by any non - indigenous Nigerian Content
 29 Entity in transferring technology to Nigerians shall not be subject to taxation
 30 and shall be deemed as part of the cost of production of the Nigerian Content

Incentives to
facilitate transfer
of technology

	1	Entity for the year under tax.
Succession Plan	2	43. -(1) Upon the commencement of this Bill, every Nigerian Content
	3	Entity shall submit to the relevant Directorate and the agency responsible for
	4	the grant of expatriate quota a succession plan for every position not held by a
	5	Nigerian citizen.
	6	(2) A succession plan shall provide for the understudy, by Nigerians,
	7	of each incumbent foreigner for such period as shall be determined by the
	8	Directorate on a case by case basis and at the end of such period, the position
	9	shall be assumed by the Nigerian.
	10	(3) All positions held by Nigerians shall attract salaries, wages and
	11	benefits as may be set out in the conditions of service of the Nigerian Content
	12	Entity with respect to Nigerian employees.
	13	(4) A Nigerian Content Entity shall submit to the relevant Directorate
	14	in respect of the activities of the entity, a report on the conditions of service and
	15	staff demography of all persons employed or contracted by the entity in
	16	connection with its operations.
	17	PART VI - INSURANCE, LEGAL AND FINANCIAL PLANS AND OBLIGATIONS
	18	TO PATRONISE NIGERIAN PROFESSIONAL SERVICES
Submission of Insurance, Legal and Financial Services Plan	19	44. A Nigerian Content Entity required under this Bill to submit a
	20	Nigerian Resource Development Plan shall submit to the relevant Directorate,
	21	together with its Nigerian Resource Development Plan required to be
	22	submitted under clause 19 of this Bill, an Insurance. Legal and Financial
	23	Services Plan setting out-
	24	(a) the nature of Insurance. Legal and Financial Services required by
	25	the entity;
	26	(b) a projection of the Insurance, Legal and Financial Services
	27	required for the duration of the project; and
	28	(c) the expenditure plan relating to the use of Insurance. Legal and
	29	Financial Services in relation to the project.

- 1 **45.**-(1) All operators, project promoters, alliance partners and
2 indigenous Nigerian companies engaged in any form of business operations
3 or contract in any sector of the Nigerian economy, shall insure all insurable
4 risks related to their businesses, operations or contracts with an insurance
5 company, through an insurance broker registered in Nigeria under the
6 provisions of the extant Insurance Act.
- 7 (2) All operators, project promoters, alliance partners and
8 indigenous Nigerian companies engaged in any form of business operations
9 or contract in any sector of the Nigerian economy shall submit to the
10 relevant Directorate responsible for a sector under this Bill, a list of all
11 insurance companies and insurance brokers through which insurance covers
12 were obtained in the past one year, the class of insurance cover obtained and
13 the expenditures made by the operator;
- 14 (3) The insurance programme shall include-
- 15 (a) a comprehensive report of-
- 16 (i) insurance covers obtained in the past six months of all insurance
17 by expenditure,
- 18 (ii) a forecast of insurance covers required during the next one
19 year, and
- 20 (iii) the projected expenditure for the covers;
- 21 (b) a list of-
- 22 (i) all insurance companies brokers through which insurance
23 covers were obtained in the past one year,
- 24 (ii) the class of insurance cover obtained, and
- 25 (iii) the expenditures made by the operator; and
- 26 (c) the annual insurance premium budget for the past one year in
27 Naira and foreign currencies.
- 28 **46.** No insurance risk in Nigeria shall be placed offshore without
29 the written approval of the relevant Directorate and the National Insurance
30 Council both of whom shall ensure that Nigerian local insurance capacity

Duty to patronise
Nigerian insurance,
legal and financial
services

Offshore placement
of insurance risk

	1	has been fully exhausted by the Nigerian Content Entity applying for the
	2	approval.
Engagement of Nigerian professionals	3	47. -(1) All Nigerian Content Entities in any sector of the Nigerian
	4	economy that the provisions of this Bill apply to, shall retain only the services
	5	of Nigerian professionals or firms of Nigerian professionals whose office shall
	6	be located in Nigeria.
	7	(2) All operators shall submit to the relevant Directorate every year,
	8	its Nigerian Professional Services Plan (NPSP).
	9	(3) The Nigerian Professional Services Plan (NPSP) to be submitted
	10	to the Directorate shall include-
	11	(a) comprehensive report on;-
	12	(i)professional services of Nigerians utilized in the past one year by
	13	expenditure,
	14	(ii) a forecast of professional services of Nigerians required during
	15	the next one year, and
	16	(iii) the projected expenditure for the services;
	17	(b) a list of-
	18	(i) Nigerian professionals or firms whose services have been utilized
	19	in the past one year,
	20	(ii) the nature of professional work done, and
	21	(iii) the expenditure made by the operator; and
	22	(c) the annual budget for each category of professional services for
	23	the past one year in Naira and foreign currencies.
Nigerian Financial Institutions and foreign loans	24	48. -(1) All Nigerian Content Entities engaged in any business
	25	transaction in any sector of the Nigerian economy shall retain only the services
	26	of indigenous Nigerian financial institution(s), except where the transaction
	27	relates to securing loan from a foreign financial institution at a lower interest
	28	rate compared to what is obtainable in the financial sector in Nigeria, provided
	29	also that in any other case of deviation from using financial institution in
	30	Nigeria, the Entity shall obtain an approval from the relevant Directorate with

1 cogent and verifiable reason(s) for justification.

2 (2) All Nigerian Content Entities under this Bill shall submit to the
3 relevant Directorate, every year its Financial Services Plan (FSP).

4 (3) The Financial Services Plan shall include-

5 (a) financial services utilized in the past one year by expenditure;

6 (b) a forecast of financial services required during the next one
7 year;

8 (c) the projected expenditure for the services;

9 (d) a list of-

10 (i) financial services utilized in the past six months,

11 (ii) the nature of financial services provided, and

12 (iii) the expenditure for financial services made by the operator or
13 its main contractors;

14 **49.** The Federal Government of Nigeria shall, for the purpose of
15 enhancing the capacities of Nigerians to participate in the value chain in
16 every sector of the Nigerian economy, put in place measures, including
17 financial incentives that encourage the use of indigenous Nigerian financial
18 institutions in financing economic development in Nigeria.

Federal Government
of Nigeria to encourage
use of indigenous
Nigerian financial
institutions

19 **PART VII - PREFERENCE FOR NIGERIAN CONTENT**

20 **50.**-(1) Every ministry, extra ministerial department, agency, arm
21 of the Federal Government of Nigeria shall ensure that any contract, grant,
22 permit, license, lease or any other instrument conferring any right to
23 undertake any regulated activity pursuant to any law made, or deemed to
24 have been made by the National Assembly, shall subject to the provisions of
25 this Bill, be given to an indigenous Nigerian company and/or firm that
26 demonstrates capacity to effectively and efficiently undertake the subject
27 activity.

Duty to give first
consideration to
indigenous Nigerian
companies and firms

28 (2) An indigenous Nigerian company can be said to have capacity
29 if-

1 (i) in the case of an instrument to exploit natural resources, it has
2 equipment, skilled personnel and substantial working capital or source of
3 raising working capital to exploit the natural resources;

4 (ii) in the case of manufacture of good, it is sourcing and using, for the
5 manufacture of the good, substantial raw materials from Nigeria and also
6 utilising Made-in- Nigeria goods and services in its manufacture;

7 (ii) in other cases, it has skilled personnel and substantial working
8 capital or source of raising working capital to undertake the activity.

Made-in-Nigeria
goods with greater
component of raw
materials produced
in Nigeria to be
given first
consideration

9 **51.** Notwithstanding anything to the contrary in this Bill, every
10 ministry, extra ministerial department, any agency of the Federal Government
11 of Nigeria and Nigerian companies shall in any offer, bid, quotation or
12 contract for the supply of any good or service give first consideration to Made -
13 in- Nigeria good or service with greater component of raw materials sourced
14 from Nigeria provided that such good or service with greater quantum of
15 Niger in produced raw materials is of standard quality approved by the
16 Standard Organisation of Nigeria or any legally recognized Nigerian or
17 international agency for standardization.

Maintenance of
a transparent, fair
and liberalised
bidding system

18 **52.** Subject to the provisions of clause 51 of this Bill, every arm and
19 agency of the Federal Government of Nigeria and any Nigerian Local Content
20 Entity shall maintain a transparent, fair and liberalised bidding process for
21 procuring goods and ensure that the qualities of the goods and services to be
22 provided meet the required standard set by the Standard Organisation of
23 Nigeria(SON) or any legally recognized Nigerian or international agency for
24 standardization.

Margins of
Preference by set
Regulations

25 **53.-(1)** Notwithstanding anything to the contrary as contained in any
26 law, regulation or rules, the Board of the Council shall within six months from
27 the date of the commencement of this Bill, consult with relevant key
28 stakeholders including Manufacturers Association of Nigeria, other members
29 of the organised private sector in Nigeria and relevant statutory regulatory
30 bodies, make Regulations to specify the applicable margins of preference with

1 respect to procurement of goods and services by MDAs, arms of the Federal
2 Government of Nigeria and Nigerian Content Entities.

3 (2) The Regulations made pursuant to sub clause (1) of this clause
4 shall take into consideration the provision of clause 50 of this Bill and
5 prescribe the margins of preference to be given to-

6 (a) Made-in-Nigeria goods with higher Nigerian content in the
7 manufacture of the goods, given consideration to the totality of the locally
8 sourced raw materials and other Nigerians resources utilised by the
9 company to manufacture the goods;

10 (b) services to be provided by Nigerian professions;

11 (c) foreign goods;

12 (d) foreign services in which Nigerian professionals would be
13 involved and the resultant technology transfer to be derived from such
14 service; and

15 (e) any other relevant categorisation that the Council may deem
16 necessary to specify in the Regulation.

17 (3) A Directorate may utilise any existing margins of preference
18 suitable for the relevant sector the Directorate oversees where the Board of
19 the Council has not made any regulation specifying the applicable
20 margins of preference with respect to procurement of goods and services by
21 MDAs, arm of the Federal Government of Nigeria and Nigerian Content
22 Entities.

23 (4) The Council shall review and update the Regulations made
24 pursuant to sub clause (1) of this clause and include in the Regulation or
25 make a supplementary Regulation to provide margins of preference where
26 circumstances demand.

27 **54.-(1)** Any document issued by any arm and/or agency of the
28 Federal Government of Nigeria or any Nigerian Content Entity for the
29 solicitation of offers, bids, or quotations for the supply or provision of goods

Solicitation documents to indicate preference and minimum acceptable quality standard for Made-in-Nigeria goods and services produced in Nigeria

1 and services shall expressly indicate the consideration(s) to be granted to
2 manufacturers of Made-in-Nigeria goods, contractors and suppliers, and
3 Nigerian professionals.

4 (2) Any document issued for the solicitation of offers, bids, or
5 quotations for the supply goods or provision of services pursuant to sub
6 clause (1) of this clause shall also expressly indicate the minimum acceptable
7 quality standard for Made-in-Nigeria goods or services to be provided by the
8 Nigerian companies.

9 (3) Solicitation documents shall obligate bidders or potential
10 manufacturers, suppliers, contractors and consultants to provide cogent and
11 verifiable statement on the quantum or percentage of Made-in-Nigeria goods,
12 Nigerian personnel, financing and services that would be involved and added
13 to the value chain and which can be measured in monetary terms in the
14 execution of the proposed project or contract.

15 (4) Where a bidder, potential manufacturer, supplier, contractor or
16 consultant is a foreign company or firm, it shall as part of its qualification to
17 bid for the project show proof of the existence of a Joint Venture Agreement
18 between itself and an indigenous Nigerian company which Agreement shall
19 reflect the rights and obligations, including but not limited to the sharing of
20 profits and losses between the foreign company or firm and the indigenous
21 Nigerian company or firm.

Disqualification
from an award

22 **55.** An indigenous Nigerian company or firm shall not be
23 disqualified from an award of contracts on the basis of the year of
24 incorporation; but rather, on the basis of qualification, competence and
25 experience of the management in the execution of similar contracts.

Duty on Bureau
for Public
Procurement
(BPP)

26 **56.** Notwithstanding anything to the contrary contained in any
27 enactment, law or Regulation, the Bureau for Public Procurement (BPP) shall
28 not issue any Certificate of No Objection for the award of any contract to which
29 the provisions of this Bill apply without a Certificate of Authorisation issued in
30 respect of the contract by the relevant Directorate.

1 **57.**-(1) A person who engages in an activity to which this Bill Employment for
2 applies shall in the recruitment of employees, give preference to Nigerian Nigerians
3 citizens.

4 (2) A person to whom sub clause (1) of this clause applies may only
5 employ non-Nigerians where-

(a) qualified Nigerians are not available or are incapable of effectively and efficiently performing the particular type of work; and

(b) prior authorization has been granted by the Directorate that oversees the sector in which the non - Nigerian skill would be employed.

(3) The Directorate may grant authorization to the employment of a non-citizen where it is satisfactorily shown that every reasonable effort was made to find a suitably qualified Nigerian citizen and none exists.

(4) Every employment position held by a non-Nigerian shall as much as possible be deputized by a Nigerian citizen for purposes of skills transfer and development.

16 PART VIII - PUBLIC PROJECTS FUNDED THROUGH LOANS

17 **58.-(1)** Each Directorate shall within its scope of responsibilities Nigerian Content
18 under this Bill ensure that projects funded through loans comply with the funded through
19 obligations imposed on Nigerian Content entities under this Bill. loans

(2) Any entity undertaking the execution of a public works or project funded through borrowing provided by a Nigerian, foreign or international institution either directly to the Federal Government or any of its agencies shall before commencing the execution of the project, submit for approval, a Nigerian Capacity Development Plan, to the relevant Directorate overseeing the sector in which the public works is to be executed.

(3) The Nigerian Capacity Development Plan referred to in sub clause (2) of this clause shall specifically contain sub plans to-

(a) ensure that there are existing facilities or facilities are to be established in Nigeria to repair and/or maintain the executed project in order

1 to eliminate or reduce reliance on imported goods and services for the
2 maintenance of such project after the completion of the project.

3 (b) subcontract at least forty percent of the value of the total
4 component of the project to indigenous Nigerian company or companies;

5 (c) procure goods and services produced in Nigeria provided that the
6 goods and services are certified by the relevant regulatory body or bodies in
7 Nigeria to be of quality standard;

8 (d) dedicate and spend at least fifty per cent of the cost of the
9 execution of the contract on the procurement of Made-in-Nigeria goods and
10 services produced in Nigeria;

11 (e) employ Nigerian citizens in the project and ensure that not less
12 than ninety per cent of its total staff are Nigerians;

13 (f) ensure that its contractors and subcontractors comply fully with
14 the Nigerian Content provisions in this Bill;

15 (g) have as much as practicable all positions occupied by non-citizens
16 deputized by Nigerian citizens;

17 (h) implement workforce development strategies in relation to
18 Nigerian citizens including training plans and projections to address any skill
19 gaps that may have been identified in relation to the Nigerian labour force;

20 (i) implement strategies to transfer technology, knowledge and skills
21 to Nigerian citizens;

22 (j) all materials for execution of the contract are sourced from Nigeria
23 except where such materials are not available in Nigeria

24 (k) designs for the public works shall be carried out in Nigeria with
25 Nigerians participating in the designs.

26 (l) undertake local supplier capacity development;

27 (m) where applicable, subcontract and create partnerships within
28 indigenous Nigerian entities and citizens;

29 (n) formulate a succession plan for all jobs or activities to be done by
30 foreigners, where the execution of the project is lasting more than three years;

1 (o) implement strategies for the support of local participation in its
2 activities; and

3 (p) any other information as prescribed by regulations.

4 (4) The contractor shall submit quarterly reports to the Directorate
5 associated with the project on the compliance with the provisions of this
6 clause and the Bill generally.

7 (5) Where the contractor fails to comply with the provisions of this
8 clause, the Directorate shall have powers to stop the project until the defect
9 complained of by the Directorate is corrected by the contractor within a
10 mutually agreed time period not affecting the overall project.

11 (6) The Directorate shall have the powers to stop the contractor
12 from further executing the project and report the contractor's conduct to the
13 Board for further action where the contractor fails to correct the defect
14 complained of by the Directorate.

15 **PART IX- NIGERIAN SUBCONTRACTORS**

16 **59.**-(1) Every contract for public works granted to an individual or
17 entity other than an indigenous Nigerian company or citizen, shall contain a
18 requirement for such individual or entity to subcontract at least forty per cent
19 of the contracted works to an indigenous Nigerian company or indigenous
20 Nigerian companies.

Requirement to
subcontract public
works contracts

21 (2) A foreign company or a foreigner to whom sub clause (1)
22 applies shall write and inform the appropriate Directorate of the name and
23 particulars of the indigenous Nigerian company or indigenous Nigerian
24 companies that the foreign company or foreigner sub-contracted the work
25 to.

26 (3) The relevant Directorate may on case by case basis, prescribe
27 the minimum portion of a contract that is to be exclusively subcontracted to
28 indigenous Nigerian companies in pursuant to sub clause (1) of this clause.

29 **60.** A person who subcontracts part of its contracted works under
30 this Bill shall at all times be responsible for the performance of the contract

Liability for
Subcontracted
Works

	1	without prejudice to any arrangement for indemnity between the contractor
	2	and the subcontractor.
Eligibility of indigenous Nigerian company to be subcontractor	3	61. An indigenous Nigerian company shall be eligible to be
	4	subcontracted works under this Bill if-
	5	(a) it is not a subsidiary or it is not owned or does not form part of the
	6	same company group as the entity subcontracting its obligations;
	7	(b) it is not an agent of the entity subcontracting its obligations;
	8	(c) it is registered and operated as an indigenous Nigerian company;
	9	(d) it possesses the necessary skills, equipment and technical
	10	expertise to undertake the works to be subcontracted;
	11	(e) it is not in receivership, the subject of any form of insolvency or
	12	bankruptcy proceedings or the subject of any form of winding up petition or
	13	proceedings;
	14	(f) it has fulfilled all its obligations to pay taxes, pensions and social
	15	security contributions and have obtained clearances from the bodies regulating
	16	these statutory obligations; and
	17	(g) none of its directors has been convicted in any country for any
	18	criminal offence relating to fraud or financial impropriety or criminal
	19	misrepresentation or falsification of facts relating to any matter.
Compliance by subcontractors	20	62.-(1) A contractor, supplier or subcontractor shall ensure that all
	21	their contractors and subcontractors comply with the applicable requirements
	22	under this Bill and any regulation made pursuant to this Bill.
	23	(2) The obligations under this Bill accruing to a contractor, supplier or
	24	subcontractor, shall in equal measure accrue to a contractor, subcontractor,
	25	agent or successor in title of such person, body or entity.
	26	(3) Parties who jointly undertake to execute any activity subject to
	27	this Bill shall be jointly and severally required to comply and ensure the
	28	compliance with the provisions of this Bill.
Standardisation of goods and service	29	PART X - STANDARDISATION
	30	63.-(1) All Nigerian Content entities shall ensure that-

1 (a) manufacturers meet set standards of the relevant regulatory
2 bodies and agencies before presenting goods for procurement under the
3 national competitive bidding or any other type of Public Procurement
4 Process.

5 (b) suppliers and contractors under national competitive bidding
6 process disclose the percentage of Nigerian sourced raw materials used in
7 the production of the Made-in-Nigeria goods needed for the execution of the
8 project.

9 (c) all consultancy contracts awarded to foreign companies,
10 engineering drawings with the necessary calculations, design, etc., are made
11 available to their corresponding Nigerian partners, including arrangements
12 with Micro, Small and Medium Enterprises (MSMEs) as partners towards
13 manufacturing of needed materials by Nigerian companies.

14 (d) foreign companies or firms are not to be engaged in contracts
15 for works, goods and services in the country in violation of the international
16 best practice and/or any provision of an extant law regulating the
17 acquisition of technology and process of public procurement where public
18 fund of the Federal Government of Nigeria is to be involved.

19 (2) The Standard Organization of Nigeria (SON) or any legally
20 recognised Nigerian or international agency for standardization shall
21 standardize and certify MSME's raw materials, products, processes and
22 personnel, in accordance with international best practices, and the
23 certificate issued shall be included in the solicitation documents.

24 **64.**-(1) Except where it is unavoidable to use standard of a foreign
25 country, a Nigerian Content entity shall not require the provision of a good
26 or service or the use of material in carrying on any public works based on
27 standards other than those developed or approved by Standard Organization
28 of Nigeria (SON) or any legally recognised Nigerian or international
29 agency for standardization.

Prohibition of
imposition of
foreign standards

30 (2) Wherever it is unavoidable to use standard of a foreign country,

1 the Nigerian Content entity shall apply to the Directorate that issued the
2 Certificate of Authorization for the project for approval to use a standard that is
3 acceptable to the Directorate provided that the Directorate shall immediately
4 take steps and consult with relevant regulatory body or bodies for the
5 development of a Nigerian standard to substitute for the foreign standard.

Domestication of foreign professional certificates and duty to work with a Nigerian professional
6 **65.**-(1) No Nigerian Content entity shall engage the services of a
7 Non - Nigerian professional except such professional has had his professional
8 certificate(s) domesticated with the relevant professional body in Nigeria and
9 shall work along with a Nigerian professional who has been practicing the
10 profession in Nigeria.

11 (2) An application by a Non -Nigerian professional seeking to
12 domesticate his professional certificate with a relevant professional body in
13 Nigeria shall be afforded a seamless process by the relevant professional body
14 and the decision on the domestication shall be communicated to the Non-
15 Nigerian professional within fourteen days from the date of the relevant
16 professional body received the application for domestication.

17 **PART XI - CAPACITY DEVELOPMENT**

Registration of Joint Venture and Public Private Partnership Agreements
18 **66.**-(1) Every Ministry, Extra Ministerial Department or Agency of
19 the Federal Government, Federal Government Owned Company (either fully
20 or partially owned) Federal Institution and Public Corporation having any Joint
21 Venture and Public Private Partnership (PPP) agreement for the acquisition of
22 technology shall registered such agreement with the National Office for
23 Technology Acquisition and Promotion (NOTAP) in accordance with the
24 provisions of the National Office for Technology Acquisition and Promotion
25 Act.

26 (2) The approval of the Nigerian Concession Regulatory Council
27 shall be sought where the transfer of technology pursuant to sub clause (1) of
28 this clause may involve the development of public infrastructure.

Collaboration with Nigerian professionals in the Diaspora
29 **67.** Nigerian Content Entities shall take active steps to-
30 (a) encourage indigenous Nigerian professionals in the Diaspora to

1 collaborate with professionals working in Nigerian Content entities and use
2 their expertise to develop, improve and promote Nigerian Content in the
3 work of such Nigerian Content entities; and

4 (b) promote mutually beneficial Public Private Partnership (PPP)
5 by encouraging direct collaboration in production and manufacturing
6 ventures of products between foreign manufacturers and indigenous
7 engineering facilities, and those to be brought in by investors at reasonable
8 cost to the indigenous Nigerian companies.

9 **68.-(1)** To inculcate in the students interest to develop local
10 capacities and capabilities, the Federal Ministry of Education shall
11 encourage the inclusion of Nigerian Content Development Programmes in
12 the curricula of Secondary Schools and Tertiary institutions especially in-

Inculcation of
Nigeria Content
Programmes in
schools

13 (i) science education,
14 (ii) skills transfer;
15 (iii) expertise development;
16 (iv) transfer of technology and know-how; and
17 (v) active research and development on emerging technologies.

18 (2) The Council shall partner with the Federal Ministry of
19 Education, Industrial Training Fund and Federal Ministry of Labour and
20 Employment to ensure that all local Content trainings are harmonised and
21 aligned to appropriate skill set for all the sectors of the Nigerian economy.

22 (3) Nigerian companies shall partner with primary, secondary and territory
23 institutions to identify specially gifted students in the sector of the Nigerian
24 economy the company operates for the purposes of assisting such students to
25 undertake periodic internships or similar programmes either within the
26 company's facilities or outside in order to develop the gifts in such students.

27 **69.-(1)** Directorate of Nigerian Content Development on
28 Manufacturing shall collaborate with any relevant body to promote the
29 acquisition of bulk product manufacturing licenses from foreign
30 manufacturers for the use of locally trained medium and large scale

Acquisition of
bulk product
manufacturing
licences from
foreign
manufacturers

1 manufacturers where such foreign licenses are needful for such manufacturers
2 to produce goods required for domestic use and possible export.

3 (2) Pursuant to sub clause (1) of this clause, a Special Technical
4 Committee on Acquisition of Manufacturing Licenses is hereby established
5 which shall consist of a chairman and a representative of each of the
6 followings-

- 7 (a) Federal Ministry of Industry, Trade and Investment;
- 8 (b) Federal Ministry of Science & Technology;
- 9 (c) Manufacturers Association of Nigeria (MAN);
- 10 (d) Nigerian Association of Small Scale Industrialists (NASSI);
- 11 (e) Nigerian Association of Small & Medium Enterprises;
- 12 (f) National Agency for Food and Drug Administration and Control;
- 13 (g) Small & Medium Enterprises Development Agency of
14 Nigeria (SMEDAN); and
- 15 (h) Standard Organisation of Nigeria.

16 (3) The Chairman of the Special Technical Committee on Acquisition
17 of Manufacturing Licenses shall be appointed by the Minister responsible for
18 Industry, Trade and Investment.

19 (4) The Special Technical Committee on Acquisition of
20 Manufacturing Licenses established pursuant to sub clause (2) of this clause
21 shall facilitate the aggregation of demands for MSMEs for raw materials that
22 are not produced in Nigeria and support the importation of such raw materials
23 and promote stronger linkages with large manufacturing companies in Nigeria.

24 PART XII - NIGERIANS IN DIASPORA COMMISSION (NIDCOM) AND

25 NIGERIAN CONTENT DEVELOPMENT

Directorates to
collaborate with
Nigerians in
Diaspora
Commission
(NiDCOM)
to establish linkages
among Nigerians
in diaspora and
Nigerians resident
in Nigeria

26 **70.** Each Directorate shall collaborate with the Nigerians in Diaspora
27 Commission (NiDCOM) to establish and promote linkages between Nigerian
28 professionals in the diaspora and Nigerian professionals resident in Nigeria to
29 facilitate the transfer of technology, exchange of innovative and business ideas
30 to promote globally competitive technology innovation hubs and knowledge

1 based entrepreneurship in the Nigerian economy.

2 **71.** The Nigerians in Diaspora Commission (NiDCOM) shall
3 establish public on line and other platforms to enable Nigerians in Diaspora
4 have access to information on-

Nigerians in
Diaspora
Commission
(NiDCOM) to
establish online
and other platforms
to promote Nigeria
content development
and economic
diversification

5 (a) opportunities available in the exploitation of natural and other
6 resources in Nigeria;

7 (b) the existence of technical skills gaps hindering indigenous
8 development of natural and other resources in Nigeria; and

9 (c) available financial and non - financial incentives for Nigerians
10 in the diaspora seeking to participate in the development and production of
11 goods and services that are either not produced in Nigeria or not sufficiently
12 produced in the Nigerian economy.

13 **72.** Nigerians in Diaspora Commission (NiDCOM) shall
14 periodically hold seminars, conferences, workshops, meetings and other
15 symposia for Nigerians in diaspora and others to promote and support
16 exchange of technical and other ideas to improve on the development of the
17 capacities and capabilities of Nigerians in the Nigerian ecosystem.

Nigerians in
Diaspora (NiDCOM)
to hold seminars,
conference, etc.
to sensitize Nigerians
in diaspora on
available
opportunities

18 **73.-(1)** Nigerians in Diaspora Commission (NiDCOM) shall
19 regularly search for information on Nigerians in diaspora who possess
20 reliable technical knowledge and skills in any area where Nigerian
21 professionals residing and practicing their professions in Nigeria lack such
22 technical knowledge and skills.

Duty of Nigerians
in Diaspora
Commission
(NiDCOM) to
search for and
submit information
to relevant
Directorates

23 (2) Where the Nigerians in Diaspora Commission (NiDCOM)
24 obtains any information about a Nigerian in diaspora who possesses
25 technical skills that is lacking in Nigeria, it shall as soon as possible make
26 arrangement to contact the Nigerian and also transmit the information about
27 his usefulness, to the relevant directorate or the Executive Secretary of the
28 Council, where there is no directorate responsible for the sector of the
29 economy to which the identified technical skill will be useful.

Directorates to
acknowledge
receipt and take
immediate step
on information

1 **74.-(1)** Any information received either by a Directorate or the
2 Executive Secretary pursuant to clause 73 of this Bill shall be acknowledged
3 within two days from the receipt of the said information and in the case of a
4 Directorate, the Directorate shall take immediate step to contact the Nigerian
5 in Diaspora that possesses the identified technical while in the case of receipt
6 by the Executive Secretary, he shall immediately send the information to the
7 relevant Nigerian Economic Development and Diversification Monitoring
8 Unit (also referred to as Monitoring Unit in this Bill) to contact the Nigerian in
9 diaspora.

10 (2) A Directorate or a Monitoring Unit shall also specifically assign
11 its member of staff to liaise with the identified Nigerian in diaspora to ensure
12 that the technical skills of the said Nigerian is ultimately utilised to abridge
13 existing technical know-how and skills gap in the relevant sector of the
14 Nigerian economy.

15 PART XIII - NIGERIAN CONTENT COMPLIANCE IN AWARD OF
16 CONTRACT BY NIGERIAN CONTENT ENTITIES

Quarterly
submission of
list of all proposed
contracts,
subcontracts
and purchase
orders

17 **75.-(1)** A Nigerian Content Entity shall submit to the relevant
18 directorate, 30 days before the first day of each quarter, a list of all contracts,
19 subcontracts and purchase orders to the value of one hundred million naira
20 (N100,000,000.00) that will be bided for or executed in the upcoming quarter.

21 (2) A Nigerian Content Entity, shall publish information, including
22 but not limited to the description of the service or item to be contracted or
23 purchased and the estimated value of the proposed contract, subcontract or
24 purchase order which will be bided for or executed in the upcoming quarter.

25 (3) Such publication shall be made in the virtual platform of the e-
26 market established by the Directorate under this Bill, the portals, websites and
27 any other social media platform of the Nigerian Content Entity that will be
28 easily accessible to members of the public, more especially stakeholders of the
29 industry.

- 1 **76.** For the purposes of compiling a bidding list for any project, Submissions to
2 contract, subcontract or purchase order, a Nigerian Content Entity shall be made for the
3 submit to the relevant Directorate, prior to issuing an Invitation To Tender compiling of a
4 (ITT)- bidding list
- 5 (a) a list of bidders;
- 6 (b) a copy of the Invitation To Tender (ITT) (the directorate shall
7 advise the Nigerian Content Entity of its requirements in this regard on a
8 case by case basis);
- 9 (c) a description of the beneficiary owners and Directors of the
10 bidders;
- 11 (d) joint venture or partnership agreement between any bidder and
12 another having any relevance to the execution of the project, contract,
13 subcontract or purchase order, if any;
- 14 (e) subsisting technical agreement on technology transfer between
15 the bidder and any other person, if any;
- 16 (f) location of any Nigerian based office, plant or facility;
- 17 (g) anticipated dates for closure of bids and award of contract or
18 purchase order; and
- 19 (h) any other information requested by the Directorate.
- 20 **77.** Prior to the award of contract, subcontract or purchase order to Submission to be
21 the selected bidder, a Nigerian Content Entity shall submit to the made prior to an
22 Directorate- award of contract,
23 (a) the name of the selected contractor or vendor; subcontract etc.
- 24 (b) a list of designated sub-contractors or sub-vendors;
- 25 (c) where applicable, a list of proposed sub-suppliers;
- 26 (d) for construction or service contracts; the estimated Nigerian
27 employment (in person-hours);
- 28 (e) contract or purchase order commencement and completion
29 dates;
- 30 (f) award Notification Form signed by an appropriate official of the

1 Nigerian Content Entity; and
2 (g) statement of award rationale (evaluation of bids) showing-
3 (i) percentage difference in price between selected bidder and each of
4 the other bidders,
5 (ii) a primary location of work associated with each bidder,
6 (iii) estimates of Nigerian content associated with the bid of each
7 bidder calculated in accordance with the definition of Nigerian content under
8 this Bill, and
9 (iv) other information relevant to the evaluation of bidders which
10 information shall be requested by the Directorate within two days of the receipt
11 of the information contained in sub clauses (a) to g(iii) of this clause.

Directorate to
advise on award
of contracts,
subcontracts,
purchase orders,
etc.

12 **78.** Upon assessment of the information received in compliance with
13 Clauses 74 to 76 of this Bill, the Directorate shall within three working days of
14 the receipt of the information contained in clause 76 of this Bill review and
15 approve the award by the Nigerian Content Entity except there is a violation
16 by the bidder of the provisions of this Bill that cannot be remedied without a
17 prejudice against another bidder who would have won the bid if not for the
18 violation.

Submission of
list of contracts,
subcontracts
and purchase
orders

19 **79.-(1)** A Nigerian Content Entity shall submit to the Directorate,
20 within thirty days at the end of each quarter, a list of all contracts, subcontracts
21 and purchase orders that were awarded in the previous quarter that were in
22 excess of ten million naira.

23 (2) This listing shall provide-
24 (a) a list of all items and services;
25 (b) value of contract or purchase order;
26 (c) name of successful contractor or vendor;
27 (d) a primary location of work;
28 (e) estimates of Nigerian Local Content;
29 (f) commencement and completion date; and
30 (g) any other information required by the Board for the purposes of

1 implementing the provisions of this Bill.

2 **80.**-(1) The Nigerian Content Entity upon the award of contracts,
 3 subcontracts or purchase orders shall publish the names of the beneficial
 4 owners of the companies or firms that were awarded the contracts, sub
 5 contracts or purchase orders, those who were unsuccessful in the biddings,
 6 those debarred from future bids, the reasons for the award and rejection of
 7 other bids, particulars of the award including the scope of work covered by
 8 the award, the percentage of Nigeria content in terms of Nigerian personnel,
 9 raw materials sourced in Nigeria for the manufacture of the goods or
 10 production of the services for the execution of the award, ground(s) upon
 11 which the termination of the award shall be made and when works shall
 12 commence.

Nigerian Content
Entity to disclose
awarded contracts
including
scope of works

13 (2) The publication to be made pursuant to clause (1) of this clause
 14 shall be made in the virtual platform of the e-market established by the
 15 Directorate under this Bill, its portals, websites and any other social media
 16 platform that will easily be accessible to members of the public, more
 17 especially stakeholders of the industry.

18 **81.**-(1) A company or firm that is disqualified at any stage of the
 19 procurement process in the award of contract by a Nigerian Content entity
 20 shall have a right of appeal to the relevant Directorate within two days of
 21 the publication of the result of the selection in which the company or firm
 22 was disqualified.

Appeals against
decision of unjust
award

23 (2) The relevant Directorate upon the receipt of an appeal against
 24 any decision disqualifying a company or firm shall determine the appeal
 25 within three days from the date of the receipt of the appeal and if the appeal
 26 has merit, cancel the disqualification and permit the company or the firm to
 27 maintain the position or status it ought to have maintained in the
 28 procurement process but where the appeal is without merit, dismiss the
 29 appeal.

	1	PART XIV - ESTABLISHMENT OF PROJECT OFFICE IN
	2	CATCHMENT AREAS
Project office to be established as directed by a Directorate	3	82. -(1) Where necessary and before carrying out any work or activity
	4	in respect of a project to which the provisions of this Bill apply, the relevant
	5	Directorate may at any time before the commencement of the project or during
	6	the life span of its project, require a Nigerian Content Entity to establish in the
	7	Catchment Area where the project is located, a project office where project
	8	management and procurement decisions will be made.
	9	(2) A Nigerian Content Entity shall locate, within the project office,
	10	personnel with decision- making authority in accordance with a list of other
	11	personnel to be approved by the directorate.
Maintenance of a Community Office by a Nigerian Content Entity	12	83. -(1) A relevant Directorate may require a Nigerian Content Entity
	13	to maintain an office in a Community where the entity has significant
	14	operations.
	15	(2) The Directorate shall ensure that the Nigerian Content Entity
	16	maintains a reasonable number of personnel from areas it has significant
	17	operations.
	18	PART XV - NATIONAL SUPPLIER DATABASE AND ESTABLISHMENT OF
	19	NATIONAL JOINT QUALIFICATION SYSTEM
National supplier database for Nigerian companies and citizens	20	84. -(1) The Council shall in consultation with the Federal Ministries
	21	responsible for, labour, Power, Solid Minerals, Works, Trade & Investment,
	22	National Planning, Science and Technology, the National Office for
	23	Technology Acquisition and Promotion, Bureau for Public Procurement, other
	24	relevant agencies of the Federal Government, professional bodies in Nigeria
	25	and trade associations, develop, operate, maintain and periodically update a
	26	National Supplier Database for Nigerian companies, firms and citizens
	27	wishing to be captured under the National Supplier Database in respect of the
	28	business and/or profession they undertake in the Nigerian economy.
	29	(2) Every Nigerian company, firm or Nigerian citizen with expertise
	30	in Science, Engineering, Technology and other fields of expertise shall be

1 captured in the database upon the application of the company, firm or citizen
 2 and satisfaction of the Council that such company, firm or citizen is qualified
 3 to be captured in the National Supplier Database as a Nigerian company,
 4 firm or citizen with expertise in Science, Engineering, Technology and other
 5 fields of expertise.

6 (3) The Council shall always examine the National Supplier
 7 Database and verify the entries made in the National Supplier Database and
 8 may remove an entity or citizen from the National Supplier Database where
 9 the entity or citizen no longer meets the requirements that qualified the
 10 entity or the citizen to be captured in the National Supplier Database.

11 (4) Directorates are to use the extant National Database of
 12 Contractors, Consultants and Service providers developed by the Bureau for
 13 Public Procurement as a national supplier database pending when the
 14 Council develops a national supplier database for every sector of the
 15 economy pursuant to sub clause (1) of this clause.

16 (5) A Nigerian company, firm or citizen shall only be qualified to
 17 apply for an accreditation under the National Joint Qualification System if
 18 the Nigerian company, firm or citizen is captured in the National Supplier
 19 Database.

20 **85.-(1)** There is hereby established, a National Joint Qualification
 21 System for the Council which shall be operated and maintained by the
 22 Council as an industrial databank of available capacities and capabilities in
 23 all the sectors of the Nigerian economy to which the provisions of this Bill
 24 apply.

Establishment of
 National Joint
 Qualification
 System

25 (2) The National Joint Qualification System shall be used by the
 26 Council-

27 (a) as the sole system for the accreditation and registration of pre-
 28 qualification of contractors for all the sectors of the Nigerian economy that
 29 the provisions of this Bill apply to;

30 (b) for verification and accreditation of capacities and capabilities

1 of Nigerian companies for the execution of contracts, and the development of
2 the sectors of the Nigerian economy covered by this Bill;

3 (c) for evaluation of application of Nigerian capacities and
4 capabilities in the operations of Nigerian Companies especially in the
5 manufacturing of Made-in-Nigeria components, parts, accessories, plant and
6 machinery for the development of the Nigerian economy ;

7 (d) as the data base for indigenous skills development pool in the
8 sectors under the supervision of the Board of the Council; and

9 (e) for ranking and categorization of Nigerian companies based on
10 capacities and capabilities on the quantum of Nigerian content including raw
11 materials sourced in Nigeria and Nigerians used in the production of goods
12 and services by Nigerian companies.

13 (3) The Board of the Council shall within six months from the date of
14 the commencement of this Bill, consult with relevant key stakeholders in the
15 organised private sector and relevant statutory regulatory bodies, make
16 Regulations prescribing-

17 (a) the manner in which the National Joint Qualification System
18 established under sub clause (1) of this clauses hall be administered;

19 (b) the qualifications of companies, firms and individuals that could
20 be accredited under the National Joint Qualification System;

21 (c) documents to be submitted by companies, firms or individuals
22 applying to be accredited under the National Joint Qualification System;

23 (d) audit and method(s) of auditing the capacities and capabilities of
24 companies, firms and individuals seeking to be accredited under the National
25 Joint Qualification System; and

26 (e) any other matter for the use of the National Joint Qualification
27 System to promote transparency and capacity building in the development of
28 Nigerian content in the Nigerian economy.

29 (4) Notwithstanding any provision in the Regulations made pursuant
30 to sub clause (3) of this clause, all manufacturing companies in Nigeria shall-

1 (a) have MANCAP and ISO 9000 accreditations to be qualified
2 as a Nigerian Content Manufacturing company in respect of any Made- in-
3 Nigeria good by the company to be accredited under the National Joint
4 Qualification System; and

5 (b) be captured in the National Joint Qualification System with
6 the list of what the company produces, the recognised quality standard of the
7 product(s) and the annual production capacity of such product(s) that the
8 company possesses.

9 (5) A Directorate shall utilise any existing Joint Qualification
10 System suitable for the relevant sector the Directorate oversees where the
11 Board of the Council has not made any regulation establishing a National
12 Joint Qualification System for the sector.

13 **PART XVI - ISSUANCE OF WORK PERMITS AND EXPATRIATE QUOTAS**

14 **86.** From the commencement of this Bill, every non Nigerian
15 employed or to be employed in any sector of the Nigerian economy to
16 which this Bill applies shall apply for and obtain a Work Permit from the
17 Nigerian Immigration Service.

Duty to obtain
work permit

18 **87.-(1)** The Ministry responsible for Interior shall-

19 (a) ensure that Expatriate Quota for projects, contracts and
20 programmes are granted in line with the provisions of the Immigration Act
21 and other relevant laws, and where qualifications and competency of
22 Nigerians are not available provided an approval for an Expatriate Quota
23 shall be contingent on undertaking to be made by the applicant for the
24 Expatriate Quota to train Nigerians to succeed the expatriate(s) to be
25 brought into Nigeria by virtue of the Expatriate Quota.

Duties on ministry
and agency
responsibility
for issuance of
expatriate quota

26 (b) create a special immigration classification to encourage foreign
27 expatriates, particularly from African countries, with skills that are not
28 available in Nigeria, to reside and work in Nigeria upon obtaining a work
29 permit for the purpose of sharing knowledge with Nigerians.

30 (2) The Federal Ministry responsible for the issuance of expatriate

	1	quota and the agency responsible for the issuance of work permit in Nigeria
	2	shall take into consideration the manpower data base of relevant professional
	3	bodies in determining the availability of local skilled manpower in the
	4	Nigerian economy to which this Bill applies before any approval of expatriate
	5	quota or work permit respectively, is made.
Restriction of grant or renewal of work permit	6	88. -(1) Subject to the provisions of this Bill, a work permit shall not be
	7	issued neither shall a work permit be renewed in respect of any work by a non -
	8	Nigerian unless there is evidence showing any of the circumstances listed in
	9	this clause, to wit,;
	10	(a) the skill of the applicant for the grant of the work permit or
	11	renewal is of rare quality that it will be beneficial for Nigerian companies to
	12	engage such quality of labour to improve on their international business
	13	competitiveness;
	14	(b) the skill of the applicant seeking for the work permit or renewal
	15	of same is not sufficiently available in Nigeria and it would cause substantial
	16	hardship or expenses to obtain such skilled service in Nigeria;
	17	(c). the applicant for the work permit has capital investment in
	18	Nigeria;
	19	(d). the applicant already has capital to invest in the Country and there
	20	is evidence of willingness on the part of the applicant to invest in the
	21	country; and
	22	(e). the grant or renewal of the work permit is only needed to
	23	complete an almost completed project that the applicant has been working in.
Restriction of grant or renewal of expatriate quota	24	89. -(1) Notwithstanding anything to the contrary contained in any
	25	existing enactment, law, Regulation including but not limited to any provision
	26	in the Nigerian Immigration Act, a Nigerian Content Entity shall before
	27	making an application for the approval or renewal of an expatriate quota
	28	obtain a prior approval from the relevant Directorate to make such an
	29	application.
	30	(2) The application to be made under sub -Clause (1) of this Clause

1 shall be detailed and shall among other information, include-

2 (a) job Titles;

3 (b) description of responsibilities;

4 (c) the duration of the proposed employment in Nigeria;

5 (d) exceptional reason(s) why the services of an expatriate is

6 required;

7 (e) the likely countries where the expatriate(s) would be engaged

8 from;

9 (f) the remuneration budgeted for the payment of the services of the

10 expatriate(s);

11 (g) complete information on the educational qualifications,

12 experience, health and criminal records of the proposed expatriate(s); and

13 (h) any other information required by the Directorate for the

14 purposes of determining the merit of the application in view of the

15 applicable provisions of this Bill.

16 (3) Any of the circumstances specified in sub clauses (2) (a) to (e)

17 of clause 88 of this Bill shall operate as an exceptional reason(s)

18 contemplated under sub clause (2) (d) of this clause.

19 **90.**-(1) The relevant Directorate to which an application is made

20 under clause 89 of this Bill by a Nigerian Content Entity shall ensure that a

21 decision on the application for approval is taken and communicated to the

22 Nigerian Content Entity within fourteen days from the date of the receipt of

23 the application.

Timeline for the
Issuance or approval
by Directorates
for expatriate quota

24 (2) Where the relevant Directorate does not communicate its

25 decision to the Nigerian Content Entity by virtue of sub clause (1) of this

26 clause, the application for the prior approval by the Directorate under clause

27 89 of this Bill shall be deemed approved for the purpose for the approval or

28 renewal of the expatriate quota.

29 **PART XVII - NIGERIAN GOODS AND SERVICES**

30 **91.** All Nigerian Content Entities shall ensure that companies or

Local Materials
and Made-in-Nigeria
goods to comply
with approved
standards

	1	firms working on subcontract arrangement under such entities are members of
	2	the National Joint Qualification System and utilise local materials where
	3	available and comply with approved standard and quality set by the appropriate
	4	Nigerian regulatory agency or agencies.
Rejection of Nigerian produced goods and services during procurement	5	92. -(1) Every ministry, extra ministerial department, any agency of
	6	the Federal Government of Nigeria and Nigerian Content Entity shall not
	7	reject a Made-in-Nigeria good or service provided by a Nigerian company
	8	merely on the ground that the Made-in-Nigeria good or service does not meet
	9	the quality, quantity or timeline for delivery required by the Nigerian Content
	10	Entity.
	11	(2) Where a Made-in-Nigeria good or service provided by a Nigerian
	12	citizen or Nigerian company does not meet the required quality, quantity or
	13	timeline for delivery or completion, the provisions of sub clauses (3), (4) and
	14	(5) of this clause, shall govern the procedure to be adopted before procuring
	15	alternative foreign good or service.
	16	(3) Where a good or service mentioned in subclause (2) of this clause
	17	is to be procured, the Nigerian Content Entity shall apply for a written
	18	authorisation from the relevant Directorate.
	19	(4) The request for authorization under subsection (3) shall state the-
	20	(a) nature of the good or service to be procured;
	21	(b) availability of similar goods or services in Nigeria;
	22	(c) purpose for which the good or service is required;
	23	(d) minimum quality, quantity and timeline for delivery required by
	24	the Nigerian Content Entity;
	25	(e) market price for the good or service;
	26	(f) market price for similar goods or services; and
	27	(g) availability of the quality of the good or service in an African
	28	country.
	29	(5) A Made-in-Nigeria good or service to be supplied by a Nigerian or
	30	Nigerian company shall not be rejected solely on grounds of-

- 1 (a) quality, if-
- 2 (i) the quantum of Nigerian content in the good or service is not
- 3 less than 50%;
- 4 (ii) relevant and extant applicable standards from the Standard
- 5 Organisation of Nigeria or any recognized international agency for
- 6 standardization have been obtained and confirmed in respect of the quality
- 7 standards of the Made - in - Nigeria goods or services;
- 8 (iii) the manufacturer is a Nigerian company;
- 9 (iv) in case of a service, such a service is provided in accordance
- 10 with best industry practices; or
- 11 (v) the manufacturer of the good or the person rendering the service
- 12 is willing to negotiate with the Nigerian Local Content Entity desirous of
- 13 buying the goods or hiring the services to improve on the quality of the good
- 14 or service to meet the required quality by the Nigerian Content Entity
- 15 within a reasonable time from the date the Nigerian Content Entity gives the
- 16 approval for the procurement;
- 17 (b) price, if-
- 18 (i) the manufacturer of such a good or the person providing the
- 19 service is willing and able to negotiate the price for such a good or service; or
- 20 (ii) such a good or service is shown by the manufacturer to be
- 21 competitive in respect of price when compared with similar goods
- 22 manufactured or services rendered by persons or entities from member
- 23 states of the African Union (AU); or
- 24 (c) quantity or timeline for delivery if,
- 25 (i) it can be demonstrated by the manufacturer of the good or the
- 26 person providing the service that it or the person can meet the quantity and
- 27 timelines for the delivery of the good or the provision of the service or a
- 28 portion of the required good or service if the manufacturer or the person
- 29 providing the service is granted a more suitable timeline, considering the
- 30 time required for the sourcing of materials for the production of the required

1 quantity of the good or provision of the service; and
 2 (ii) the ministry, extra ministerial department, agency of the Federal
 3 Government of Nigeria or Nigerian Content Entity did not give the
 4 manufacturer of the Made-in-Nigeria good or producer of the Nigerian
 5 service, adequate notice from the time it was preparing for the invitation for
 6 bids, as to the quantity and timeline required for the supply of the Made - in-
 7 Nigeria good or service in respect of the proposed bid.

Reservation of
 goods and services
 to be procured by
 Nigerian companies
 based on set
 Regulations

8 **93.**-(1) The Council shall not later than six months from the date of the
 9 commencement of this Bill and after consultation with relevant stakeholders
 10 including members of the organised private sector and regulatory agencies,
 11 make Regulations prescribing the minimum Nigerian content level and
 12 qualities in respect of Made-in-Nigeria goods and services that Nigerian
 13 companies shall use in all the sectors of the Nigerian economy that this Bill
 14 applies to.

15 (2) All Nigerian companies shall comply with the minimum Nigerian
 16 content level for products and services set out in the Regulation made pursuant
 17 to sub clause (1) of this clause.

18 (3) The Council shall review and update the Regulations made
 19 pursuant to sub clause (1) of this clause and include in the Regulation or make a
 20 supplementary Regulation to include an item in the Regulation where an item
 21 that is not specified in the Regulation is required to be used by any Nigerian
 22 Content Entity or any arm or agency of the Federal Government of Nigeria.

23 PART XVIII - FORMALISATION AND DEVELOPMENT OF ARTISANAL AND
 24 SMALL SCALE MINERS OF SOLID MINERALS

Obligation to
 improve on existing
 local technologies
 in solid mineral
 mining

25 **94.** To optimize the retention of value from the exploitation of solid
 26 mineral resources in Nigeria and also to strongly support, encourage and
 27 improve on the existing indigenous Nigerian technologies in the mining of
 28 solid minerals, the Directorate of Nigerian Content Development on Solid
 29 Minerals and Metallurgy shall from the commencement of this Bill collaborate
 30 with the ministry responsible for solid minerals and steel development and

1 establish plans, programmes and train Nigerians to acquire high levels of
2 skill and technical know-how needed to construct, repair, maintain and
3 operate artisanal and small scale equipment capable of mining and
4 processing standardised quality of solid minerals including but not limited
5 to, bentonite/bartye, bitumen, coal, gemstones, gold, granite, gypsum,
6 kaolin, lead/zinc, marble, iron ore, rock salt, silver and talc in Nigeria.

7 **95.**-(1) The Directorate of Nigerian Content Development on Solid
8 Minerals and Metallurgy in collaboration with the ministry responsible for
9 solid minerals and steel development shall upon the commencement of this
10 Act undertake a biometric registration of persons engaged in artisanal and
11 small scale mining in the solid minerals producing areas of Nigeria.

Directorate of
Nigerian Content
Development on
Solid Minerals
and Metallurgy
to biometrically
register persons
engaged in artisanal
mining in the solid
minerals producing
areas

12 (2) Subject to the fulfilment of the conditions prescribed under this
13 Bill and any other condition that may be prescribed by the Directorate of
14 Nigerian Content Development on Solid Minerals and Metallurgy in
15 collaboration with the ministry responsible for solid minerals and steel
16 development, a person who is found by the Directorate to have been
17 engaged in artisanal or small scale mining of solid minerals with vocational
18 skills and seeking to convert such skills to an improved technical skills in
19 solid minerals mining shall be registered as a Nigerian Artisanal and Small
20 Scale Solid Minerals Miner, in the register to be known as Nigerian
21 Artisanal and Small Scale Solid Minerals Mining Register.

22 **96.**-(1) Any person who is to be captured in the Nigerian Artisanal
23 and small Scale Solid Minerals Mining Register as a Nigerian Artisanal and
24 Small Scale Solid Minerals Miner shall-

Requirements
for Registration
as a Nigerian
Artisanal and
Small Scale Solid
Minerals Miner

25 (a) possess demonstrable experience that he/she has been engaged
26 in artisanal or small scale mining activities in a solid minerals producing
27 area in Nigeria;

28 (b) show that he/she is ready to be engaged in the formalised sector
29 of solid mineral mining in Nigeria and ready to only act or operate within
30 the provisions of the law regulating solid minerals mining activities in

1 Nigeria; and
 2 (c) submit a Letter of Attestation from the paramount ruler of his
 3 community that he shall not upon registration as a Nigerian Artisanal and
 4 Small Scale Solid Minerals Miner be engage in any solid minerals
 5 exploitation activity outside the formalised sector of the Nigerian Solid
 6 Minerals Industry;

7 (2) Without prejudice to the foregoing, the Directorate of Nigerian
 8 Content Development on Solid Minerals and Metallurgyin collaboration with
 9 the ministry responsible for solid minerals and steel developmentmay impose
 10 any other relevant and reasonable requirement for the person to fulfil before
 11 registration as a Nigerian Artisanal and Small Scale Solid Minerals Miner.

Prohibition of
 persons and entities
 from enjoying
 Federal Government
 facilities for non-
 registration

12 **97.** The Federal Government of Nigeria and all its agencies including
 13 the Directorate of Nigerian Content Development on Solid Minerals and
 14 Metallurgy shall not grant any financial or non-financial benefit to any person
 15 on grounds of being involved in any artisanal or small scale solid minerals
 16 mining activity except such person is captured in the Nigerian Artisanal and
 17 small Scale Solid Minerals Mining Register as a Nigerian Artisanal and Small
 18 Scale Solid Minerals Miner.

Power to remove
 names from the
 Nigeria Artisanal
 and Small Scale
 Solid Minerals
 Mining Register

19 **98.** The Directorate of Nigerian Content Development on Solid
 20 Minerals and Metallurgy may remove a person's name from the Nigerian
 21 Artisanal and small Scale Solid Minerals Mining Register where the person
 22 no longer meets the requirements for registration on the Nigerian Artisanal and
 23 small Scale Solid Minerals Mining Register as a Nigerian Artisanal and Small
 24 Scale Solid Minerals Miner.

Formation of
 cooperative
 societies for
 Nigeria Artisanal
 and Small Scale
 Solid Minerals
 Miner

25 **99.** Registered Nigerian Artisanal and Small Scale Solid Minerals
 26 Miner who intends carrying out solid minerals mining activities under the
 27 support of the Directorate of Nigerian Content Development on Solid Minerals
 28 and Metallurgy shall form themselves into cooperative societies and merge
 29 their operations to gain the benefits of economies of scale.

1	100. The Federal Government of Nigeria through the Directorate	Public Private Partnership on
2	of Nigerian Content Development on Solid Minerals and Metallurgy shall	local fabrication
3	form a public private partnership or establish any other arrangement with	of artisanal and
4	any reasonable and responsible entity engaged in the manufacturing of	small scale mining
5	equipment, machines tools among others, for the construction and operation	equipmentt
6	of artisanal and small scale solid minerals mining activities.	
7	101. Subject to the provisions of this Bill, the Minister responsible	Minister responsible
8	for solid minerals resources shall through the Mining Cadastre Office or	for solid minerals
9	any agency succeeding it, issue Nigerian Artisanal and Small Scale Mining	to issue Nigerian
10	Lease to any group of persons from the solid minerals producing areas who	Artisanal and Small
11	formed themselves into a cooperative society or similar organization with	Scale Mining
12	focus on formally converting their previously acquired vocational skills in	Leases to Nigerian
13	artisanal and small scale solid minerals mining to cognitive technical skill in	Artisanal and Small
14	mining.	Scale Solid Minerals
15	102-(1) Subject to the provisions of this Bill, a Nigerian Artisanal	Miners
16	and Small Scale Mining Lease shall confer on the holder of the lease the	
17	right to-	Rights of a holder
18	(a) enter on the land within the area of the lease granted under this	of a Nigerian
19	Bill;	Artisanal and
20	(b) carry out solid minerals mining operations on the land within	Small Scale Mining
21	the area of the lease and shown on the plan supplied by the lessee at the time	Lease
22	of applying for the lease ;and	
23	(c) remove and dispose of any solid mineral mined by the lessee.	
24	(2) Subject to the provisions of this Part and any applicable	
25	Regulations, the holder of a Nigerian Artisanal and Small Scale Mining	
26	Lease who has complied with the provision of this Part and the regulations	
27	relating in particular to compensation and the payment of surface rents shall,	
28	for the purposes of the solid mining operation under the lease, have on the	
29	land within the area of the lease, the right to-	
30	(a) make all necessary excavations as may be permitted by the	

1 Mines Inspectorate Department established under the Nigerian Minerals and
2 Mining Act, taking into considerations environmental concerns;

3 (b) erect, construct and maintain such houses and buildings as, in the
4 opinion of the Mines Inspectorate Department, are necessary for lessee's use
5 and for the use of its agents and servants;

6 (c) erect, construct and maintain such engines, machinery, buildings
7 and workshops and other structures as may be necessary or convenient;

8 (d) stack or dump any of the products from the mining operations;

9 (e) lay water pipes, and make water courses and ponds, dams and
10 reservoirs; and

11 (f) construct and maintain all such electrical transmission lines,
12 tramways, roads, landing grounds, communication and conveniences as may
13 be necessary subject to laws and regulations governing these infrastructures.

14 (3) A lessee under this Part-

15 (a) may, on the land within the area of the lease cut, take and use any
16 tree when necessary in the course of the solid minerals mining operations or
17 when required for carrying out the operations or for domestic purpose; and

18 (b) shall not take any protected tree except with the consent of the
19 prescribed Forest Officer under the applicable Forestry Law of the
20 State in which the lessee carries out its solid minerals mining operations.

Nigerian Artisanal
and Small Scale
Mining Lessee
not to have
exclusive right
or privilege in
relation to any
lake, river, spring,
stream etc.

21 **103.-(1)** A Nigerian Artisanal and Small Scale Mining Lease shall
22 not, except as provided under any other law convey any exclusive right or
23 privilege, in, relation to any lake, river, spring, stream or other body of water on
24 passing through or adjacent to the land within the area of the lease.

25 (2) Nothing in clause 102 and this clause shall authorize a Nigerian
26 Artisanal and Small Scale Mining Lessee to make such alteration in the flow of
27 navigable water as would obstruct or interfere with, or is likely to obstruct or
28 interfere with the free and safe passage of any vessel, boat, canoe or other craft.

Application for
the issuance of
Nigerian Artisanal
and Small Scale
Mining Lease

29 **104.** Any group of persons from the solid minerals producing areas
30 who possess vocational skills in artisanal and small scale mining and intending

1 to convert such acquired skills to technical cognitive skills shall form
 2 themselves into a cooperative society or partnership on the commencement
 3 of this Bill and apply to the Minister responsible for solid mineral resources
 4 through the Directorate of Nigerian Content Development on Solid
 5 Minerals and Metallurgy for a Nigerian Artisanal and Small Scale Mining
 6 Lease for the design, construction and operation of artisanal and small scale
 7 mining in the solid minerals producing areas.

8 **105.-(1)** An application for the issuance of a Nigerian Artisanal
 9 and Small Scale Mining Lease made pursuant to clause 104 of this Bill shall
 10 be accompanied with the following documents-

Documents to
 accompany
 application for the
 issuance of Nigerian
 Artisanal and Small
 Scale Mining Lease

11 (a) Community Development Agreement with the host community
 12 where the solid mining operations are to be conducted which agreement
 13 shall specify the nature and extent of social and economic benefits that will
 14 accrue or due, to the host community from the artisanal and small scale solid
 15 minerals mining operations in the host community.

16 (b) Environmental Protection Plan(EMP) which shall specify-

17 (i) the location of the land to which the application relates;

18 (ii) the description of the terrain and biophysical features of the
 19 land;

20 (iii) assessment of the extent of possible injurious environmental
 21 impacts from the proposed mining operations in the area;

22 (iv) proposed programmes for mitigation and management of
 23 possible injurious environmental impacts on the area;

24 (v) details of decommissioning of the mine and reclamation plan
 25 of the land in case of the final closure of the mine;

26 (vi) estimate of the cost of the environmental management plan;
 27 and

28 (vii) a plan for the monitoring and assessment of environmental
 29 management programmes.

30 (d) Certificate of Registration of Cooperative Society or

1 Partnership with the Constitution of the Cooperative Society or the Partnership
 2 Agreement of the Partnership, to enable the Directorate of Nigerian Content
 3 Development on Solid Minerals and Metallurgy to conduct due diligence on
 4 the potential applicant to determine its eligibility for a Nigerian Artisanal and
 5 Small Scale Mining Lease; and

6 (e) Feasibility Study of the economic viability of the proposed
 7 artisanal project which shall contain-

8 (i) particulars of the applicant;

9 (ii) details of the proposed equipment and mining method to be used
 10 for the artisanal mining by the applicant;

11 (iii) mode of transportation of processed minerals from the mines to
 12 buyers;

13 (iv) computer generated picture of the plant to be used for the mine;

14 (v) the number of people that will work in the mine;

15 (vi) the structures that will be put up in the production area, e.g. staff
 16 quarters, security house, restrooms etc.

17 (vii) health and safety measures to be put in place; and

18 (viii) security measures to be established for the safety of workers and
 19 equipment;

20 (ix) financial plan stating details of estimated cost of the construction
 21 and operation of the mine and the expected financial returns from investment
 22 and the time duration expected in respect of each of the stages, to wit, the
 23 construction, operation and profit or otherwise from investment; and

24 (x) written statement by the applicant specifying the nature of
 25 assistance it may need from the Federal Government or any other authority to
 26 support a scalable artisanal and small scale mine project.

Directorate of
 Nigerian Content
 Development on
 Solid Minerals and
 Metallurgy to
 receive and vet
 applications before
 forwarding

27 **106.-(1)** An application for a Nigerian Artisanal and Small Scale
 28 Mining Lease shall be submitted to the Directorate of Nigerian Content
 29 Development on Solid Minerals and Metallurgy by the Applicant.

30 (2) The Directorate shall immediately upon the receipt of an

1 application for a Nigerian Artisanal and Small Scale Mining Lease
2 acknowledge receipt of the application and check to ensure that all the
3 supporting documents accompanied the application and that each
4 document has the information required under this Part.

5 (3) The Directorate upon being satisfied that the application
6 submitted meet the standard requirements specified in this Part shall
7 forward the application to the Technical Evaluation Team on Artisanal and
8 Small Scale Mining established under this Bill.

9 **107.** The Directorate of Nigerian Content Development on Solid
10 Minerals and Metallurgy in order to improve local content in solid minerals
11 mining shall, upon the commencement of this Bill take immediate steps to
12 consult with the Mining Cadastre Office, Mines Inspectorate Department,
13 Mines Environmental Compliance Department, National Agency for
14 Science and Engineering Infrastructure, Standard Organization of Nigeria,
15 Nigerian Environmental Standards Regulatory Agency and any other entity,
16 establish a Team to be known as "Technical Evaluation Team on Artisanal
17 and Small Scale Mining" (also referred to as the "Evaluation Team" in this
18 Bill) which shall comprise of representatives of all the entities mentioned in
19 this clause.

Establishment
of Technical
Evaluation Team
on Artisanal and
Small Scale
Mining

20 **108.-(1)** The Technical Evaluation Team on Artisanal and Small
21 Scale Mining shall immediately upon its constitution inspect all existing
22 artisanal mines in the country and consider all applications for Nigerian
23 Artisanal and Small Scale Mining Lease submitted to the Directorate of
24 Nigerian Content Development on Solid Minerals and Metallurgy.

Technical Evaluation
Team on Artisanal
and Small Scale
Mining to inspect
artisanal and small
scale mines for
integration

25 (2) Where the Team considers an application for a Nigerian
26 Artisanal and Small Scale Mining Lease as having met the requirements for
27 the grant of a Nigerian Artisanal and Small Scale Mining Lease, the Team
28 shall recommend to the Minister responsible for solid mineral resources
29 through the Mining Cadastre Office, the issuance of a Nigerian Artisanal
30 and Small Scale Mining Lease to the applicant.

Technical
Evaluation Team
on Artisanal and
Small Scale Mining
may request
applicant for a
Lease to correct
noticed deficit

1 **109.-(1)** Where the Evaluation Team upon inspection and evaluation
2 of an existing artisanal or small scale solid minerals mine, finds that the mine
3 did not pass the appraisal of the Evaluation Team but possesses local
4 technology potentials in artisanal or small scale mining, may instead of totally
5 rejecting the application of the artisanal or small scale miner suggest to the
6 artisanal or small scale miner to correct the area where the Evaluation Team
7 noticed the deficit.

8 (2) The Evaluation Team shall recommend to the Minister
9 responsible for solid minerals resources through the Mining Cadastre Office to
10 issue to the applicant, a Nigerian Artisanal and Small Scale Mining Lease once
11 the applicant corrects the noticed deficit.

Mining Cadastre
Office to issue
public Notice of
the existence of
application for
Nigerian Artisanal
and Small Scale
Mining Lease

12 **110.-(1)** The Mining Cadastre Office shall upon the receipt of the
13 recommendation from the Evaluation Team on the suitability of an artisanal or
14 small scale miner to be issued with a lease, issue in three national daily and
15 widely circulated newspapers, official gazettes, websites of the Mining
16 Cadastre Office and any other place that the Mining Cadastre Office deems fit
17 to place, a notice to inform members of the public of a pending application for
18 a Nigerian Artisanal and Small Scale Mining Lease.

19 (2) The Notice envisaged in clause (1) of this clause shall contain
20 information on the applicant and the land to which the application relates and
21 shall invite comments including but not limited to objections against the
22 granting of the application, from members of the public, particularly members
23 of the community in which the artisanal or small scale mining is to be situated.

Mining Cadastre
Office to resolve
objections arising
from notice to
the public

24 **111.** The Mining Cadastre Office shall within fourteen days of
25 receiving an objection to the grant of an application for the issuance of a
26 Nigerian Artisanal and Small Scale Mining Lease arising from the public
27 notice it issued invite the petitioner, the applicant and any other person relevant
28 to the resolution of the dispute arising from the objection, for a meeting to
29 achieve an amicable resolution of the dispute.

1	112. An application for a Nigerian Artisanal and Small Scale	Application for a Nigerian Artisanal and Small Scale
2	Mining Lease shall not be refused by the Evaluation Team on the ground that	Mining Lease shall
3	the applicant has no sufficient funds to finance the construction and	not be refused solely
4	operation of a modernized artisanal or small scale mine required of him	on the ground of
5	under any existing law, if the Evaluation Team finds that the applicant has	financial deficiency
6	the vocational skills and potential cognitive technical skills to undertake	
7	scalable solid mineral mining.	
8	113. The Directorate of Nigerian Content Development on Solid	Duty to put in place
9	Minerals and Metallurgy shall consult with the Central Bank of Nigeria,	fiscal and non-fiscal
10	other financial institutions, the Mining Cadastre Office, Non-Governmental	measure to encourage
11	Organisations, Regional and Community leaders and other relevant	formalisation of
12	stakeholders to put in place fiscal and other strategic measures to	artisanal and small
13	encourage artisanal and small scale miners to formalise their artisanal and	scale minerals
14	small scale solid minerals mining activities to bring such mining activities	mining
15	within the acceptable legal framework established for solid mineral mining	
16	in Nigeria.	
17	114. Notwithstanding anything contained in any law, regulation	Waiver of all
18	or rule, a Nigerian Content Artisanal and Small Scale Solid Minerals Miner	statutory and other
19	who applies for Nigerian Artisanal and Small Scale Mining Lease shall not	fees for Nigeria
20	pay any application, processing or any other fees for the grant of any lease,	Artisanal and
21	permit or any other instrument from any other agency of the Federal	Small Scale Solid
22	Government for the construction and/or operation of artisanal or small scale	Minerals Miners
23	mineral mining in the solid minerals producing areas.	
24	115. Every holder of Nigerian Artisanal and Small Scale Mining	Application for any
25	Lease shall for any other instrument it seeks to obtain from any agency make	instrument by a
26	its application through the Directorate of Nigerian Content Development on	holder of Nigerian
27	Solid Minerals and Metallurgy and the Directorate shall within seven days	Artisanal and Small
28	from the date of the receipt of the application forward the application to the	Scale Mining Lease
29	relevant body for the issuance or otherwise of the instrument applied for.	to be made through
		the Directorate of
		Nigerian Content
		Development on
		Solid Minerals and
		Metallurgy

Time within which an agency or department shall grant permit or lease or any instrument to a holder of a Nigerian Artisanal and Small Scale Mining Lease	1	116. Any agency or department of the Federal Government who has
	2	the responsibility to grant any permit or lease or any other instrument except,
	3	Nigerian Artisanal and Small Scale Mining Lease, shall within fourteen days
	4	from the date of the receipt of the application for such permit, lease or any
	5	other instrument, communicate to the Directorate of Nigerian Content
	6	Development on Solid Minerals and Metallurgy, its decision on the
	7	application and where the decision is a refusal to grant the permit, lease or
	8	instrument, the agency or department shall state the reason for the refusal and
	9	give reasonable time within which the deficit shall be corrected.
Federal Government to source for funds through issuing financial instruments, crowd funding etc. for the design, construction and operation of mining equipment, machines, tools etc.	10	117. The Federal Government of Nigeria upon the request from
	11	Directorate of Nigerian Content Development on Solid Minerals and
	12	Metallurgy shall source for, and raise funds through any lawful means
	13	including but not stopping at issuing financial instruments like promissory
	14	notes, bonds, giving credit guarantee, arranging for crowd funding, for the
	15	purchase and supply of material, equipment, machines and tools to fast tract
	16	the construction and operation of artisanal and small scale mining activities in
	17	the solid minerals producing areas.
Investment Agreement to be reached with investors agreeing to finance the construction and operation of artisanal and small scale solid minerals mines	18	118.-(1) For the purposes of ensuring an equitable agreement between
	19	a Nigerian Artisanal and Small Scale Mining Lessee and any private investor
	20	seeking to invest in the construction and operation of artisanal or small scale
	21	solid minerals mines, the private investor shall enter into written agreement
	22	with the Nigerian Artisanal and Small Scale Mining Lessee under the
	23	supervision of the Directorate of Nigerian Content Development on Solid
	24	Minerals and Metallurgy on Solid Minerals and Metallurgy in collaboration
	25	with the ministry responsible for solid minerals.
	26	(2) The agreement mentioned in sub clause (1) of this clause shall
	27	among others, contain the following information:
	28	(a) particulars of both the Nigerian Artisanal and Small Scale Mining
	29	Lessee and the private investor seeking to invest in the development and
	30	operation of artisanal or small scale solid minerals mining;

1 (b) the extent of financial assistance which will be given to the
2 Nigerian Artisanal and Small Scale Mining Lessee for the construction of
3 the mine and/or running of the mining operations;

4 (c) the formula for sharing of proceeds from the operation of the
5 mine; and

6 (d) whether the private investor will be part of the operation and
7 management of the mine.

8 **119.** Any fund invested in the construction and management of
9 artisanal or small scale mine in which the investor is not partaking in the
10 management of the mine shall be deemed and treated as a loan guaranteed
11 under the Nigerian Content Development Credit Guarantee Scheme and the
12 terms and conditions provided under this Bill for the regulation of the
13 Nigerian Content Development Credit Guarantee Scheme shall be
14 applicable to such private investment.

Funds invested
in the construction
and/or operation
of artisanal or
small scale mine
shall be deemed
as guaranteed
loan

15 **120.-(1)** The Directorate of Nigerian Content Development on
16 Solid Minerals and Metallurgy in collaboration with the ministry
17 responsible for exploitation of mineral resources in Nigeria shall promote an
18 education and sensitization campaign on the socio economic and
19 environmental benefits for the formalisation of artisanal mining activities
20 in the solid minerals bearing areas.

Promotion of
campaign to
educate and
sensitize the people
on the benefits of
formalisation of
artisanal mining

21 (2) The Directorate shall pursuant to sub-clause (1) of this clause
22 engage political, community and youth leaders of these areas.

23 **121.** The Directorate of Nigerian Content Development on Solid
24 Minerals and Metallurgy shall partner with the ministry responsible for
25 exploitation of solid minerals, sub national governments apart from local
26 governments, solid minerals title holders, Solid Minerals Development
27 Funds, investors and any other responsible and respectable entity including
28 but not limited to financial institutions, to establish modernised artisanal
29 mines as pilot projects for the mentorship of registered Nigerian Artisanal

Directorate of
Nigerian Content
Development on
Solid Minerals
and Metallurgy to
partner with
government
agencies and
other organization
to establish pilot
artisanal mines

	1	and Small Scale Solid Minerals Miners in the solid minerals producing areas
	2	of Nigeria.
Right of Government agencies and other organizations to dispose of pilot artisanal mines	3	122. -(1) Any government agency, other organization or entity who in
	4	pursuant to clause 120 of this Bill, constructed and managed any artisanal
	5	solid minerals mine shall have and exercise the right to dispose of the solid
	6	minerals mine by outright sale or lease to cooperative society or partnership
	7	consisting of registered Nigerian Artisanal and Small Scale Solid Minerals
	8	Miners under this Bill.
	9	(2) Nothing in this Bill or any law or regulation shall be construed as
	10	prohibiting any government agency, other organization or entity from
	11	disposing of pilot solid minerals mine and re-investing in more construction of
	12	pilot solid minerals mines and disposing them to cooperative societies as
	13	stipulated under sub clause (1) of this clause.
Directorate of Nigerian Content Development on Solid Minerals and Metallurgy to liaise and place registered Nigerian Artisanal and Small Scale Solid Minerals Miners on jobs	14	123. The Directorate of Nigerian Content Development on Solid
	15	Minerals and Metallurgy shall liaise with solid minerals title holders under the
	16	Nigerian Minerals and Mining Act, 2007 or any law succeeding that Act, to
	17	place registered Nigerian Artisanal and Small Scale Solid Minerals Miner on
	18	jobs relating to solid minerals mining.
Establishment of Buying Centres	19	124. -(1) The Directorate of Nigerian Content Development on Solid
	20	Minerals and Metallurgy shall promote the establishment and operation of
	21	Minerals Buying Centres in the Country and shall for this purpose partner with
	22	the Central Bank of Nigeria, any other financial institution or donor agencies
	23	to grant credit or any other financial scheme to the Directorate for the purchase
	24	of minerals that the Directorate may identify as marketable and commercially
	25	viable.
	26	(2) The Directorate may appoint buying agents who shall be operate
	27	under guidelines to be made by the Directorate with the approval of the
	28	minister responsible for solid mineral exploitation in Nigeria.
Collaboration with Ministry responsible for the exploitation of solid minerals	29	125. The Directorate of Nigerian Content Development on Solid
	30	Minerals and Metallurgy shall in the implementation of the provisions of this

1 part of the Bill collaborate with the ministry responsible for the exploitation
2 of mineral resources.

3 **126.** Locally sourced materials and Made-in-Nigeria products
4 shall wholly or substantially be used for the construction, repairs or
5 maintenance of minerals mining and processing plants and any other
6 facility to be built for the improvement of artisanal or small scale mining
7 purposes.

Local materials
and Made-in-Nigeria
products to be
used for the
construction of
minerals mining
and processing
plants

8 **127.** The Directorate of Nigerian Content Development on Solid
9 Minerals and Metallurgy shall in conjunction with any other relevant
10 Federal Government agency, establish extension services for the benefit of
11 registered Nigerian Artisanal and Small Scale Solid Minerals Miners.

Registered Nigerian
Artisanal and Small
Scale Solid Minerals
Miners to enjoy
extension services

12 **128.-(1)** The extension services to be enjoyed by the artisanal and
13 small scale miners pursuant to under this Bill shall include but not limited to
14 advisory services on growth and development of the businesses of the
15 artisanal and small scale miners by encouraging them to always strive to
16 adopt more modern and environmentally friendly equipment, devices and
17 practices and sensitising the artisanal and small scale miners on the need to
18 access loan facilities and participating in equipment leasing programmes
19 where available.

Scope of extension
services to be
enjoyed by artisanal
and small scale miners

20 (2) Without prejudice to the operation of sub clause (1) of this
21 clause, the Federal Government of Nigeria through the Directorate of
22 Nigerian Content Development on Solid Minerals and Metallurgy shall
23 provide the following extension services, among others, to duly registered
24 and performing Nigerian Artisanal and Small Scale Mining Lessee-

25 (a) introduction of appropriate and modern technology on the
26 design, construction and testing of mines;

27 (b) teach adequate solid mining technology skills especially on
28 exploration, mine site design and planning, construction, production,
29 processing, closure, reclamation in order to assist registered artisanal and
30 small scale miners to produce standard mineral products to meet market

	1	demands and optimize their profits;
	2	(c) teach on the testing of standards and determination of qualities
	3	of solid mineral products by the Nigerian Artisanal and Small Scale Mining
	4	Lessee;
	5	(d) teach on equipment and plant hire service on an arrangement with
	6	manufacturers or leasing companies and provide proper and sustainable
	7	linkages with such manufacturers or leasing companies;
	8	(e) provision of environmental impact assessment report and detailed
	9	guidelines on waste and tailing disposal;
	10	(f) teach on modern health and environmental safety procedures and
	11	practices in the operation of artisanal mining activities;
	12	(g) holding regular workshops, meetings and symposia to update
	13	artisanal miners' knowledge on legal, marketing, business skills and
	14	infrastructural support; and
	15	(h) teach on the protection and security of mines that provide the
	16	source of stock for their operation as artisanal solid minerals miners.
Freedom from prosecution for previously operating artisanal mining	17	129. From the commencement of this Bill, no Nigerian citizen shall
	18	be prosecuted or no further prosecution shall be maintained against any
	19	Nigerian citizen on the ground that such person previous to the commencement
	20	of this Bill established, operated or participated in the operation of an artisanal
	21	mining in Nigeria.
	22	PART XIX - NIGERIAN CAPACITY DEVELOPMENT IN INFORMATION
	23	COMMUNICATION TECHNOLOGY HARDWARE, SOFTWARE AND
	24	CONNECTIVITY SERVICES
Directorate to encourage collaboration among indigenous Nigerian companies to jointly undertake critical programmes to increase the domestic production of critical ICT products and services	25	130. The Directorate of Nigerian Capacity Development and
	26	Monitoring on Information Communication Technology shall partner with the
	27	Nigerian Communication Commission, Nigerian Information Technology
	28	Development Agency, leading companies in the Nigerian Information
	29	Communication Technology Sector or any other responsible and respectable
	30	company including but not limited to financial institutions to actively

1 encourage the formation and operation of joint venture programmes to
2 produce indigenous Nigerian hardware and/or software products and
3 network services that will be of highest international standard possible in the
4 Nigerian Information Communication Technology Industry.

5 **131.**-(1) Any agreement to collaborate and jointly develop
6 indigenous Nigerian hardware and/or software products and network
7 services that will be of highest international standard possible in the
8 Nigerian Information Communication Technology Industry by indigenous
9 Nigerian companies shall be reduced into writing wherein the nature of the
10 joint venture project and/or programme, the rights and obligations of all the
11 parties in relation to the joint venture project and/or programme shall be
12 clearly stated and the agreement signed by the joint venture parties or their
13 accredited representatives.

Registration of
Agreement for the
development of
high standard quality
indigenous Nigerian
hardware and/or
software products
and network services
among indigenous
Nigerian companies

14 (2) A copy of any agreement made pursuant to sub clause (1) of this
15 Clause shall be deposited with the Directorate of Nigerian Content
16 Development on Information Communication Technology.

17 **132.**-(1) The Directorate of Nigerian Content Development on
18 Information Communication Technology shall, with the approval of the
19 Board of the Council, source for funds to assist in funding projects and
20 programmes for indigenous Nigerian companies collaborating together to
21 undertake and execute joint venture projects and/or programmes for the
22 production of indigenous Nigerian hardware and software products and
23 network services that will not only meet up with yearning domestic
24 demand but also for export.

Directorate to
source for funds
to assist joint venture
programmes by
indigenous Nigerian
companies
collaborating to
produce
internationally
competitive ICT
products and
services

25 (2) For the purposes of complying with the provisions of sub clause
26 1 of this clause, the Directorate of Nigerian Content Development on
27 Information Communication Technology shall with the approval of the
28 Board of the Council, source for funds from international and local financial
29 markets, international donor agencies and from any other organisation or
30 private person.

Deployment and
maintenance of
foreign software
on ICT in Nigeria

1 (3) Any fund sourced by the Directorate of Nigerian Content
2 Development on Information Communication Technology under this clause
3 shall be disbursed as loan under terms and conditions to be prescribed by the
4 Directorate of Nigerian Content Development on Information
5 Communication Technology upon the approval of the Board of the Council and
6 shall attract an interest rate of not more than five per cent per annum.

7 **133.**-(1) For the purposes of ensuring national security, safety and
8 developing indigenous Nigerian capacities in the Nigerian Information
9 Communication Technology Sector of the Nigerian economy, no ministry,
10 extra ministerial department, agency of the Federal Government of Nigeria or
11 Nigerian Content Entity shall use any foreign software or bandwidth in Nigeria
12 except the foreign company deploying the foreign software or bandwidth for
13 use in Nigeria has a registered partnership agreement with an indigenous
14 Nigerian company, which company shall be known as a Nigerian ICT Partner.

15 (2) The foreign company shall involve the Nigerian ICT Partner from
16 the designing stage to the finishing stage of the software or bandwidth in
17 respect of which project the partnership is entered into pursuant to sub-clause
18 (1) of this clause.

19 (3) No indigenous Nigerian company shall be qualified to be involved
20 or appointed by a foreign company as a Nigerian ICT Partner in the deployment
21 and maintenance of foreign software or bandwidth in Nigeria except such
22 company:

23 (a) is duly registered in Nigeria and meets the requirements of an
24 indigenous Nigerian company under this Bill;

25 (b) has development and maintained software programmes or
26 bandwidth as its primary source of income;

27 (c) must be paying taxes in Nigeria as when due;

28 (d) must have a practicing software or bandwidth developer who shall
29 be a registered member of the Computer Professionals Registration Council of
30 Nigeria (CPN) on its management team and board; and

1 (e) must show reliable and verifiable evidence of software
2 programme or bandwidth capacity that the company had developed,
3 operated and maintained in Nigeria.

4 (3) Notwithstanding anything contrary to the provision of this
5 clause, a foreign company that is in partnership with a Nigerian ICT Partner
6 shall have and maintain a succession clause in the registered partnership
7 agreement mentioned in sub clause (1) of this clause to the effect that the
8 Nigerian ICT Partner and its staff shall be trained by the foreign company or
9 its allies to independently operate and manage the software programme or
10 bandwidth after a period not lasting more than five years from the date of
11 the commencement of their partnership agreement mentioned in this clause.

12 **134. Remuneration of appointed Nigerian ICT Partner**

13 An indigenous Nigerian company involved or appointed by a foreign
14 company as a Nigerian ICT Partner in the deployment and maintenance of
15 foreign software or bandwidth in Nigeria under this Bill or any other law or
16 regulation in force upon the coming into effect of this Bill shall be entitled
17 to, and be paid;

18 (a) in the case of an acquisition of a license to deploy software or
19 bandwidth for use by company in Nigeria, such amount as agreed by the
20 Nigerian ICT Partner with the foreign partner; and

21 (b) in the case of renewal of software or bandwidth license, the
22 sum of forty per cent of the annual renewal licensing fees payable to the
23 foreign company that appointed the indigenous Nigerian company as the
24 Nigerian ICT Partner.

25 **135.-(1)** Any payment due to a Nigerian ICT Partner under clause
26 134 of this Bill shall be directly paid by the licensee of the software or
27 bandwidth in Nigeria to the Nigerian ICT Partner through the Directorate of
28 Nigerian Content Development on Information Communication
29 Technology.

Payment of
Nigerian ICT
Partner to be made
through Directorate
of Nigerian Content
Development
on Information
Communication
Technology

30 (2) The Directorate shall upon the receipt of any payment made

	1	pursuant to sub clause (1) of this Clause inform the Nigerian ICT Partner of the
	2	payment and shall retain 0.5% of the sum paid to the Nigerian ICT Partner as a
	3	surcharge under clause 184(a) of this Bill.
Ministries, departments, agencies, arms of the Federal Government and companies to patronise local cloud service providers and host their data in Nigeria	4	136. -(1) For the purposes of ensuring national security, proper
	5	regulation of, and safety, in the Nigerian Information Communication
	6	Technology Sector of the Nigerian economy, all Ministries, departments,
	7	agencies, arms of the Federal Government and Nigerian Content Entities
	8	shall host their data and cloud with indigenous Nigerian companies licensed to
	9	operate data and cloud hosting services in Nigeria.
	10	(2) Directorate of Nigerian Content Development on Information
	11	Communication Technology shall take necessary steps to actively encourage
	12	and facilitate the emergence of community networks, designed deployed and
	13	run by the communities to meet their ICT needs.
Sovereign Data to be stored in Nigeria	14	137. For the purposes of ensuring national security, proper regulation
	15	of, and safety, in the Nigerian Information Communication Technology
	16	Sector of the Nigerian economy, all Ministries, departments, agencies, arms
	17	of the Federal Government and Nigerian Content Entities shall store every
	18	sovereign Data in Nigeria, provided, where there are no longer facilities to
	19	host further sovereign data in Nigeria, a ministry, extra ministerial department,
	20	agency, arm of the Federal Government of Nigeria or information management
	21	company may store sovereign data outside Nigeria.
Nigerian cloud service providers and data centres to ensure standardised clouding and data hosting services	22	138. All indigenous Nigerian companies providing cloud computing
	23	services or data hosting services shall ensure that their clouding or data hosting
	24	services comply with the standard and quality set by the Nigerian Information
	25	Technology Development Agency or any other regulatory agency and shall
	26	also conform to international best practices especially as to the security of
	27	stored data.
Original Equipment Manufacturers of ICT hardware to locally assemble them	28	139. -(1) Original Equipment Manufacturers of ICT hardware
	29	operating in Nigeria shall operate and maintain fully Nigerian staffed facilities
	30	for maintenance of equipment and other ancillary services.

1 (2) Original Equipment Manufacturers of ICT hardware in Nigeria
2 shall ensure that available made in Nigeria products, parts, components,
3 plants and equipment are used in the manufacturing of ICT hardware in
4 Nigeria provided that the made in Nigeria products, parts, components,
5 plants and equipment are of standard quality approved by the Standard
6 Organisation of Nigeria or any legally recognized Nigerian or international
7 agency for standardization.

8 (3) Notwithstanding the provision of sub clause (1) of this clause,
9 expatriates who are being understudied by Nigerians in the facilities may
10 form part of the staff strength in the facilities mentioned in sub clause (1) of
11 this clause.

12 **140.**-(1) For the purposes of ensuring national security, proper
13 regulation of, and safety, in the Information Communication Technology
14 Sector of the Nigerian economy, all telecommunication and network service
15 companies operating in Nigeria shall host all their subscribers and
16 consumers data with any indigenous Nigerian company operating data
17 hosting center in Nigeria.

Telecommunication
and network service
companies to host
all subscribers and
consumer data in
Nigeria

18 (2) Notwithstanding the provision of sub clause (1) of this clause, a
19 telecommunication or network service company operating in Nigeria may
20 host its data outside Nigeria where the indigenous Nigerian companies or
21 Nigerian companies operating in Nigeria no longer have facilities to host
22 further data from the telecommunication company.

23 **141.**-(1) A ministry, department, agency, arm of the Federal
24 Government or Nigerian Content Entity may refuse to patronise the service
25 of an indigenous Nigerian cloud computing company or data hosting centre
26 where the service of such company or centre does not meet the required set
27 standard.

Rejection of
services of Nigeria
cloud computing
and data hosting
companies

28 (2) Where cloud computing service or data hosting service
29 produced by an indigenous Nigerian company does not meet the required
30 quality or standard required by a ministry, department, agency, arm of the

1 Federal Government and Nigerian Content Entity, the ministry, department,
2 agency, arm of the Federal Government or Nigerian Content Entity may, with
3 the written authorization of the Directorate of Nigerian Content Development
4 on Information Communication Technology, upon the approval of the Board
5 of the Council host its data outside Nigeria.

6 (3) Where a ministry, department, agency, arm of the Federal
7 Government, any financial institution under the control or regulation of any
8 agency of the Federal Government of Nigeria or Nigerian Content Entity host
9 its data outside Nigeria in circumstances prescribed in subsection (2) of this
10 clause, the Directorate of Nigerian Content Development on Information
11 Communication Technology shall ensure that the hosting company has entered
12 into a joint venture arrangement with an indigenous Nigerian company on
13 how to provide facilities for the indigenous Nigerian company to set up a
14 similar data hosting or cloud computing centre in Nigeria.

Conditions to be
met before any
rejection of the
services of Nigerian
cloud computing
companies and
data centres

15 **142.** The services of an indigenous Nigerian cloud computing
16 company or data centre shall not be rejected on grounds of-

17 (a) quality, if-

18 (i) the indigenous Nigerian company seeking to provide the clouding
19 or hosting service is certified by the Nigerian Information Technology
20 Development Agency to have met the standards developed or approved for
21 clouding services or data hosting in Nigeria; or

22 (ii) the indigenous Nigerian cloud computing company or data centre
23 rendering the service is willing and able to provide the clouding services or data
24 hosting services to meet the required quality within a reasonable time;

25 (b) price, if-

26 (i) the indigenous Nigerian cloud computing or data hosting company
27 is willing and able to negotiate the price for the service; or

28 (ii) the service is competitive as regards to price when compared with
29 similar service rendered by persons or entities from member states of the
30 African Union (AU); or

1 (c) timeline for delivery, if it can be demonstrated by the
2 indigenous Nigerian cloud computing company or data centre that it can
3 meet the timeline for the delivery of the service.

4 PART XX - PROMOTION OF NIGERIAN CONTENT IN AUTOMOBILE
5 MANUFACTURING

6 **143.** In order to develop the automobile sub-sector of the Nigerian
7 economy, all ministries, departments, agencies, arms of the Federal
8 Government and Nigerian Content Entities shall upon the commencement
9 of this Bill give first consideration to Nigerian Companies manufacturing
10 vehicles in the purchase of automobiles in Nigeria provided the Nigerian
11 content including Made-in-Nigeria components in the manufacture of
12 such vehicles is not less than fifty per cent of the entire component of the
13 manufacture.

MDAs and
companies to source
for vehicles in-
country

14 **144.** The Directorate of Nigerian Content Development on
15 Manufacturing shall encourage indigenous Nigerian companies to deploy
16 resources for the manufacturing of electric driven vehicles.

Directorate of
Nigerian Content
Development on
Manufacturing
to encourage
manufacture of
electric vehicles

17 **145.-(1)** For the purposes of meeting up with the supply needs of
18 Nigerian automobile manufacturers and users, the Directorate of Nigerian
19 Content Development on Manufacturing shall take steps and identify
20 components like engines, gearboxes, axles, suspensions, drive shaft,
21 steering, exhaust system, batteries, tyres, welded parts, electronics,
22 radiator, cables, filters, brake pads /linings, windscreens, side glasses, fibre-
23 glass parts, paints, glassworks, upholstery leather works, cast and
24 machined parts and plastic works in the manufacture of automobiles that
25 are not available or sufficiently available in the Country and liaise with
26 indigenous Nigerian companies to commence the production of such
27 automobile components in Nigeria for use by indigenous Nigerian
28 companies that are engaged in local manufacture of automobiles or users of
29 automobiles in Nigeria.

Manufacturers
of automobile
companies to be
encouraged

30 (2) The Directorate shall ensure that available Made-in-Nigeria

	1	components are used for the manufacturing of Made -in - Nigeria automobiles
	2	to ensure that there is regular supply of components for automobile
	3	manufacturers and users in Nigeria.
Directorate of Nigerian Content Development on Manufacturing to encourage the manufacturers of Made-in-Nigeria parts, components, accessories etc.	4	146. The Directorate of Nigerian Content Development on
	5	Manufacturing shall ensure that it initiates programmes and projects that will
	6	encourage manufacturing of automobiles, components, parts and accessories
	7	by Nigerian companies, such programmes and projects shall include but not
	8	limited to-
	9	(a) development of automobile supplier parks and clusters with
	10	provisions for constant electric power supply to enhance Nigerian companies
	11	engaged in automobiles manufacturing to share infrastructure, resources and
	12	information;
	13	(b) skills development by original equipment manufacturers and
	14	other relevant stakeholders;
	15	(c) encouragement of companies manufacturing automobiles to
	16	obtain Quality Management Certification (QMS); and
	17	(d) development of automotive component testing centres.
Directorate of Nigerian Content Development on Manufacturing to collaborate to provide automobile homologation	18	147. The Directorate of Nigerian Content Development on
	19	Manufacturing shall put in place measures to facilitate collaboration with
	20	National Automotive Council and Standard Organisation of Nigeria to provide
	21	critical infrastructures for seamless automobile homologation for automobiles
	22	manufacturers in Nigeria.
Directorate of Nigerian Content Development on Manufacturing to assist in the development of new markets for automobile manufacturers	23	148.-(1) The Directorate of Nigerian Content Development on
	24	Manufacturing shall establish and maintain forward linkages to link
	25	cooperative societies, associations, unions and other organisations whose
	26	members require made-in-Nigeria automobiles to buy in bulk, made-in-
	27	Nigeria automobiles at reasonable prices from such manufacturing companies
	28	who are interested to enter into such relationship.
	29	(2) An arrangement for the bulk purchase of made-in-Nigeria
	30	automobiles may include an arrangement for upward money deposit by the

1 cooperative societies, associations, unions and other organisations for the
2 manufacture of the automobiles for bulk purchase and may also involve
3 financial institutions that are desirous of advancing loans for hire purchase
4 of made - in - Nigeria automobiles.

5 (3) The Directorate shall always ensure the protection of the
6 interest of all parties to any arrangement contemplated under sub clauses (1)
7 and (2) of this clause.

8 **149.** Indigenous Nigerian manufacturers of automobiles and
9 manufacturers of components, parts and accessories who have shown
10 scalable production capacities of automobiles, components, parts and
11 accessories in Nigeria shall subject to the provisions of this Bill, be entitled
12 to Nigerian Content Development Credit Guarantee Scheme established
13 under this Bill.

Indigenous Nigerian
manufacturers of
automobile to enjoy
Guarantee loans

14 PART XXI - ESTABLISHMENT OF E- MARKET PLACE AND PROMOTION
15 OF BACKWARD AND FORWARD LINKAGES

16 **150.** Each Directorate of the Council shall, through a transparent
17 and competitive bid process, appoint a well-established ICT company to
18 establish and manage an e- market place virtual platform for the sector the
19 Directorate is responsible for.

Appointment of
a well-established
ICT company to
establish and
manage an e-market
place

20 **151.** The e- market place established pursuant to clause 150 of this
21 Bill shall-

Role of e-market
place

22 (a) provide a virtual platform to facilitate transactions required for
23 the efficient delivery of goods and services in the relevant sector the
24 Directorate is superintending Nigerian economic development and
25 diversification activities;

26 (b) provide a virtual platform to facilitate backward and forward
27 linkages among persons, companies and other business enterprises in the
28 relevant sector the Directorate is overseeing Nigerian economic
29 development and diversification activities;

30 (c) provide functional interface with the National Joint

	1	Qualification System and provide a universal and transparent governance
	2	structure drawn from industry stakeholders;
	3	(d) track and monitor the development of Nigerian capacity and
	4	economic diversification with the provision of relevant feedback; and
	5	(e) perform all other functions, roles and responsibilities to be set out
	6	in the regulations to be made by the Board of the Council under this Bill.
ICT company managing the e0market place tp draw funding from fees	7	152. The ICT company appointed by virtue of clause 150 of this Bill
	8	shall draw any fees it agreed with the Directorate, from the fees paid for listing
	9	by subscribers.
Directorate to agree with the managing company to fix fees for listing of stakeholders on e-market place	10	153. The relevant Directorate and the ICT company appointed
	11	pursuant to clause 150 of this Bill shall agree on a fees for the listing of
	12	subscribers, provided always that such fees shall be subject to review as
	13	circumstances require.
Directorates and Monitoring Units to actively encourage backward and forward linkages	14	154. Each Directorate and Monitoring Unit shall establish strategies,
	15	action plans and projects to encourage and strengthen backward and forward
	16	linkages among companies and for these purposes, the Directorate or a
	17	Monitoring Unit shall-
	18	(a) link up indigenous Nigerian raw material producers with
	19	Nigerian and foreign companies;
	20	(b) actively encourage the production of acceptable grades and
	21	standards of quality of raw materials in Nigeria and secure the most favourable
	22	arrangements for the purchase of such raw materials by Nigerian Content
	23	Entities and other companies to meet domestic and foreign requirements;
	24	(c) encourage and take all necessary lawful steps to promote the
	25	processing of raw materials to semi finished or finished products to enable the
	26	country derive maximum benefits from the production of such raw materials;
	27	(d) encourage the marketing of semi finished or finished products,
	28	made from locally produced raw materials; and
	29	(e) encourage and promote mass production of goods where there is

1 reliable commitment to buy such goods from reputable organization or
2 organizations.

3 PART XXII - ADOPTION AND REGISTRATION OF NIGERIAN DOMAIN
4 NAMES BY MDAS, COMPANIES ETC.

5 **155.** Notwithstanding anything contained in any enactment, law, Registration and
6 regulation or policy, the provisions contained in this part of this Bill shall regulation of domain
7 apply to MDAs, companies, associations, non-governmental organisations, names to be
8 enterprises and partnerships in all the sectors of the Nigerian economy. applicable to.
and be enforced
in, all sectors of
the economy

9 **156.** The Nigerian Internet Registration Association shall have Functions of the
10 and perform the functions to- Nigerian Internet
11 (a) administer .ngTLD; Registration
12 (b) do every lawful act to ensure at all times the operation, security, Association in
13 stability and reliability of .ngTLD; respect of Nigerian
Domain name

14 (c) collaborate with the Nigerian Information Technology
15 Development Agency to enable the Nigerian Information Technology
16 Development Agency to develop and establish technical framework for the
17 development and administration of, .ngTLD which shall include without
18 limitation to-

19 (i) making rules governing the operations of sub-level domain
20 registries;

21 (ii) the creation and allocation of sub - level domains;

22 (iii) making rules governing the accreditation of registrars and
23 registry operations;

24 iv) rules governing the registration of names within the sub -level
25 domains and access to sub -level domain registries; and

26 (v) to ensuring that registrars have equal access to sub -level
27 domain registries.

28 (d) manage the operation of technical functions including but not
29 limited to the following;

30 (i) the primary and secondary .ngTLD name servers;

	1	(ii) files for sub-level domains; and
	2	(iii) a searchable database containing information on registrations
	3	within the .ngTLD, for members of the public;
	4	(e) liaise with national and international bodies on issues relating to
	5	the development and administration of domain name system in Nigeria;
	6	(f) ensure cost -effective administration of the .ngTLD;
	7	(g) establish appropriate complaints handling and dispute resolution
	8	mechanism to settle disputes arising from patronage of .ngTLD; and
	9	(h) do or perform other lawful acts that will enable the Nigerian
	10	Internet Registration Association to carry out its functions under this Bill.
Use of Nigeria Domain Name by MDAs, companies, associations etc.	11	157. In order to promote the national identity of the Country in the
	12	information communication technology ecosystem and also facilitate easy and
	13	efficient business communication in the Nigerian economy;
	14	(a) all ministries, extra ministerial departments, agencies of the
	15	Federal Government, companies, associations, non-governmental
	16	organisations, unions, societies or partnerships carrying out businesses or
	17	enterprises in Nigeria shall register and operate under a Nigerian domain name
	18	on the internet; and
	19	(b) all ministries, extra ministerial departments, agencies of the
	20	Federal Government, companies, associations, non-governmental
	21	organisations, unions, societies, partnerships, etc., carrying out businesses or
	22	enterprises in Nigeria and operating on any other Country Top level Domain or
	23	generic domain name shall upon the commencement of this Bill migrate from
	24	any such domain name to the Nigerian domain identity string, .ng. on the
	25	internet.
Use of private emails for government businesses to attract imprisonment and dismissal from service	26	158. Any public servant in any ministry, extra ministerial department
	27	or agency who uses any private email and/or website on the internet to
	28	transact any official business of the ministry, extra ministerial department or
	29	agency of the Federal Government of Nigeria commits an offence and shall
	30	upon conviction be sentenced to two weeks imprisonment and shall also be

1	deemed dismissed from the public service from the date of the conviction.	
2	159. No ministry, department, agency or any authority under the	MDAs not to issue or renew concessionary instruments of perform any statutory duty or exercise powers in favour of entities that are not registered under Nigerian Domain name
3	Federal Government of Nigeria shall issue or renew any licence, permit or	
4	grant any facility, perform any statutory power or duty in favour of any	
5	entity mentioned in clause 158 of this Bill if such entity is not registered and	
6	operating under a Nigerian domain name on the internet.	
7	160. All financial institutions operating under any law made or	Financial institutions not to open any account for MDAs companies etc. not registered under Nigerian Domain name
8	deemed made by the National Assembly shall upon the commencement of	
9	this Bill ensure that no new account is opened for any ministry, extra	
10	ministerial department or agency of the Federal Government, companies,	
11	associations, non - governmental organisations, unions, societies or	
12	partnerships without proof that such entity has registered and is operating	
13	under Nigerian domain name on the internet.	
14	161. Financial institutions in Nigeria shall not, after six months	Financial institutions not to permit MDAs, companies etc. to continue with the operation of their accounts without proof of being registered and operating under Nigerian Domain name on the internet
15	upon the commencement of this Bill, permit any ministry, extra ministerial	
16	department or agency of the Federal Government, companies, associations,	
17	non - governmental organisations, unions, societies or partnerships that is an	
18	holder of any customer account with the financial institution to continue to	
19	operate the account without evidence that such entity is registered and	
20	operating under Nigerian domain name on the internet.	
21	162. Any agency of the Federal Government, financial institution	Duty to inform entities of the consequences of non-registration of Nigerian domain name before any exercise of powers
22	or any other entity with powers to deny any ministry, extra ministerial	
23	department or agency of the Federal Government, companies, associations,	
24	non - governmental organisations, unions, societies or partnerships of any	
25	benefit or service for failure to register and operate under Nigerian domain	
26	name shall before denying any entity or body such benefit or service give	
27	notice to such entity of the consequences of the failure to register and	Nigerian in Diaspora Commission (NiDCOM) to establish online and other platform to promote Nigerian content development economic diversification
28	conduct its business under Nigerian domain name on the internet.	
29	163. The Nigerians in Diaspora Commission (NiDCOM) shall	
30	take steps to actively promote the use of Nigerian domain name on the	

	1	internet by Nigerians in Diaspora.
Nigerian Internet Registration Association to fix reasonable fees for registration of domain names by various categories of entities	2	164. The Nigerian Internet Registration Association shall consult
	3	with the Nigerian Information Technology Development Agency to fix
	4	reasonable fees for various categories of entities for registration and annual
	5	renewal of domain names.
Exemption from registration and operation under Nigerian domain name	6	165. The provisions of this part of the Bill shall not be applicable to
	7	private enterprises in Nigeria that do not operate on any generic domain name,
	8	provided that such enterprises shall register and operate under Nigerian
	9	domain name on the internet whenever it desires to register and operate on a
	10	domain name on the internet.
Nigerian Information Technology Development Agency to make regulations to regulate the operations of Nigerian Domain names	11	166.-(1) The Nigerian Information Technology Development Agency
	12	shall within ninety days of the commencement of this Bill consult with the
	13	Nigerian Internet Registration Association to make regulations to regulate the
	14	registration and operation of Nigerian domain names under this Bill.
	15	(2) The Nigerian Information Technology Development Agency shall
	16	have powers to amend, repeal and to re-enact the Regulations made pursuant to
	17	sub clause(1) of this clause.
	18	PART XXIII - NIGERIAN CONTENT DEVELOPMENT IN THE MARITIME
	19	INDUSTRY
Right of first refusal in respect of freighting of cargoes by MDAs and Nigerian content entities and freighting of cargoes on Cost Insurance and Freight	20	167.-(1) Indigenous Nigerian shipping companies shall be given first
	21	consideration in the award of any contract relating to freighting of all cargoes
	22	by the Federal Government, any of her agencies or any Nigerian Content
	23	Entity subject to the condition that such indigenous Nigerian companies
	24	demonstrate capacities to execute the contract.
	25	(2) All cargoes including liquid cargo shall be afffreighted from
	26	Nigeria on terms embodying Cost Insurance and Freight (CIF) and shall not be
	27	on, free on board (FOB) except exceptional circumstance(s) is/are proved to
	28	the satisfaction of the Directorate of Nigerian Content Development on
	29	Maritime and Logistics that it is impracticable for such cargo to be freighted
	30	out of Nigeria on cost Insurance and Freight (CIF).

1 **168. Conditions to be fulfilled before awarding contracts to foreign**
 2 **ships where there is inadequate indigenous shipping capacity to freight**
 3 **any cargo out of Nigeria**

4 Where there is inadequate capacity of indigenous Nigerian shipping
 5 companies to execute a contract in the Nigerian Maritime Industry that is
 6 sought to be awarded, the Directorate of Nigerian Content Development on
 7 Maritime and Logistics shall upon the application of the entity that intends
 8 to award the contract grant an approval to the entity to award the contract to a
 9 non- indigenous Nigerian shipping company subject to the fulfilment of the
 10 following conditions;

11 (a) the applicant had advertised the proposed contract and invited
 12 bids exclusively from indigenous Nigerian shipping companies to bid for
 13 the contract and no indigenous Nigerian company satisfies the standard
 14 quality of the good or service required under the proposed contract;

15 (b) a period of not less than 30 days had lapsed upon the
 16 advertisement before submitting the application under this clause to the
 17 Directorate of Nigerian Content Development on Maritime and Logistics;
 18 and

19 (c) where the inadequacy of indigenous Nigerian shipping capacity
 20 to execute the contract is as result of lack of technical skill and knowledge,
 21 the applicant shall demonstrate that it has a plan to partner with Nigerians
 22 to jointly perform the contract.

23 **169. The services of an indigenous Nigerian shipping company**
 24 shall not be rejected on grounds of-

25 (a) quality, if-

26 (i) the indigenous Nigerian shipping company seeking to provide
 27 the shipping services is certified by a legally and internationally recognised
 28 Agency to have met the standards to provide such shipping service(s); or

29 (ii) the indigenous Nigerian shipping company rendering the
 30 shipping service(s) is willing and able to provide the service(s) to meet the

Conditions to be
 met before any
 rejection of the
 services of
 indigenous Nigerian
 shipping companies

1 required quality within a reasonable time;
 2 (b) price, if-
 3 (i) the indigenous Nigerian shipping company is willing and able to
 4 negotiate the price for the service(s); or
 5 (ii) the service is competitive as regards to price when compared
 6 with similar service rendered by persons or entities from member states of the
 7 African Union (AU); or
 8 (c) timeline for delivery,
 9 if it can be demonstrated by the indigenous Nigerian shipping company that it
 10 can meet the timeline for the delivery of the good(s) or service(s).

Foreign ships
to obtain approval
from the Directorate
of Nigerian Content
Development
on Maritime and
Logistics before
making application
to NIMSA for waiver

11 **170.-(1)** Notwithstanding anything to the contrary contained in any
 12 enactment including the Coastal and Inland Shipping Act, 2003 or any law
 13 succeeding the said Act, no waiver shall be issued to any non Nigerian ship to
 14 undertake commercial maritime activities in Nigeria without a letter of
 15 approval issued to the non Nigerian Shipping company by the Directorate of
 16 Nigerian Content Development on Maritime and Logistics.

17 (2) Pursuant to the provision in sub clause (1) of this clause, the
 18 Directorate shall not issue any letter of approval to a non Nigerian shipping
 19 company that have not demonstrated -

20 (a) commitment to train agreed number of Nigerians to become
 21 internationally recognised seafarers; and

22 (b) an acceptance to pay companies income tax arising from revenue
 23 it generates from Nigeria;

Directorate of
Nigerian Content
Development on
Maritime and
Logistics to assist
in linking exporters
and importers in
Nigeria with
Nigerian shipping
companies

24 **171.-(1)** The Directorate of Nigerian Content Development on
 25 Maritime and Logistics shall establish and maintain linkages to link
 26 cooperative societies, associations, unions and other organisations whose
 27 members are desirous of exporting from, and/or importing into, Nigeria goods
 28 with indigenous Nigerian shipping companies to facilitate and increase
 29 cabotage trade among indigenous Nigerian companies at reasonable prices.

30 (2) The Directorate shall always ensure the protection of the interest

1 of all parties to any arrangement contemplated under sub clause (1) of this
2 clause.

3 **172.-(1)** The Directorate of Nigerian Content Development on
4 Maritime and Logistics shall with the approval of the Board of the Council
5 established under this Bill, enter into Public and Private Partnership
6 Agreement (PPPA) with other government agencies, international and
7 domestic financial institutions, indigenous Nigerian shipping companies,
8 private investors, among others to raise funds and establish at least one
9 shipbuilding yard in each of the coastal states in Nigeria provided the
10 establishment of a shipbuilding yard is technically feasible for the building
11 of ships for commercial purposes.

Establishment
of shipyards with
facilities in Nigerian
coastal states

12 (2) The Directorate shall take into consideration the nearness to
13 raw materials, markets, availability of infrastructure including power,
14 security and geographical advantages in siting the shipbuilding yard in the
15 State.

16 (3) A shipbuilding yard to be established in the coastal State of the
17 Federation shall have, among others:

18 (a) source(s) of renewable energy designed to ensure adequate and
19 sustainable supply of power at low cost to the company or companies
20 operating in the shipyard;

21 (b) adequate water delivery and treatment system;

22 (c) good and sustainable transport network to ensure easy
23 accessibility and transportation of manufactured ships;

24 (d) security; and

25 (e) research and development centre.

26 **173.-(1)** The Directorate of Nigerian Content Development on
27 Maritime and Logistics shall partner with the Shippers Council of Nigeria
28 (NSC), Nigerian Maritime Administration and Safety Agency (NIMASA),
29 leading indigenous Nigerian shipping companies and other responsible and
30 respectable companies or bodies including but not limited to financial

Directorate of
Directorate of
Nigerian Content
Development on
Maritime and
Logistics to partner
with Nigerian
companies and others
to jointly raise funds
for the acquisition
of ships

1 institutions in, or, outside Nigeria to raise funds to enable indigenous Nigerian
2 shipping companies to acquire ships for commercial purposes.

3 (2) For the purposes of complying with the provisions of sub clause 1
4 of this clause, the Directorate shall with the approval of the Board of the
5 Council established under this Bill, source for funds from international and
6 local financial markets, international donor agencies and from any other
7 organisation or private person.

Issuance of
financial
instruments, crowd
funding, etc, for
the design, building
and/or purchase
of ships by
indigenous Nigerian
shipping companies

8 **174.** The Federal Government of Nigeria upon the request from
9 Directorate of Nigerian Content Development on Maritime and Logistics shall
10 for the purposes of sourcing for funds for the acquisition and/or building of
11 vessels in Nigeria issue financial instruments like promissory notes, bonds,
12 giving credit guarantee, arranging for crowd funding, for the design, building
13 and/or purchase of ships by indigenous Nigerian companies.

Investment
Agreement to be
reached with
investors agreeing
to finance the design,
building and/or
purchase of ships
by indigenous
Nigerian shipping
companies

14 **175.-(1)** For the purposes of ensuring an equitable agreement
15 between an indigenous Nigerian shipping company and any private investor
16 seeking to invest in the design, building and/or purchase of ships by
17 indigenous Nigerian shipping companies, the private investor shall enter into
18 written agreement with the indigenous Nigerian shipping company and the
19 said agreement shall be made under the supervision of the Directorate of
20 Nigerian Content Development on Maritime and Logistics in collaboration
21 with the Nigerian Shippers Council (NSC) and NIMSA.

22 (2) The agreement mentioned in sub clause (1) of this clause shall
23 among others, contain the following information:

24 (a) particulars of both the indigenous Nigerian shipping company and
25 the private investor seeking to invest in the design, building and/or purchase
26 of ships by indigenous Nigerian shipping companies;

27 (b) the extent of financial assistance which will be given to the
28 indigenous Nigerian shipping company for the design, building and/or
29 purchase of ships by indigenous Nigerian shipping companies;

30 (c) the formula for sharing of proceeds from the operation of the

1 agreement; and

2 (d)whether the private investor will be part of the operation and
3 management of the shipping business activities .

4 **176.-(1)** Any fund invested in the design, building and/or purchase
5 of ships by indigenous Nigerian shipping companies in which the investor
6 is not going to be involved in the management of the shipping business of
7 the indigenous Nigerian shipping company shall be deemed and treated as a
8 loan guaranteed under the Nigerian Content Development Credit Guarantee
9 Scheme and the terms and conditions provided under this Bill for the
10 regulation of the Nigerian Content Development Credit Guarantee Scheme
11 shall be applicable to such private investment.

Funds invested
in the design, building
and/or purchase of
ships by indigenous
Nigerian shipping
companies shall be
deemed as
guaranteed loan

12 (2) Any fund sourced by the Directorate of Nigerian Content
13 Development on Maritime and Logistics under any clause of this Bill shall
14 be disbursed as loan under terms and conditions to be prescribed by the
15 Directorate upon the approval of the Board of the Council and shall attract
16 an interest rate of not more than five per cent per annum.

17 **177.-(1)** A Nigerian company engaged in building of ships and
18 using substantial Nigerian manpower and raw materials in building these
19 ships or /and engaged in repairs and maintenance of ships and other vessels
20 shall be granted, from the date of the commencement of this Bill, the
21 following benefits-

Operational
benefits and
incentives for
ship building,
repairs and
maintenance

22 (a) complete exemption for the first five years from the date of the
23 commencement of this Bill payment of import tariffs and value added tax
24 (VAT) in respect of plant, machinery, equipment and accessories imported
25 specifically and exclusively for the building of vessels including ships in
26 Nigeria provided that similar types of the plant, machinery, equipment and
27 accessories imported are not manufactured in Nigeria;

28 (b) accelerated approval for expatriate quota and resident permit in
29 respect of foreigners to be brought into Nigeria for the promotion and
30 development of shipyards and building;

1 (c) personal remittance quota for expatriate personnel, subject to
2 imposed personal income tax, the transfer of his/her entitlements in foreign
3 currency out of Nigeria.

4 (2) For the purpose of sub clause (1) (a) of this clause, the Directorate
5 of Nigerian Content Development on Maritime and Logistics shall approve the
6 appropriate machinery, equipment and accessories to be imported for the
7 purpose of this clause.

8 (3) The plant, machinery, equipment and accessories imported
9 pursuant to sub clause (1) of this clause shall attract the full payment of customs
10 and import duties in respect thereof where same is to be used for other purposes
11 beside the building, repairs or maintenance of commercial ships in Nigeria.

Tax exemptions
and reliefs for
companies building
ships in Nigeria

12 **178.-(1)** A Nigerian company engaged in building of ships and other
13 commercial vessels in Nigeria shall be exempted from payment of taxes on
14 incomes derived from its shipbuilding projects.

15 (2) The tax exemption granted under sub clause (1) of this clause shall
16 commence from the date of the commencement of this Bill and the exemption
17 shall continue for a period of five years notwithstanding any provision
18 contained in any enactment.

19 (3) The tax exemption period granted under sub clause (2) of this
20 clause may, by the end of the five years, be extended by the Minister
21 responsible for tax matters for another period of two years.

22 (4) The Minister responsible for tax matters shall not extend the tax
23 period for the exemption under sub clause (3) of this clause unless the Minister
24 is satisfied as to-

25 (a) the rate of expansion, standard of efficiency and level of business
26 development on ship and other vessel building by the Nigerian company for
27 which the tax exemption is granted, is satisfactory;

28 (b) the development of capacities and capabilities of Nigerians
29 especially relating to the creation of jobs and wealth for Nigerians in the

1 operation of the ship and other vessels building business activities of the
2 company; and

3 (d) the quantum of economic or other benefits accruable to the
4 Country for an extension to be granted by virtue of sub clause (1) of this
5 clause.

6 **179.-(1)** Any person including corporate entity who for the
7 purposes of raising capital for investment for ship building project in
8 Nigeria, gives or takes loan including but not limited to, selling or buying
9 securities in the capital or money market, selling fixed or other assets and
10 shows proof of the investment of such loan in a project to build ships or other
11 vessels under this Bill, shall be exempted from the payment of value added
12 tax, capital gains tax and/or any other tax in respect of such loan transaction,
13 provided the Directorate of Nigerian Content Development on Maritime
14 and Logistics was informed in writing of the details of the transaction
15 including-

Incentives for
investors in ship
building projects

16 (a) the name of the dealer or seller that sold the securities, fixed or
17 other assets for the loan or capital to be raised;

18 (b) the amount of money involved, collateral if any used to raise the
19 fund from the capital or money market,

20 (c) the ship or any other vessel building project or activity for
21 which the funds would be applied; and

22 (d) any other information as may be considered necessary by the
23 Directorate of Nigerian Content Development on Maritime and Logistics.

24 (2) An investor in a ship or other vessel building project under this
25 Bill shall be guaranteed free transferability through the Central Bank in
26 convertible currency if payment is due to the investor under any financial
27 instrument in respect of loan servicing where a certified foreign loan was
28 obtained and invested in the ship building project.

29 (3) Any person including a corporate body who invests fund in a
30 ship building or other vessel building project shall be entitled to an

	1	exemption from tax in respect of any income including profit, dividend etc.
	2	made from such investment, provided at the time the income accrued, incomes
	3	arising from the project are exempted from tax under clause 178 of this Bill.
Right to retain and use earned foreign exchange from shipbuilding projects	4	180. Where a company engaged in ship building or any other vessel
	5	business earns foreign exchange from its ship or other vessel building business,
	6	it shall be permitted by the Central Bank of Nigeria to retain in a foreign
	7	exchange domiciliary account, a specified portion of the earned foreign
	8	exchange as the Central Bank of Nigeria, may on case by case basis prescribe,
	9	for the purposes of using same to acquire spare parts and other inputs required
	10	for the furtherance and maintenance of its shipping or other vessel building
	11	business.
Nigerian Securities and Exchange Commission to collaborate with Directorate of Nigerian Content Development on Maritime and Logistics to ensure seamless processes in raising funds for ship building projects	12	181.-(1) The Nigerian Securities And Exchange Commission shall
	13	collaborate with the Directorate of Nigerian Content Development on
	14	Maritime and Logistics to ensure seamless processes in raising funds for ships
	15	building projects and to that effect, the Nigerian Security and Exchange
	16	Commission shall supply the Directorate of Nigerian Content Development on
	17	Maritime and Logistics on request by the Directorate, extant list of companies,
	18	firms and other entities registered with, or recognized by, the Nigerian
	19	Securities And Exchange Commission as entities with capacities and
	20	capabilities to fund ships and other vessels building vessels in Nigeria.
	21	(2) The Directorate of Nigerian Content Development on Maritime
	22	and Logistics upon the receipt of the list pursuant to sub clause (1) of this
	23	clause, acknowledge the receipt of the list and ensure regular consultation with
	24	the Nigerian Securities And Exchange Commission on matters relating to the
	25	raising of funds for such ships and other vessels building funding in the
	26	Nigerian Maritime Industry.
Qualifications to obtain loan from the Nigerian Content Development Fund on Maritime and Logistics	27	182.-(1) In addition to any requirement that the Directorate of
	28	Nigerian Content Development on Maritime and Logistics may set to be met
	29	by indigenous Nigerian companies seeking for loans under the Nigerian
	30	Content Development Fund on Maritime and Logistics or any other loan

1 established under this Bill, an indigenous Nigerian company seeking for
2 loan from the said Fund shall satisfy the followings-

3 (a) be a company that had been actively engaged in shipping
4 activities and had, or, is having vessels for a period of, not less than fifteen
5 (15) years preceding the date of the application for loan, and shall also have
6 deposited with the Central Bank of Nigeria, a contributory deposit of fifteen
7 per cent (15%) of the total cost of the purchase, repair or maintenance of the
8 vessel(s).

9 (b) shall insure and maintain during the subsistence of the loan ,
10 comprehensive insurance policy to cover the vessel/ship in respect of which
11 the loan was disbursed.

12 (c) shall execute a mortgage to the effect that the Federal
13 Government of Nigeria shall during the subsistence of the loan have interest
14 in the ownership and management of the business of the Borrower until
15 such a time that the entire loan and the accrued interest thereupon had been
16 finally liquidated.

17 (d) sign a bond to the effect that for any period the loan or an
18 interest accrued therefrom remained unpaid, the Directorate of Nigerian
19 Content Development on Maritime and Logistics shall appoint a Receiver
20 who shall be knowledgeable in shipping business and is successfully
21 managing such shipping business to immediately take over the entire
22 business of the company and run the business till the entire money
23 remaining unpaid has been fully recovered.

24 (2) The requirement that the Directorate of Nigerian Content
25 Development on Maritime and Logistics shall prescribed by virtue of sub
26 clause (1) of this clause shall not be inconsistent with any provision of this
27 part of this Bill, and specifically, such requirement shall not require
28 collateral or security that is unreasonable or impracticable to meet.

29 **183.-(1)** Any vessel/ship bought on loan by virtue of the
30 provisions of this part of this Bill, shall be in the name of the Central Bank of

Vessels Ships bought
on loan to jointly
bear the name of
the Seller, the Central
Bank of Nigeria and
the Indigenous
Nigerian company

1 Nigeria and the indigenous Nigerian company and shall not be transferred to
2 the indigenous Nigerian company until the loan upon which the equipment was
3 bought and the interest accrued thereupon had been fully liquidated.

4 (2) Where any loan and the accrued interest had been fully liquidated,
5 the Central Bank of Nigeria shall effect a transfer of absolute ownership of the
6 ship/vessel in favour of the Borrower to wit, the indigenous Nigerian company
7 that took the loan.

8 PART XXIV - ESTABLISHMENT AND MANAGEMENT OF FUNDS FOR
9 THE DIRECTORATES

Establishment
of Funds

10 **184.**-(1) For the purpose of providing financial support for Nigerian
11 Content development and economic diversification in the Nigerian economy,
12 the following Funds are hereby established;-

13 (a) Nigerian Content Development Fund on Information and
14 Communication Technology which shall consist of-

15 (i) 0.5% surcharge on the monetary value of every contract awarded
16 to any Nigerian Content Entity or contractor involved in any project,
17 operation, activity or transaction in the Nigerian Information Communication
18 Technology industry which shall be deducted at source and paid into the Fund.

19 (ii) 10% of all sums accruing from Universal Service Provision Fund
20 (USPF);

21 (iii) 10% of all sums accruing from National Information
22 Development Fund;

23 (iv) all sums paid as fees, fines etc. derived from matters arising
24 from the operation of this Bill in relation to the Information and
25 Communication Technology sector;

26 (v) all sums derived from all subventions and budgetary allocations
27 provided by the Federal Government for the Directorate of Nigerian Content
28 Development on Information Communication Technology; and

29 (vi) interest and revenue accruing from savings and investments
30 made by the Directorate of Nigerian Content Development on Information

1 Communication Technology.

2 (b) Nigerian Content Development Fund on Power which shall
3 consist of-

4 (i) a 0.5% surcharge on the monetary value of every contract
5 awarded to any Nigerian Content Entity or contractor involved in any
6 project, operation, activity or transaction in the involved in any project,
7 operation, activity or transaction in the generation, transmission and
8 distribution activities in the Nigeria Power Sector which sum to wit, the
9 said two per cent shall be deducted at source and shall be paid to the Fund;

10 (ii) all sums paid as fees, fines etc. derived from matters arising
11 from the operation of this Bill in relation to the power sector;

12 (iii) all sums derived from all subventions and budgetary
13 allocations provided by the Federal Government;

14 (iv) sums accruing to the Nigerian Content Development on Power
15 by way of donations, gifts, grants, endowment, bequest or otherwise; and

16 (v) interest and revenue accruing from savings and investments
17 made by the Directorate of Nigerian Content Development on Power;

18 (c) Nigerian Content Development Fund on Solid Minerals and
19 Metallurgy which shall consist of-

20 (i) a 0.5% surcharge on the monetary value of every contract
21 awarded to any Nigerian Content Entity or contractor involved in any
22 project, operation, activity or transaction in the involved in any project,
23 operation, activity or transaction in the Nigerian Solid Minerals and
24 Metallurgical Sector of the Nigerian economy shall be deducted at source
25 and paid into the Fund;

26 (ii) 30% of the royalty payable by mineral rights' operators under
27 the provisions of the Nigerian Minerals Mining Act 2007 or any enactment
28 succeeding the said Nigerian Minerals Mining Act 2007 or under any
29 Regulation having the force of law;

30 (iii) all sums paid as fees, fines etc. derived from matters arising

1 from the operation of this Bill in relation to the solid mineral and metallurgical
2 sector;

3 (iv) all sums derived from all subventions and budgetary allocations
4 provided by the Federal Government;

5 (v) sums accruing to the Directorate of Nigerian Content
6 Development on Solid Minerals and Metallurgy by way of donations, gifts,
7 grants, endowment, bequest or otherwise; and

8 (vi) interest and revenue accruing from savings and investments
9 made by the Directorate of Nigerian Content Development on Solid Minerals
10 and Metallurgy.

11 (d) Nigerian Content Development Fund on Maritime and Logistics
12 which shall consist of-

13 (i) a 0.5% surcharge on the monetary value of every contract awarded
14 by any ministry, department or agency of the Federal Government of Nigeria,
15 company or any other entity to any company or entity in respect of any
16 project, contract, operation, activity or transaction in the Nigerian Maritime
17 Industry;

18 (ii) ten per cent of any sum paid to the Federal Government of
19 Nigeria or any of its agencies as port charges in Nigeria;

20 (iii) eighty per cent of all sums payable and paid to the Nigerian
21 Maritime Administration and Safety Agency under the Coastal and Inland
22 Shipping (Cabotage) Act or any enactment succeeding the said Act;

23 (iv) ten per cent of any sum paid to the Nigerian Maritime
24 Administration and Safety Agency as fees and/or revenue under the Nigerian
25 Maritime Administration and Safety Agency Act;

26 (v) ten per cent of any sum accrued to the Nigerian Shippers Council
27 under the Nigerian Shippers Council Act;

28 (vi) funds realized from issuing financial instruments like promissory
29 notes, bonds, crowd funding etc. for purchase of ships for indigenous Nigerian
30 companies;

1 (vii) any sum as shall from time to time be determined and
2 approved by the National Assembly including any sum approved by the
3 Central Bank of Nigeria as loan scheme for the purchase of ships by
4 indigenous Nigerian companies;

5 (viii) any donation, grants, endowment, bequest or otherwise
6 accruing to the Federal Government of Nigeria from any foreign and/or
7 municipal agency for the acquisition of ships; and

8 (ix) such further sums accruable to the Shipping Fund by way of
9 interests paid on and repayment of the principal sums of any loan granted
10 from the Shipping Fund.

11 (e) Nigerian Content Development Fund on Manufacturing which
12 shall consist of -

13 (i) a 0.5% surcharge on the monetary value of every contract
14 awarded to any operator, contractor, subcontractor, alliance partner or any
15 other entity involved in any contract, operation, activity or transaction in the
16 manufacturing sector of the Nigerian economy to which the provisions of
17 this Bill apply which sum for the avoidance of doubt shall be deducted at
18 source and be paid into the Fund;

19 (ii) all sums paid as fees, fines etc. derived from matters arising
20 from the operation of this Bill in relation to manufacturing;

21 (iii) all sums derived from all subventions and budgetary
22 allocations provided by the Federal Government;

23 (iv) sums accruing to the Directorate of Nigerian Content
24 Development on Manufacturing by way of donations, gifts, grants,
25 endowment, bequest or otherwise; and

26 (v) interest and revenue accruing from savings and investments
27 made by the Directorate of Directorate of Nigerian Content Development on
28 Manufacturing.

29 (f) Nigerian Content Development Fund on Health which shall
30 consist of-

1 (i) a 0.5% surcharge on the monetary value of every contract awarded
2 by the Federal Government of Nigeria or any of her agencies to any person or
3 entity to execute a health project;

4 (ii) one per cent of the annual budget sum of each of the agencies
5 supervised by the Federal Ministry responsible for health matters in Nigeria;

6 (iii) a surcharge of one per cent per cent on medicines and medical
7 devices imported into the Country which sum shall be collected by the
8 Nigerian Customs Service and be paid into the Fund;

9 (iv).ten per cent of excise duties collected by the Federal Government
10 from companies in respect of domestic manufacture of medicines and medical
11 devices which sum shall be computed on monthly basis by the Accountant
12 General of the Federation and be paid into the Fund;

13 (v) all sums paid as fees, fines etc. derived from matters arising from
14 the operation of this Bill in relation to the health sector;

15 (vi) all sums derived from all subventions and budgetary allocations
16 provided by the Federal Government;

17 (vii) sums accruing to the Directorate of Nigerian Content
18 Development on Health by way of donations, gifts, grants, endowment,
19 bequest or otherwise; and

20 (viii) interest and revenue accruing from savings and investments
21 made by the Directorate of Nigerian Content Development on Health.

22 (g)Nigerian Content Development Fund on Agricultural and Agro -
23 Allied Products which shall consist of-

24 (i). a 0.5% surcharge on the monetary value of every contract awarded
25 by the Federal Government of Nigeria or any of her agencies to any person or
26 entity to execute an agricultural project;

27 (ii) one per cent of the annual budget sum of each of the agencies
28 supervised by the Federal Ministry responsible for Agriculture in Nigeria;

29 (iii) a surcharge of twenty-five per cent on the monetary value accrued
30 and received by the Federal Government in respect of all agricultural and agro-

1 allied products imported into Nigeria which sum shall be collected by the
2 Nigerian Customs Service and be paid into the Fund;

3 (iv). any donation, grants endowment, bequest or otherwise
4 accruing to the Federal Government of Nigeria from any foreign and/or
5 municipal agency for local content development of agricultural and agro-
6 allied activities made to the Directorate of Nigerian Content Development
7 on Agriculture and Agro-Allied Products;

8 (v) all sums paid as fees, fines etc. in respect of matters arising from
9 the implementation of any provision of this Bill in relation to agriculture and
10 agro allied matters;

11 (vi) all sums derived from all subventions and budgetary
12 allocations provided by the Federal Government; and

13 (vii). interest and revenue accruing from savings and investments
14 from the Fund made by the Directorate of Nigerian Content Development
15 on Agriculture and Agro-Allied Products.

16 (h) Nigerian Content Development Fund on Construction which
17 shall consist of-

18 (i) a two per cent surcharge on the monetary value of every
19 contract awarded to any operator, contractor, subcontractor, alliance partner
20 or any other entity involved in any project, operation, activity or transaction
21 in the Nigerian Construction Industry shall be deducted at source and paid
22 into the Fund;

23 (ii) all sums paid as fees, fines etc. derived from matters arising
24 from the operation of this Bill in relation to construction;

25 (iii) all sums derived from all subventions and budgetary
26 allocations provided by the Federal Government;

27 (iv) sums accruing to the Directorate of Nigerian Content
28 Development on Construction by way of donations, gifts, grants,
29 endowment, bequest or otherwise; and

30 (v) interest and revenue accruing from savings and investments

Directorates to
manage Funds

- 1 made by the Directorate of Nigerian Content Development on Construction.
- 2 (2) Each Fund established under this clause shall be managed
- 3 separately and for the purposes set out in this Bill against such Fund.
- 4 **185.** The Funds to wit-
- 5 (a) Nigerian Content Development Fund on Information and
- 6 Communication Technology shall be exclusively administered by the
- 7 Directorate of Nigerian Content Development on Information Communication
- 8 Technology established under this Bill;
- 9 (b) Nigerian Content Development Fund on Power shall be
- 10 exclusively administered by the Directorate of Nigerian Content Development
- 11 on Power established under this Bill;
- 12 (c) Nigerian Content Development Fund on Solid Minerals and
- 13 Metallurgy shall exclusively be administered by the Directorate of Nigerian
- 14 Content Development on Solid Minerals and Metallurgy established under this
- 15 Bill;
- 16 (d) Nigerian Content Development Fund on Maritime and Logistics
- 17 shall be exclusively managed by the Directorate of Nigerian Content
- 18 Development on Maritime and Logistics;
- 19 (e) Nigerian Content Development Fund on Manufacturing shall be
- 20 exclusively managed by the Directorate of Nigerian Content Development on
- 21 Manufacturing established under this Bill;
- 22 (f) Nigerian Content Development Fund on Health shall be
- 23 exclusively managed by the Directorate of Nigerian Content Development on
- 24 Health established under this Bill;
- 25 (g) Nigerian Content Development Fund on Agricultural and Agro -
- 26 Allied Products shall be exclusively managed by the Directorate of Nigerian
- 27 Content Development on Agriculture and Agro- Allied Products established
- 28 under this Bill; and
- 29 (h) Nigerian Content Development Fund on Construction shall be
- 30 exclusively managed by the Directorate of Nigerian Content Development on

1 Construction established under this Bill.

2 **186.** Each Directorate shall be entitled to a sum of not more than
 3 twenty per cent of the fund established for the Directorate pursuant to
 4 clause 184 of this Bill, from which sum all expenditures incurred by the
 5 Directorate in running the day to day affairs of the Directorate, including
 6 payment of salaries, remunerations, training of staff and ancillary
 7 expenditures, shall be defrayed.

Use of Funds
for Administering
the Directorate

8 **187.** Subject to clause 186 of this Bill, the funds in respect of sub
 9 clause (1) (a) of clause 184 of this Bill to wit, Nigerian Content
 10 Development Fund on Information and Communication Technology shall
 11 only be administered to fund activities designed to:

Special use of the
Nigerian Content
Development Fund
on Information
and Communication
Technology

12 (i) pro actively address perception of quality of Made-in-Nigeria
 13 ICT products and services by working with leading national and global
 14 quality organizations, and Nigerian industry groups to train and assist
 15 indigenous Nigerian ICT companies and firms to improve their products,
 16 services and processes;

17 (ii) promote capacity building in relevant ICT thematic
 18 proficiencies in primary, secondary and tertiary institutions and designated
 19 Centres of Excellence;

20 (iii) empower Centres of Excellence around key emerging
 21 technologies and promote the creation of a minimum of six Centres of
 22 Excellence in partnership with Nigerian tertiary institutions;

23 (iv) designate Centres of Excellence based on set eligibility
 24 criteria, application and evaluation in line with the defined criteria;

25 (v) produce National ICT skills gap report in collaboration
 26 with relevant stakeholders;

27 (vi) support academic research projects being conducted by
 28 Nigerian scholars and educational institutions in Nigeria which focus on
 29 developing the ICT sector in the country;

30 (vii) promote and support the commercialisation of research

1 activities in order to engender and encourage Nigerian entrepreneurship and
2 skills development in the Nigerian Information and Communication
3 Technology Sector;

4 (viii) provide incentives for indigenous Nigerian companies and
5 firms to support and develop leading and emerging ICT.

6 (ix) support ICT technology incubation programs, Startups
7 communities, ICT clusters and other IT development networks to stimulate the
8 growth and promotion of the Nigerian content in the Information
9 Communication Technology sector.

10 (x) partner with relevant organizations and other appropriate bodies
11 to setup a Technical & Vocational Skill Acquisition and Training Programme
12 for ICT practitioners and small-scale entrepreneurs.

13 (xi) mandate all IT third service providers with existing IT contracts,
14 partnerships or service agreements with the Federal Government to engage
15 graduate interns as a necessary component of IT service delivery for Nigeria.

Special use of
the Nigerian of
the Nigerian
Content
Development
Fund on Power

16 **188.** Subject to clause 186 of this Bill, the Fund mentioned in sub
17 clause (1) (b) of clause 184 to wit, Nigerian Content Development Fund on
18 Power shall only be administered for the following activities-

19 (a) promotion of quality standard of Nigerian content in the
20 manufacturing of critical Made -in - Nigeria components, parts, accessories,
21 plants and equipment like transformers, cable wire, smart meters for billing of
22 electricity consumption, Relay & Control Panels, Instrument Transformers,
23 Disconnect Switches and Surge Arresters etc. required in the power sector by
24 actively partnering with Nigerians to manufacture these and other allied
25 products using totally or substantially locally sourced raw materials in
26 Nigeria, provided that the made in Nigeria components, parts, accessories,
27 plants and equipment shall be of standard quality approved by the Standard
28 Organisation of Nigeria or any recognized international agency for
29 standardization;

30 (b) encourage Nigerian businesses in the power sector to immediately

1 identify, incubate and execute commercially viable Off Grid and mini grid
2 renewable energy projects in solar, wind, biomass, small hydropower etc.
3 in Country; and

4 (c) engage Nigerian professionals to undertake projects to enhance
5 unabridged transmission and security of generated qualities and quantities
6 of power from the point of generation to the point of distribution to final
7 consumers.

8 **189.**Subject to clause 186of this Bill, the Fund mentioned in sub
9 clause (1) (c) of clause 184of this Bill to wit, Nigerian Content Development
10 Fund on Solid Minerals and Metallurgy shall only be administered -

Special use of the
Nigerian Content
Development Fund
on Solid Minerals
and Metallurgy

11 (a) for the execution of projects that will enhance acquisition of
12 equipment and technologies by indigenous Nigerian artisan miners to
13 independently explore and exploit solid mineral resources in Nigeria;

14 (b) to undertake mutually beneficial Public Private Partnership
15 (PPP) by entering into direct collaboration with responsible foreign and
16 indigenous engineering companies and/or firms for the construction,
17 operation, repairs and/or maintenance of modern equipment for the
18 exploitation of solid mineral resources in Nigeria;

19 (c) to partner with indigenous Nigerian companies for the
20 establishment of centres for the purchase and processing of mined solid
21 mineral resources in -Country; and

22 (d) promotion of quality standard of Nigerian content in the
23 manufacturing of critical Made-in -Nigeria components, parts, accessories,
24 plant and equipment like blasting, earth engaging and material conveying,
25 crushing, minerals processing plant and equipment etc. required in the solid
26 minerals sector by actively partnering with Nigerians to manufacture these
27 and other allied products using totally or substantially locally sourced raw
28 materials in Nigeria provided that the made in Nigeria components, parts,
29 plants and equipment shall be of standard quality approved by the Standard
30 Organization of Nigeria or any lawfully recognized Nigerian or

	1	international agency for standardization.
Special use of the Nigerian Content Development Fund on Maritime and Logistics	2	190. Subject to clause 186 of this Bill, the Fund mentioned in sub
	3	clause (1) (d) of clause 184 of this Bill to wit, Nigerian Content Development
	4	Fund on Maritime and Logistics shall be administered to-
	5	(a) grant loans to indigenous Nigerian companies engaged in
	6	shipping activities in the Nigerian Maritime Industry to enable such companies
	7	build, acquire and/or maintain vessels/ships for commercial use;
	8	(b) development of indigenous Nigerian seafarers to attain
	9	internationally recognized professional certificates in seafaring;
	10	(c) ensure that indigenous small and medium scale producers of
	11	goods and services required in the Nigerian Maritime Industry by indigenous
	12	Nigerian company are encouraged with incentives, including single digit
	13	interest on loans to produce such Made-in-Nigeria goods and services to meet
	14	the need of the Nigerian Maritime Sector in Nigeria; and
	15	(d) promotion of quality standard of Nigerian content in the
	16	manufacturing of critical Made-in-Nigeria components, parts, accessories
	17	plant and equipment required in the maritime industry by actively partnering
	18	with Nigerian companies to manufacture these and other allied products using
	19	totally or substantially locally sourced raw materials in Nigeria provided
	20	that the made in Nigeria components, parts, plants and equipment shall be of
	21	standard quality approved by the Standard Organisation of Nigeria or any
	22	recognized international agency for standardization.
Special Use of the Nigerian Development Fund on Manufacturing	23	191.-(1) Subject to clause 186 of this Bill, the Fund mentioned in sub
	24	clause (1) (e) of clause 184 of this Bill to wit, Nigerian Content Development
	25	Fund on Manufacturing shall be administered to promote the development of
	26	the manufacturing sector to ensure;-
	27	(a). the availability of quality and sufficient Made-in - Nigeria goods
	28	that will result to export or the expansion of the export of the goods; and
	29	(b) the establishment of a National Industrial Park for each State of
	30	the Federation, which shall have, among others:

1 (a) dedicated source(s) of renewable energy designed to ensure
2 adequate and sustainable supply of power at low cost to the companies
3 operating in the National Industrial Park;

4 (b) adequate water delivery and treatment system;

5 (c) good and sustainable transport network to ensure easy
6 accessibility and transportation of manufactured products;

7 (d) security; and

8 (e) research and development centre.

9 **192.** Subject to clause 186 of this Bill, the Fund mentioned in sub
10 clause (1) (f) of clause 184 of this Bill to wit, Nigerian Content Development
11 Fund on Health shall be administered to promote the development of the
12 health sector especially:

Special Use of
the Nigerian
Content Development
Fund on Health

13 (a) to locally develop and produce high standard quality medicines
14 and medical devices in the Nigerian health sector; and

15 (b) the establishment of a world class Nigerian Content
16 Development Specialist Hospital in each State of the Federation, which
17 shall be undertaken by the Directorate with the assistance of, and/or, in
18 partnership with the Government of the State that the hospital is to be sited,
19 Nigerian Health Insurance Scheme (NHIS) and/or any other interested
20 person or entity, and the Nigerian Content Specialist Hospital to be sited
21 for each State under this clause shall have, among others, the following
22 Departments;

23 (i) oncology;

24 (ii) orthopaedics;

25 (iii) nephrology; and

26 (iv) cardiology.

27 **193.** Subject to clause 186 of this Bill, the Fund mentioned in sub
28 clause (1) (g) of clause 184 of this Bill to wit, Nigerian Content Development
29 Fund on Agricultural and Agro-Allied Products shall be administered to
30 ensure technology-based agricultural and agro allied activities and

Special Use of
the Nigerian Content
Development Fund
on Agricultural
and Agro-Allied
Products

1 specifically to finance the following agricultural technology based activities-

2 (i) precision agriculture which is an approach to farm management
3 that uses information technology to ensure that crops and soil receive exactly
4 what they need for optimum health and productivity that will enhance
5 profitability, sustainability and creation of wealth for Nigerians in the
6 agricultural and agro allied sector of the Nigerian economy.

7 (ii) acquisition by farmers of Soil and Water Sensors for the use of
8 farmers to detect moisture and nitrogen levels of their crops, conservation of
9 water, limiting erosion and reducing fertilizer level in their farms among
10 others;

11 (iii) provision of computerized weather modelling platforms to
12 enable Nigerian farmers have enough advanced notice of frost, hail and other
13 natural occurrences to enable them take precautionary steps to protect their
14 farms;

15 (iv) satellite imaging to enable farmers monitor their farms from
16 places outside the farm area and take steps to avoid or mitigate possible
17 damages;

18 (v) acquisition of pervasive automation which includes the
19 acquisition of vehicles controlled by robotics or remotely terminals and hyper
20 precision to maximize agricultural development by Nigerians;

21 (v). the acquisition of technical knowledge among Nigerian farmers
22 on international best practices in the cultivation and production of
23 agricultural produce for exports, taking into consideration;

24 (a) soil composition that is to be used for the cultivation of the
25 produce;

26 (b) soil preparation;

27 (c) usage of pesticide and other chemical substances;

28 (d) seedling;

29 (e) method of harvesting

30 (f) packaging;

- 1 (g) labelling; and
- 2 (h) storage.
- 3 (vii) development of technology and transfer of such technology to
- 4 small and medium scale crops, fish, livestock and forest;
- 5 (viii) irrigation farming for small and medium scale farmers in
- 6 Nigeria; and
- 7 (ix) promotion of quality standard of Nigerian content in the
- 8 manufacturing of critical Made-in-Nigeria components, parts, accessories
- 9 plant and equipment like tractors, and parts, ploughs, diggers, agriculture
- 10 implements and tools, and other agro allied processing plant and equipment
- 11 etc. required in the agriculture and agro allied sector.

12 **194.** Subject to clause 186 of this Bill, the Fund mentioned in sub
13 clause (1) (h) of clause 184 of this Bill to wit, Nigerian Content
14 Development Fund on Construction shall be administered to-

Special Use of
the Nigerian Content
Development Fund
on Construction

15 (a) grant loans to indigenous Nigerian companies engaged in
16 construction activities in the Nigerian Construction Industry to enable such
17 companies build, acquire and/or maintain construction equipment for
18 commercial use in the Nigerian Construction Industry;

19 (b) ensure that indigenous Nigerians acquire latest technological
20 knowledge and skill in the global construction industry to enable such
21 Nigerians' businesses to be internationally acceptable and competitive;

22 (c) ensure that indigenous Nigerian companies produce goods and
23 services required in the Nigerian Construction Industry by encouraging
24 indigenous Nigerian companies with incentives, including single digit
25 interest on loans to produce such Made-in-Nigeria goods and services to
26 meet the need of the Nigerian Construction Industry in Nigeria; and

27 (d) promotion of quality standard of Nigerian content in the
28 manufacturing of critical Made-in-Nigeria components, parts, accessories
29 plant and equipment required in the construction industry by actively
30 partnering with Nigerian companies to manufacture these and other allied

1 products using totally or substantially locally sourced raw materials in Nigeria
 2 provided that the made in Nigeria components, parts, plants and equipment
 3 shall be of standard quality approved by the Standard Organisation of Nigeria
 4 or any recognized international agency for standardization.

5 PART XXV - LIBERALISED LOANS FOR INDIGENOUS DEVELOPMENT OF
 6 SOLID MINERALS

Liberalised loan
 for the exploitation
 of solid mineral
 resources

7 **195.-(1)** In order to encourage and promote indigenous Nigerian
 8 companies to directly engage in the exploitation of the solid minerals
 9 resources in Nigeria and to avoid undue delay and difficulties in assessing loan
 10 facilities from the Central Bank of Nigeria, the Bank of Industry or any other
 11 financial institution wholly or partially owned by the Federal Government of
 12 Nigeria, the Central Bank of Nigeria, the Bank of Industry or any other
 13 financial institution wholly or partially owned by the Federal Government of
 14 Nigeria shall subject to the availability of Funds, make adequate provisions
 15 for loans on liberal terms to be given to indigenous Nigerian companies
 16 seeking for loan(s) to purchase equipment to exploit Nigerian solid mineral
 17 resources.

18 (2) For the avoidance of doubt and notwithstanding anything to the
 19 contrary contained in any enactment including the Central Bank of Nigeria
 20 Act, the Central Bank of Nigeria, the Bank of Industry or any other financial
 21 institution wholly or partially owned by the Federal Government of Nigeria
 22 shall subject to availability of funds and the fulfilment of the conditions
 23 stipulated for the enjoyment of loan under this Bill, disburse loan directly to
 24 qualified indigenous Nigerian companies for the purposes of purchasing
 25 equipment to exploit solid mineral resources in Nigeria.

26 (3) Such indigenous Nigerian company to be qualified to borrow from
 27 the Central Bank of Nigeria, the Bank of Industry or any other financial
 28 institution wholly or partially owned by the Federal Government of Nigeria
 29 shall be a holder of mineral title with an unexpired duration of at least four
 30 years and shall demonstrate that the monetary value of the solid mineral

1 resources over which the mineral title subsists is not less than four times
2 the value of the loan sought for.

3 (4) Before the grant of the loan, the applicant for the loan shall
4 execute a mortgage to the effect that the Directorate of Nigerian Content
5 Development on Solid Minerals and Metallurgical shall during the
6 subsistence of the loan have interest and maintain a lien in the ownership and
7 management of the subject minerals title and all businesses associated with
8 the said title until when the entire loan and the accrued interest thereupon
9 had been finally liquidated.

10 (5) It shall be obligatory for the Directorate of Nigerian Content
11 Development and on Solid Minerals and Metallurgical to act as a guarantor
12 to any qualified indigenous Nigerian company seeking for loan from the
13 Central Bank of Nigeria, the Bank of Industry or any other financial
14 institution wholly or partially owned by the Federal Government of Nigeria
15 to purchase equipment to commence, continue and/or maintain exploitation
16 of solid mineral resources in Nigeria.

17 (6) For any period the loan or an interest accrued therefrom
18 remained unpaid, the Guarantor to wit, the Directorate of Nigerian Content
19 Development on Solid Minerals and Metallurgical shall appoint a
20 competent and responsible Receiver who shall be a person or entity that has
21 been in the solid minerals exploitation business for not less than twenty five
22 years and does not have any case of dishonesty and/or bankruptcy
23 proceedings pending against him/it or had such case determined against
24 him, to immediately take over the entire business of the company and run
25 the business till the entire money remaining unpaid has been fully
26 recovered.

27 (7) Where necessary and whether or not, there is any arrears of un-
28 paid debt, the Directorate of Nigerian Content Development on Solid
29 Minerals and Metallurgical in its absolute discretion shall have and exercise
30 the right to appoint a representative of the Directorate to act as a surveillance

1 personnel to oversee the business of the Borrower especially in respect of
2 inflow and outflow of funds from any business of the Borrower associated
3 with the loan.

4 (8) Where the Directorate of Nigerian Content Development on Solid
5 Minerals and Metallurgical acts as a guarantor in favour of any qualified
6 applicant for loan under this clause and there are available funds for
7 disbursement by the Central Bank of Nigeria, the Bank of Industry or any
8 other financial institution wholly or partially owned by the Federal
9 Government of Nigeria, the applicant shall not be required to furnish any
10 further security/collateral for the applicant to be granted the loan.

11 PART XXVI - NIGERIAN CONTENT DEVELOPMENT CREDIT

12 GUARANTEE SCHEME

Establishment
of Nigerian Content
Development
Credit Guarantee
Scheme for the
acquisition of
equipment for the
production of
Made-in-Nigeria
goods

13 **196.** The Central Bank of Nigeria shall establish a loan scheme to be
14 known as Nigerian Content Development Credit Guarantee Scheme under
15 which the Central Bank of Nigeria will subject to availability of funds and
16 qualification of the applicant, guarantee-

17 (a) any investment or any loan given by any foreign investor who
18 invests in, or grant foreign loan to any indigenous Nigerian company, for the
19 construction, use and operation of modular or artisanal petroleum refinery in
20 Nigeria using wholly or substantially locally sourced raw materials;

21 (b) the payment of the price of any equipment to an original
22 equipment manufacturer who sells any equipment to a qualified indigenous
23 Nigerian company on credit for the exploitation of mineral resources;

24 (c) the payment of the price of any vessel for shipping activities
25 especially for the transportation of Made-in-Nigeria goods within and outside
26 Nigeria;

27 (d) the payment of the price of any equipment in favour of an original
28 equipment manufacturer who sells the equipment to a qualified indigenous
29 Nigerian company for use to manufacture any good that is otherwise imported
30 in the Nigerian economy;

1 (e) the payment of the price of any construction equipment in
2 favour of an original equipment manufacturer who sells the equipment to a
3 qualified indigenous Nigerian company for use in the Nigerian Construction
4 Industry;

5 (f) advance loans on liberal terms to indigenous Nigerian
6 companies engaged in construction of roads, railways, airports, seaports,
7 public buildings and other public infrastructures; and

8 (g) loan given to any indigenous Nigerian company by a financial
9 institution to produce high quality standard good required for domestic use
10 and/or export.

11 **197.**-(1) Any indigenous Nigerian company engaged in productive
12 economic activity in any of the sectors in the Nigerian ecosystem and
13 seeking for a guaranteed loan to purchase equipment for the production of
14 Made-in-Nigeria goods or services produced in Nigeria may submit an
15 application to an accredited financial institution with which such person
16 maintains an account, for a loan to be known as "Guaranteed Nigerian
17 Content Development Loan".

Application for
Nigerian Content
Development Credit
Guarantee Loan

18 (2) The application shall be accompanied with a " Guaranteed
19 Nigerian Content Development Loan Utilisation Plan" (Loan Utilisation
20 Plan) which shall relate to the work programme with respect to the entire
21 project for which the guaranteed Nigerian content development loan is
22 sought.

23 **198.** A " Guaranteed Nigerian Content Development Loan
24 Utilisation Plan" shall set out the following information among others-

Information required
in the Guaranteed
Nigerian Content
Development Loan
Utilization Plan

25 (a) the total amount required for the execution of the entire project;

26 (b) cost of each component in the project;

27 (c) the estimated monetary value of an on - going business of the
28 applicant;

29 (d) the expected quantity and quality of goods and/or services that

1 may be produced from the execution of the project for which the loan is
 2 required;
 3 (e) the expected revenue to be derived from the project;
 4 (f) evidence that there is availability of market for the expected goods;
 5 and,
 6 (g) evidence that the good has the capacity to naturally compete with
 7 imported similar good in Nigeria.

Duty to
 acknowledge
 receipt of the
 submission of
 Application

8 **199.** An accredited financial institution to whom an applicant for a
 9 guaranteed Nigerian content development loan submits an application for such
 10 loan shall acknowledge the receipt of the submission within seven days and
 11 shall within fourteen days of the receipt of the application review and assess the
 12 application.

Duty of Banks
 to forward the
 reviewed and
 assessed application
 to the Central
 Bank of Nigeria

13 **200.-(1).** An accredited financial institution upon the receipt of an
 14 application for a guaranteed loan under this Bill shall within fourteen days
 15 from the date of the receipt of the application review and assess the application
 16 with the attached Loan Utilisation Plan and, if satisfied that the application and
 17 the Loan Utilisation Plan substantially comply with the provisions of this Bill
 18 and the applicant is capable of repaying the guaranteed loan applied for,
 19 forward the application with its findings to the Central Bank of Nigeria.

20 (2) In reviewing and/or assessing the application, an accredited
 21 financial institution shall always ensure that there is established evidence that
 22 the applicant is capable of paying back the guaranteed loan sought and such
 23 applicant is not in any way seeking for the utilisation of the money for any
 24 purpose other than the purpose against which the loan is being sought for.

Duty to inform
 an application
 of decision on
 the approval
 or refusal of his
 application

25 **201.-(1)** An accredited financial institution shall, upon reviewing and
 26 assessing an application, inform the applicant of its decision to recommend for
 27 approval or refusal to the Central Bank of Nigeria, the applicant's application
 28 for the guaranteed loan submitted to the financial institution.

29 (2) Where for any reason any request for a guaranteed loan for the
 30 purposes of this Bill is rejected by any financial institution, the financial

1 institution shall give reasons to the applicant for the rejection and shall
 2 specify what steps should be taken by the applicant to enable it comply with
 3 the appropriate requirements and resubmit the application for the
 4 guaranteed loan.

5 **202.** An applicant may, where the financial institution refused to
 6 recommend its application for approval for a guaranteed Nigerian content
 7 development loan to the Central Bank of Nigeria, within a period of fourteen
 8 days from the date of the notification of the decision pursuant to sub clause
 9 (2) of clause 201 of this Bill-

Submission of a
 Revised Application
 for guaranteed
 Nigerian content
 development loan
 where a previous
 application was
 refused

10 (a) amend the application taking into account the reasons given by
 11 the financial institution for the refusal; and

12 (b) submit the Revised Application for the guaranteed local content
 13 development loan.

14 **203.** A Revised Application submitted upon the rejection of a
 15 previous application for a guaranteed loan shall be reviewed, assessed and
 16 approval given or denied within fifteen days from the date of the receipt of
 17 the said revised application.

Time frame for
 the review of a
 Revised Application
 for guaranteed local
 content development
 loan

18 **204.** The rate of interest payable on a guaranteed Nigerian content
 19 development loan granted pursuant to this Bill shall not be more than five
 20 per cent per annum.

Rate of interest
 to be charged on
 guaranteed Nigerian
 content development
 loan

21 **205.** Security required by a financial institution for the purpose of
 22 any guaranteed Nigerian content development loan under this Bill may be
 23 one or more of the following, that is to say-

Collateral required
 to be furnished for
 guaranteed Nigerian
 content development
 loan

24 (a) a charge on land in which the borrower holds a legal interest or a
 25 right to use the property as a collateral for the loan;

26 (b) a charge on the goods to be produced from the project for which
 27 the equipment to be purchased is to be used;

28 (c) a charge on the movable property of the borrower;

29 (d) a promissory note or other negotiable security;

30 (e) stocks and shares;

	1	(f) a personal guarantee; or
	2	(g) any other security acceptable to the financial institution.
Safeguards in respect of certain guaranteed Nigerian content development loan	3	206. Where a guaranteed Nigerian content development loan or any
	4	portion thereof, in respect of which a guarantee is to be given under this Bill, is
	5	to be applied to the purchase of raw materials, machinery or other equipment,
	6	the loan or portion thereof, as the case may be, shall not be paid to the borrower
	7	but shall instead be paid by the financial institution directly to the supplier who
	8	shall furnish the institution with a copy of the delivery note or other document
	9	in evidence of the delivery of the item to the borrower.
Recovery of outstanding loans	10	207. -(1)Where there has been a default in the repayment of the
	11	interest or principal of any guaranteed Nigerian content development loan
	12	under this Bill, the financial institution concerned shall in the first instance
	13	endeavour to recover the amount outstanding from the borrower or his sureties,
	14	if any, and may for that purpose dispose of any security obtained in respect of
	15	the guaranteed Nigerian content development loan
	16	(2) Where any part of the interest or principal remains outstanding
	17	after the steps specified in sub clause (1) of this clause have been taken, or
	18	where the recovery of any amount outstanding is impracticable, the financial
	19	institution may apply to the Central Bank of Nigeria for payment and the
	20	Central Bank of Nigeria shall, in accordance with the terms of the guarantee,
	21	settle the claim.
Loans to be applied for purposes for which they were made and offences thereto	22	208. -(1) No guaranteed Nigerian content development loan or any
	23	part thereof, shall be applied to any other purpose including but not limited to
	24	the payment of any fees for consultancy for any facilitation of the grant of the
	25	loan, except strictly for the purpose(s) for which the loan or grant is made.
	26	(2)A beneficiary of any loan or grant given under this Bill shall give
	27	period account to the institution that granted the loan or gave the grant of how
	28	the loan or grant is/was utilized and it shall be the duty of the institution except
	29	a foreign institution to raise any query against any improper utilization of the
	30	loan or grant by the beneficiary.

1 (3) Any person who applies any guaranteed Nigerian content
2 development loan granted pursuant to this Bill in contravention of sub-
3 clause(1) of this clause shall be guilty of an offence and shall be liable on
4 conviction to a fine of an amount not less than the amount of the guaranteed
5 loan in respect of which the offence was committed or to imprisonment for
6 not less than five years.

7 (4) Where an offence under this clause committed by a body
8 corporate is proved to have been committed with the consent or connivance
9 of, or to be attributable to any neglect on the part of any director, manager,
10 secretary or other similar officer of the body corporate (or any person
11 purporting to act in any such capacity) he as well as the body corporate shall
12 be deemed to be guilty of the offence and may be proceeded against and
13 punished accordingly.

14 **209.** A lending financial institution shall establish at its head office,
15 a department to be known as the Nigerian Content Finance Department
16 which shall be responsible for-

Financial
institutions to
establish Nigerian
Content Finance
Department

17 (a) the Nigerian content development credit administration in the
18 financial institution;

19 (b) the formulation and implementation of Nigerian content credit
20 policies of the financial institution; and

21 (c) the co-ordination of the activities of the Nigerian Content
22 Credit Units in its zonal or area offices and branches.

23 **210.-(1)** A lending financial institution shall prepare and submit to
24 the Central Bank of Nigeria every month, a return on its activities with
25 regard to guaranteed loans granted by the financial institution for the
26 purposes of this Bill.

Financial
Institution to
make return to the
Central Bank of
Nigeria

27 (2) The Central Bank of Nigeria may impose on any financial
28 institution that fails to submit a return under sub clause (1) of this clause the
29 following penalties, that is-

30 (a) N500,000.00 for each day on which the bank fails to submit the

	1	return, for a maximum of thirty days; and
	2	(b) N1,000, 000.00 for each day the failure persists beyond thirty days
Legal Proceedings to recover debts arising from guaranteed loan	3	.211. All legal proceedings of a civil nature arising-
	4	(a) from the failure of any borrower to repay a guaranteed loan
	5	granted by a financial institution and guaranteed under this Bill, shall be
	6	instituted and conducted by or against the financial institution; and
	7	(b) from any matter pertaining to any guarantee given pursuant to this
	8	Bill, shall be instituted and conducted by or against the Central Bank of
	9	Nigeria.
Annual performance report on progress of guaranteed local content development loan scheme	10	212. The Central Bank of Nigeria shall prepare and submit to the
	11	National Assembly, not later than three months after the end of each financial
	12	year, the Annual Performance Report in respect of the activities relating to the
	13	utilization of and achievements if any, of the guaranteed local content
	14	development loan programmes.
Central Bank of Nigeria to prescribe condition before companies could access guaranteed local content development loan	15	213. The Central Bank of Nigeria shall upon consultation with
	16	relevant bodies that it deems fit and necessary to consult, make guidelines
	17	prescribing the tenure of the guaranteed Nigerian content development loan for
	18	various categories of equipment to be bought under the Nigerian Content
	19	Development Credit Guarantee Scheme established under clause 196 of this
	20	Bill.
Entitlement of foreign investors and lenders to repatriate fund at official exchange rate	21	214. A foreign investor under clause 195 of this Bill shall be entitled
	22	to repatriate the total sum of money he/it invested or lent at the official foreign
	23	exchange rate provided that such money was brought into the country at the
	24	official foreign exchange rate.
	25	PART XXVII - PROMOTION OF NIGERIA CONTENT IN MINISTRIES, EXTRA
	26	MINISTERIAL DEPARTMENTS, AGENCIES AND ARMS OF GOVERNMENT
Establishment of Nigerian Content Monitoring Units for MDAs and others	27	215.-(1) For the purposes of implementing the provisions of this Bill
	28	in the ministries, departments and Agencies of the Federal Government of
	29	Nigeria, there shall be set up in each Ministry, Extra Ministerial Department
	30	and Agency of the Federal Government a unit to be designated as Nigerian

1 Content Monitoring Unit (also called "Monitoring Unit" in this Bill).

2 (2) The Monitoring Unit set up pursuant to sub-clause (1) of this
3 clause, shall be headed by an officer of the Council who shall not be less than
4 the rank of an Assistant Director in the public service.

5 **216.** A Monitoring Unit shall-

Functions of the
Monitoring Units

6 (a) be responsible for overseeing, coordinating, monitoring and
7 administering the implementation of the provisions of this Bill and ensuring
8 measurable and continuous growth in Nigerian Content and economic
9 diversification in relation to the activities of the ministry, extra ministerial
10 department or agency in which the Monitoring Unit operates.

11 (b) prepare guidelines, to include targets and formats for local
12 content and economic diversification plans and projects, and reporting, in
13 the ministry, extra ministerial department, agency including any agency
14 under any arm of the Federal Government of Nigeria under its supervision;

15 (c) promote the maximization of value-addition and job creation
16 through the use of local expertise, goods and services, businesses and
17 financing in the value chain of the sector relevant to the responsibilities of
18 the ministry, department or agency that the monitoring oversees, and their
19 retention in Nigeria;

20 (d) make appropriate recommendations to the Minister or to the
21 head of the extra ministerial department, agency or any agency under any
22 arm of the Federal Government of Nigeria which the Unit oversees, for the
23 smooth implementation of relevant provisions of this Bill as they relate to
24 the activities of such ministry, extra ministerial department or agency;

25 (e) undertake public education to promote public awareness of the
26 benefits of application of Nigerian Content and economic diversification in
27 the work of the ministry, extra ministerial department or agency under any
28 arm of the Federal Government of Nigeria that the Unit is overseeing;

29 (f) assist Nigerians and indigenous Nigerian companies to develop
30 their capabilities and capacities in respect of the area of work of the ministry,

1 extra ministerial department or agency in order to further the attainment of the
2 goal of developing Nigerian content in the work of such ministry, extra
3 ministerial department or agency;

4 (g) conduct studies, researches and investigations that may further the
5 attainment of the goal of developing Nigerian Content in the ministry, extra
6 ministerial department or the agency in which the Monitoring Unit operates;

7 (h) to comply and enforce compliance with any Regulation made by
8 the Council that is applicable to the ministry, extra ministerial department or
9 any agency in which the Monitoring Unit operates; and

10 (k) perform any other function conferred on the Monitoring Unit by
11 the Council.

Council to deploy
its staff to administer
Monitoring Unit

12 **217.** The Council shall deploy its staff to every ministry, extra
13 ministerial department, agency including any agency under any arm of the
14 Federal Government of Nigeria to perform the functions stipulated under
15 clause 216 of this Bill.

Monitoring Units
to establish and
maintain thresholds
for materials,
services and labour
for projects

16 **218.-(1)** Every Monitoring Unit shall not later than thirty days from
17 the beginning of a financial year, develop a Nigerian Content and Economic
18 Diversification Plan (NCEDP) indicating the minimum Nigerian Content
19 requirement for materials, services and labour required to execute any project
20 contained in the approved annual budget of the ministry, extra ministerial
21 department, agency or arm of the Federal Government of Nigeria in which the
22 Monitoring Unit oversees and the measurable impact the compliance with the
23 Nigerian Content requirements may have on the economic diversification of
24 the Nigerian economy under this Bill, provided that the Nigerian Content and
25 Economic Diversification Plan (NCEDP) so developed shall not be
26 inconsistent with any subsisting minimum Nigerian Content prescribed for
27 any item in a Regulation made by the Board of the Council under this Bill.

28 (2) The Nigerian Content and Economic Diversification Plan
29 (NCEDP) prepared pursuant to sub clause (1) of this clause shall within thirty
30 days from the date of the commencement of the annual budget of the Federal

1 Government be submitted to the Board of the Council for approval.

2 (3) The Board shall upon the receipt of the Nigerian Content and
3 Economic Diversification Plan (NCEDP) pursuant to sub clause (2) of this
4 clause and within a period of not more than sixty days assess the Plan and
5 either approve or reject the Plan.

6 (4) The Nigerian Content and Economic Diversification Plan
7 (NCEDP) approved pursuant to this clause shall constitute the threshold for
8 the evaluation of Nigerian Content in bids from companies bidding for
9 contracts for the execution of projects by ministry, department, agency or
10 arm of the Federal Government.

11 **219.** Every Monitoring Unit shall, in preparing the Nigerian
12 Content and Economic Diversification Plan (NCEDP) for a ministry, extra
13 ministerial department, agency or arm of the Federal Government of
14 Nigeria, set out the following information-

Information to be
contained in the
Nigerian Content
and Economic
Diversification
Plan (NCEDP)

15 (a) the expected total quantity and quality of goods and services
16 that may be required for the execution of the entire project in the approved
17 budget;

18 (b) the estimated quantum of goods and services produced in
19 Nigeria that meet the required standards in the industry that are expected to
20 be used for the execution of the entire project;

21 (c) justification for any decline to use Nigerian goods and services,
22 where such goods and services are available for use but declined to be used
23 by such organization;

24 (d) the estimate of goods and services produced in Nigeria that are
25 declined to be used presently but capable of being used during the duration
26 of the execution of the project if improvements are made them;

27 (e). initiatives for capacity development programme(s) that could
28 be made by the ministry, extra ministerial department, agency or arm of the
29 Federal Government of Nigeria to enable indigenous Nigerian companies to
30 produce the goods and services described in sub clause (d) of this clause;

	1	(f) the projected number and qualification required from Nigerians to
	2	be engaged in the execution of the project and the standards for the
	3	remuneration for Nigerian employees;
	4	(g) strategies for the support of Nigerians' participation in the
	5	activities to which the plan relate;
	6	(h) total budget estimate with regard to the implementation of the
	7	Nigerian content components of the annual budget; and
	8	(i) projected measurable impact the threshold prescribed for Nigerian
	9	Content implementation will have on the economic diversification in the
	10	Nigerian economy.
Nigerian Content and Economic Diversification Plan (NCEDP) to be published to the notice of the public and be deposited in the National Library	11	220. Every Monitoring Unit shall, not later than sixty days from the
	12	date of the approval of its Nigerian Content and Economic Diversification Plan
	13	(NCEDP), publish in, official gazette of the Federal Government of Nigeria,
	14	its portals, websites and any other social media, the contents of the Nigerian
	15	Content and Economic Diversification Plan (NCEDP) and also deposit copies
	16	of the Nigerian Content and Economic Diversification Plan (NCEDP) in the
	17	National Library.
Duty of Ministry, Extra Ministerial Department and Agency to disclose information	18	221. Every ministry, extra ministerial department, agency including
	19	any agency under any arm of the Federal Government of Nigeria shall disclose
	20	any piece of information to a Monitoring Unit set up pursuant to the provisions
	21	of this Bill provided that the information is required to assist the Monitoring
	22	Unit to discharge its functions under the provisions of this Bill.
Monitoring Unit to advice on activities in relation to Nigerian content and economic diversification	23	222. Ministries, extra ministerial departments, agencies including any agency
	24	under any arm of the Federal Government of Nigeria shall seek and obtain the
	25	advice of the Monitoring Unit in their ministries, extra ministerial departments
	26	and agencies, in all matters relating to the development of, and/or, compliance
	27	with Nigerian content and economic diversification matters.
Staff of the Council deployed to ministries, extra ministerial departments and agencies to be independent	28	223. In the performances of its obligations under this Bill, a
	29	Monitoring Unit shall not be subject to the direction or control of any other
	30	person except the Council which shall ensure that the Monitoring Unit

1 implements the tenor and spirit of the provisions of the Bill in the ministry,
2 extra ministerial department or agency of the Federal Government.

3 **224.** Subject to the powers of the Directorates, each Monitoring
4 Unit shall monitor the activities of companies as they relate to the discharge
5 of Nigerian content and economic diversification obligations contained in
6 any contractual agreement that such companies have with the ministry,
7 department or agency that the Monitoring Unit covers.

Monitoring Units
to monitor
progress relating
to performance
of Nigeria content
obligations in
contractual
agreements

8 **225.** A Monitoring Unit shall submit a monthly report to the
9 Council within ten days from the beginning of each month on the
10 development of, and compliance with the requirements of, Nigerian content
11 and economic diversification in the ministry, extra ministerial department or
12 agency that the Monitoring Unit oversees Nigerian content development
13 and economic diversification activities.

Monitoring Unit
to submit monthly
report

14 PART XXVIII - NIGERIAN CONTENT DEVELOPMENT AND ENFORCEMENT

15 IN FREE AND SPECIAL ECONOMIC ZONES

16 **226.** All existing rights, powers, incentives and duties of
17 companies and firms operating in the Free Trade or Special Economic Zones
18 in Nigeria are preserved under this Bill and notwithstanding any other
19 provision in this Bill, these companies and firms shall continue to exercise
20 their existing rights, powers, incentives and discharge their obligations as
21 provided under any existing enactment, regulation or policy.

Preservation of
existing rights and
incentives of
companies operating
in Free and Special
Economic Zones

22 **227.** The Directorates shall always involve, and act only on the
23 advice of the relevant regulatory agency overseeing a Free Trade Zone or
24 Special Economic Zone before taking any step to enforce any applicable
25 provision of this Bill against any company or firm operating in the Free
26 Trade Zone or Special Economic Zone.

Duty of
Directorates to
collaborate with
Free Trade
Regulatory Agencies
on enforcement
of Nigerian content

27 **228.** Subject to the provisions of clauses 226 and 227 of this Bill, a
28 Directorate or a Monitoring Unit shall have the powers to enforce the
29 provisions relating to Nigerian content development in any agreement that
30 any company operating in the Free Economic and Special Zones has with

Clauses relating
to development
of Nigerian content
in Agreements of
companies operating
in Free Economic
and Special Zones
to be enforced

	1	the Federal Government or its agency.
Directorates to maintain Nigerian Content desk offices to obtain information and prepare statistics at Free Trade Zones	2	229. -(1) Each Directorate shall establish and maintain a Nigerian
	3	Content Desk Office in each of the Free Trade or Special Economic Zone for
	4	purposes of monitoring, verifying and assessing economic activities in the
	5	zone and obtaining information and preparing statistical data with a view to
	6	determining the level of development of Nigerian content by companies and
	7	firms operating in the Free Trade or Special Economic Zones.
	8	(2) The Directorate shall use the information obtained pursuant to sub
	9	clause (1) of this clause to advise the relevant agency overseeing the Free
	10	Trade or Special Economic Zone Area on the strategies to adopt in order ensure
	11	sustainable development of Nigerian content in the Free Trade or
	12	Special Economic Zone.
Duty on Free Trade Regulatory Agencies to supply information to Directorates	13	230. For the purposes of monitoring, verifying and assessing
	14	compliance with Nigerian content obligations contained in an agreement by a
	15	company operating in a Free Trade or Special Economic Zone area, an agency
	16	regulating a free trade or special economic zone shall provide the Nigerian
	17	Content Desk Office in the Free Trade or Special Economic Zone Area with
	18	access to facilities and all documentations relating to companies and firms
	19	operating in the Free Trade or Special Economic Zone.
Duty of companies operating in Free Trade or Special Economic Zone to file annual Performance report on Nigeria content	20	231. Every company or firm operating in a Free Trade or Special
	21	Economic Zone shall not later than ninety days from the beginning of each
	22	year submit through the Nigerian Export Processing Zones Authority, a Report
	23	to be known as "Nigerian Content Annual Performance Report of Free Trade
	24	Zone Company" which shall cover all the projects, contracts and activities of
	25	the company or firm in the discharge of its Nigerian content obligations for the
	26	preceding year, to the relevant Directorate overseeing Nigerian Content
	27	development in the sector of the Nigerian economy that the company or firm
	28	operates.

1	PART XXIX - NIGERIAN CONTENT AND NATIONAL FLAG, COAT OF	
2	ARMS AND CELEBRATIONS	
3	232. Every material to be used for the production of the Nigerian	Nigerian National
4	National Flag or the Nigerian Coat of Arms shall be sourced from Nigeria.	Flag and Coat of\
5		Arms to be produced
6	233. Officials in all Nigerian foreign missions and Nigerians in	from locally sourced
7	Diaspora Council shall encourage all Nigerians in diaspora to use Nigerian	materials
8	flags that are produced from indigenous materials sourced from Nigeria.	
9		Nigerians in diaspora
10	234. Every product to be used for any Nigerian national	to be encouraged
11	celebration in Nigeria or in any of its foreign missions shall be a product	to use Nigerian
12	produced in Nigeria from locally sourced material.	flags produced
13		from local materials
14	PART XXX - SUBMISSION OF ANNUAL NIGERIAN CONTENT AND	
15	ECONOMIC DIVERSIFICATION DEVELOPMENT	
16	REPORT AND ANNUAL BUDGET	
17	235.-(1) Within ninety days from the beginning of each year, every	
18	Ministry and agency of any arm of the Federal Government of Nigeria shall	Duty of all
19	submit to the Board of the Council, a Report to be known as Nigerian	ministries and
20	Content and Economic Diversification Development Annual Report which	agencies of the
21	shall contain all the activities of the Ministry or agency in respect of local	Federal Government
22	content and economic diversification developments and programmes of the	to submit Nigerian
23	Ministry or agency in the preceding year.	Content and
24		Economic
25	(2) The Nigerian Content and Economic Diversification	Diversification
26	Development Annual Report to be submitted pursuant to sub clause (1) of	Development
27	this clause shall also set out the achievements made by the ministry or	Annual Report
28	agency in its implementation of the provisions of this Bill especially in	
29	respect to the award of contracts and the design and execution of projects in	
30	the ministry or agency in the preceding year.	
31	236.-(1) Subject to the provisions of sub clause (3) of this clause,	Nigerian Content
32	within one hundred and twenty days from the beginning of each year, a	Entities to submit
33	Nigerian Content Entity that carried out any regulated activity in the	Nigerian Content
34	preceding year shall submit to the relevant Directorate a report to be known	and Economic
35		Diversification
36		Annual Performance
37		Report

1 as Nigerian Content and Economic Diversification Annual Performance
2 Report which shall contain details of all the activities of the Nigerian Content
3 Entity in the preceding year in fulfilment of the Nigerian content development
4 and economic diversification obligations imposed on the Nigerian Content
5 Entity under the provisions of this Bill.

6 (2) The Nigerian Content and Economic Diversification Annual
7 Performance Report to be submitted under sub clause (1) of this clause shall
8 also set out-

9 (a) achievement(s) made in the development of Nigerian Content and
10 economic diversification by the entity submitting the Report and how such
11 development has improved the Nigerian economy;

12 (b) details of activities of the Nigerian Content Entity pertaining to
13 research and development;

14 (c) training programmes targeted at transfer of technology and
15 technical know-how and skill gaps abridged as a result of such programmes;

16 (d) employment in terms of hours or days worked by Nigerians;

17 (e) detailed particulars of the Nigerians employed with their names,
18 addresses, phone numbers and emails;

19 (f) level of compliance where applicable, with any instruction issued
20 by the relevant Directorate under this Bill for the employment of people from
21 the catchment Areas of the operation and the names, addresses, phone
22 numbers, community among other relevant information, of such employees;
23 and

24 (e) quantity of Made-in-Nigeria goods and goods of foreign origin,
25 procured by the Nigerian Content Entity.

26 (3) The provisions in this clause and other clauses in this Bill
27 requiring the submission of periodic Reports to Directorates shall not be
28 applicable to MMSEs notwithstanding that such MMSEs are Nigerian Content
29 Entities under this Bill.

1	237. A Nigerian Content and Economic Diversification Annual	Nigerian Content and Economic Diversification
2	Performance Report to be submitted pursuant to clause 236 of this Bill shall	annual Performance
3	also contain particulars of payments made to the Federal Government or its	Report to disclose
4	agency during the year under review and such particulars shall show, where	particulars of
5	payments are required from the activities of the Nigerian Content Entity	statutory payments
6	under any law, payment of -	made during the
7	(a) taxes, other than personal income taxes;	year under report
8	(b) royalties;	
9	(c) fees, including rental, entry, licences, permits or concessions;	
10	(d) regulatory charges;	
11	(e) production entitlements;	
12	(f) bonuses, including signature, discovery and production	
13	bonuses;	
14	(g) dividends other than dividends paid as ordinary shareholders;	
15	(h) infrastructure improvement; and	
16	(i) any other payment not specifically mentioned here but for	
17	which an operator, contractor and partner is obliged by law to pay.	
18	238. A Nigerian Content and Economic Diversification Annual	Nigerian Content and Economic
19	Performance Report shall include an attestation made by a Director of the	Diversification
20	Nigerian Content Entity and an independent auditor or accountant, stating	Annual Performance
21	that the information in the report is true, accurate and complete and without	Report to contain
22	any intent to defraud the Federal Government or its agency.	attestation clause
23	239. A Directorate upon the receipt of a Nigerian Content and	Accessibility of
24	Economic Diversification Annual Performance Report from a Nigerian	Nigerian Content
25	Content Entity shall allow any interested member of the public obtain	and Economic
26	certified true copy of the Nigerian Content and Economic Diversification	Diversification
27	Annual Performance Report upon the payment of a fees to be prescribed by	Annual Performance
28	the Directorate, which fees shall not be unreasonably high but should cover	Report to the public
29	the cost of the mechanical production of the Report.	

Regular Assessment and Verification of Nigerian Content and Economic Diversification Annual Performance Report for measurement of success otherwise	1	240. A Directorate shall for the purposes of measuring the success or
	2	otherwise of activities relating to Nigerian Content development and economic
	3	diversification in the Nigerian economy, undertake regular assessment and
	4	verification of the Nigerian Content and Economic Diversification Annual
	5	Performance Report submitted by each Nigerian Content entity pursuant to
	6	the provisions of this Bill.
Issuance of Directives to facilitate Reporting activities	7	241. Each Directorate shall issue directives to Nigerian Content
	8	entities and other entities within the sphere of responsibilities of the
	9	Directorate in order to facilitate reporting of activities relating to any aspect of
	10	Nigerian Content Development and economic diversification of the sector
	11	under this Bill.
Right of Access to information to substantiate Report	12	242. For the purposes of assessment and verification of statements
	13	contained in a Nigerian Content and Economic Diversification Annual
	14	Performance Report, all Nigerian Content entities shall provide the
	15	relevant Directorate or its designated agent with access to their facilities and all
	16	documentations and information required for substantiating the statements
	17	contained in the Report.
Duty of Nigeria Content Entity to communicate its Nigerian content policies and ensure compliance	18	243. A Nigerian Content Entity shall effectively communicate its
	19	Nigerian content and economic diversification policies and procedures to its
	20	contractors and subcontractors and to monitor and ensure that its contractors
	21	and sub- contractors comply with the applicable provisions of this Bill.
Submission of Projected Expenditure to the National Assembly	22	244. -(1) Each Directorate established under this Bill shall, not later
	23	than 30th September of each year, submit to the National Assembly, through
	24	the Board, an estimate of the projected expenditure of the Directorate during
	25	the next succeeding year and shall include a copy of the audited accounts of that
	26	year and a copy of the auditor's report.
	27	(2) The Board shall, not later than 30th September of each year,
	28	submit to the National Assembly, an estimate of the projected expenditure of
	29	the Directorate during the next succeeding year and shall include a copy of the
	30	audited accounts of that year and a copy of the auditor's report.

PART XXXI - DISCLOSURE OF INTEREST AND TRANSPARENCY

Person charged with the responsibility to evaluate Nigerian content requirements in the award of contracts shall disclose interest

Persons with
conflict of interest
shall not participate
in the award of
contract

Public Officer
shall not use
information for
personal interest

Official position
not to be used to
influence a decision
of another person
so as to further
personal interest
or those of others

Official not to be
influenced in the
exercise of power,
duty or function
by extraneous
factors

Public Office
holders not to
have interest in
private entities

	1	is a Nigerian Content Entity under this Bill.
Interest of an indigenous Nigerians company not to be transferred	2	251. The interest of an indigenous Nigerian company in any permit,
	3	license, lease or any concessionary instrument relating to any regulated
	4	activity shall not be transferred to a non - Nigerian indigenous company except
	5	with the approval of the Board of the Council.
	6	PART XXXII - ESTABLISHMENT AND PROCEEDINGS OF THE BOARD
Establishment of the Board	7	252. There is hereby established for the Council a Board (in this Bill
	8	referred to as the "Board") which shall supervise the activities of the
	9	Directorates established under this Bill.
Composition of the Board	10	253.-(1) The Board shall consist of the following-
	11	(a) a Chairman who shall be the President and Commander-in-Chief
	12	of the Armed Forces of the Federal Republic of Nigeria;
	13	(b) a Vice Chairman who shall be the Vice President of the Federal
	14	Republic of Nigeria
	15	(c) Ministers responsible for the following ministries
	16	(i) Agriculture and Food Security;
	17	(ii) Attorney - General of the Federation
	18	(iii) Finance;
	19	(iv) Communications and Digital Economy;
	20	(v) Health;
	21	(vi) Industry, Trade and Investment;
	22	(vii) Labour and Productivity;
	23	(viii) Maritime and Blue Economy;
	24	(ix) National Planning;
	25	(ix) Power;
	26	(x) Science and Technology;
	27	(xi) Solid Minerals and Steel Development; and
	28	(xiii) Works;
	29	(d).The Governor, Central Bank of Nigeria;
	30	(e).Executive Secretary to the Council; and

- 1 (f) A representative of-
- 2 (i) Organised Private Sector;
- 3 (ii) Manufacturers Association of Nigeria;
- 4 (iii) Nigerian Society of Engineers;
- 5 (iv) Federation of Agricultural Commodity Associations of
- 6 Nigeria;
- 7 (v) Information Technology Association of Nigeria;
- 8 (vi) Miners Association of Nigeria; and
- 9 (vii) Shipowners Association of Nigeria.

10 (2) The Board shall meet at least once in every month to review the
11 activities of the Directorates, Monitoring Unit or other bodies under this Bill
12 and to take appropriate decisions.

13 **254.** -(1) Any person appointed under sub clause(1) (f) of clause Tenure of members
14 253of this Bill to represent interest shall have a non renewable tenure of
15 four years.

16 (2) A person appointed under sub clause (1) (f) of clause 253of
17 this Bill shall cease to hold office if-

- 18 (a) he dies;
- 19 (b) he becomes bankrupt;
- 20 (c) he is convicted of a felony or any offence involving dishonesty
- 21 or fraud;
- 22 (d) he becomes of unsound mind or is incapable for any reason of
- 23 carrying out his duties;
- 24 (e) he is guilty of a serious misconduct in relation to his duties;
- 25 (f) in the case of a person possessed of a professional qualification,
- 26 he is disqualified or suspended from practising his profession in any part of
- 27 the world by an order of a competent authority made in respect of that
- 28 member; or
- 29 (g) he resigns his appointment by written notice under his hand to
- 30 the President.

	1	(3)Where a member ceases to hold office for any reason before the
	2	expiration of his term, another person representing the same interest as that
	3	member shall be appointed in his place to finish the unexpired residue of the
	4	term.
	5	(4) A person appointed under sub clause (1) (f) of clause 253 shall be
	6	on part time.
Meeting of the Board	7	255. -(1) The Board shall meet for the despatch of its businesses at
	8	least once every month and at such time as the Chairman may determine.
	9	(2) The Chairman shall preside at every meeting of the Board, and in
	10	his absence, the Vice Chairman shall preside at that meeting.
Remunerations and Allowances	11	256. Subject to the provisions of any applicable law, the Chairman,
	12	the Vice Chairman and members of the Board shall be paid such allowances
	13	and expenses as may be determined by the Revenue Mobilization, Allocation
	14	and Fiscal Board.
Powers of the Board	15	257. The Board shall, in addition to any power vested in it under any
	16	provision of this Bill, have the following powers to-
	17	(a)supervise the activities of the Directorates; and
	18	(b) make rules and regulations for the proper functioning of the
	19	Directorates.
Employees of the Directorates and the Board	20	258. -(1) Each Directorate established under this Bill shall subject to
	21	Regulations made by the Board of the Council in respect of appointment,
	22	promotion and disciplinary matters for the Directorates appoint such number
	23	of persons as in the opinion of the Directorate may be expedient and necessary
	24	for the proper and efficient performance of the functions of the Directorate and
	25	shall pay them remunerations and allowances as the Directorate determines
	26	using the scale applicable in similar organisations in the sector the Directorate
	27	is responsible for.
	28	(2) The Board shall subject to Regulations it made on appointment,
	29	promotion and disciplinary matters have powers to appoint such number of
	30	persons as in the opinion of the Board may be expedient and necessary for the

1 proper and efficient performance of the functions of the Secretariat of the
2 Board and shall pay them remunerations and allowances as the Board
3 determines using the scale applicable in similar organisations in the public
4 service.

5 **259.** The Directorates and the Board may also appoint persons on Secondment
6 secondment from the Public Service of the Federation, as may, in the
7 opinion of the Directorate or the Secretariat of the Board, be required to
8 assist a Directorate or the Board in the discharge of any of its functions under
9 this Bill.

10 **260.** The person seconded under clause 258 of this Bill may elect to Transfer of Service
11 be transferred to the service of the Directorate or the Board and the previous
12 service he had rendered in the public service shall be deemed as service to
13 the Directorate or the Secretariat of the Board for the purpose of any pension
14 subsequently payable by the Directorate or the Board to the person.

15 **261.-(1)** The service in the Directorate or the Secretariat of the Services in the
16 Board of the Council shall be approved service for the purposes of the Directorates and
17 Pension Reform Act or any other Act succeeding the Pension Reform Act. the Secretariat
of the Board to
be pensionable

18 (2) The officers and other persons employed in the Secretariat of
19 the Board of the Council shall be entitled to pension, gratuities and other
20 retirement benefits as are enjoyed by persons holding equivalent ranks in
21 similar organisations in the Federal Public Service.

22 (3) Nothing in sub clauses (1) and (2) of this clause shall prevent
23 the appointment of a person to any office on terms which preclude the grant
24 of pension and gratuity in respect of that office.

25 **262.-(1)** The Board shall establish and maintain a fund to which all Fund of the Board
26 monies accruing to it shall be paid into or from which shall be defrayed all
27 expenditures incurred by the Secretariat of the Board of the Council.

28 (2) The Fund of the Board shall consist of-

29 (a) twenty per cent of the Fund of each of the Directorates
30 established under clause 184 of this Bill shall be deducted from the Fund of

- 1 the Directorates and be paid into this Fund;
- 2 (b) all subventions and budgetary allocations provided by the Federal
- 3 Government;
- 4 (c) sums accruing to the Board by way of donations, gifts, grants,
- 5 endowment, bequest or otherwise;
- 6 (d) interest and revenue accruing from savings and investments made
- 7 by the Board;
- 8 (e) loans, which may be required from time to time for the objects of
- 9 the Board, provided that the Board shall not, without the prior approval of the
- 10 President, borrow money in compliance with the provisions of the Fiscal
- 11 Responsibility Act; and
- 12 (f) other revenues accruing to the Board from any other source.

Acceptance and
Limitation of
gifts by the
Directorates and
the Board

- 13 **263.**-(1) The Directorates or the Board of the Council may accept gifts
- 14 of money, land or other property on such terms and conditions, if any, as may be
- 15 specified by the person or organization making the gift.
- 16 (2) The Directorates and the Board shall not accept any gift if the
- 17 conditions attached thereto are inconsistent with the functions of the
- 18 Directorates or the Board or may influence the Board or Directorate to take any
- 19 decision contrary to the tenor and spirit of the provisions of this Bill.

Approval of
Expenditure by
the Board

- 20 **264.**The Board may approve any expenditure of the Directorates and
- 21 shall-
- 22 (a) issue proper accounts and records of the transactions and affairs of
- 23 the Directorate and ensure that all expenditures are duly authorized; and
- 24 (b) prepare in respect of each financial year, a statement of account in
- 25 such form as the Auditor-General of the Federation may direct.

Purchase of land
and construction
of offices

- 26 **265.**-(1) For the purpose of providing offices and premises necessary
- 27 for the performance of its functions under this Bill, each Directorate or the
- 28 Board of the Council may, subject to the Land Use Act-
- 29 (a) purchase or lease any interest in land or other property; and
- 30 (b) construct offices and premises, equip and maintain same.

1 (2) Each Directorate may, subject to the Land Use Act, sell or lease
2 out any office or premises held by it, which office or premises is no longer
3 required for the performance of its functions under this Bill.

4 PART XXXIII - ESTABLISHMENT OF SECRETARIAT AND THE OFFICE
5 OF THE EXECUTIVE SECRETARY

6 **266.**-(1) There shall be established a Secretariat for the Board of Establishment of
7 the Council which shall be responsible for the following- Secretariat

8 (a) ensuring that the meetings of the Board of the Council are
9 effectively and efficiently organized and proper records of minutes made
10 and kept;

11 (b) act as the custodian of the Board's documents and other
12 property;

13 (c) communicating the decisions of the Board to the Directorates
14 established under this Bill and to any other relevant body or person;

15 (d) liaise with the Directorates and other relevant entities to ensure
16 that the decisions of the Board to the Directorates or such entities are
17 complied with;

18 (e) report to the Council any failure of any Directorate, entity or
19 person to comply with any directive or decision of the Council; and

20 (f) do anything legally necessary to be done to facilitate the
21 carrying out of its functions under this Bill.

22 (2) The Secretariat of the Board shall be sited in Abuja.

23 **267.** There shall be an Executive Secretary to the Board of the Appointment of
24 Council, who shall be appointed by the President and Commander-in-Chief the Executive
25 of the Armed Forces of the Federal Republic of Nigeria. Secretary

26 **268.** The person to be appointed as an Executive Secretary shall Qualification for
27 be: the Executive
Secretary

28 (a) a graduate of not less than 15 years in, science, engineering,
29 statistics, mathematics, management sciences, economics and law; and

30 (b) with experience in activities relating to the promotion of

	1	Nigerian content development.
Functions of the Executive Secretary	2	269. The Executive Secretary shall be-
	3	(a) the Chief Executive and Accounting Officer of the Secretariat of
	4	the Council;
	5	(b) responsible for the day to day management of the affairs of the
	6	Secretariat of the Council; and
	7	(c) perform any other functions assigned to him by the Board.
Tenure of the Executive Secretary	8	270. The Executive Secretary-
	9	(a) shall be appointed for a term of five years in the first instance; and
	10	(b) may be re-appointed where as an incumbent he has shown
	11	significant achievements in the development of the Nigerian Content in his
	12	first tenure, for a further term of five years and no more.
Remuneration of Executive Secretary	13	271. The Executive Secretary shall be paid such remuneration as may
	14	be specified in his letter of appointment or as determined by the Revenue
	15	Mobilization, Allocation and Fiscal Council using the scale applicable in
	16	similar appointment.
Removal and resignation of the Executive Secretary	17	272.-(1) The President may remove the Executive Secretary if he is
	18	satisfied that the Executive Secretary has shown gross incompetency in the
	19	discharge of his statutory responsibilities under this Bill.
	20	(2) The Executive Secretary may resign his appointment by a written
	21	notice under his hand delivered to the President and Commander in - Chief of
	22	the Armed Forces of the Federal Republic of Nigeria.
	23	PART XXXIV - LEGAL PROCEEDINGS RELATING TO THE COUNCIL
	24	AND THE DIRECTORATES
Limitation of time within to sue the Council or Directorate	25	273. No suit against any of the Council or any of its Directorates for
	26	any act done in pursuance or execution of any enactment or law, or of any
	27	public duties or authority, or in respect of any alleged neglect or default in the
	28	execution of such enactment or law, duties or authority, shall lie or be instituted
	29	in any court unless it is commenced within twelve months next after the act,
	30	neglect or default complained of or, in the case of a continuance of damage or

1 injury, within twelve months next after the ceasing thereof.

2 **274.** No suit shall be commenced against any of the Directorates or
3 the Council before the expiration of a period of three month after written
4 notice of intention to commence the suit shall have been served upon the
5 Directorate or the Council by the intending plaintiff or his agent; and the
6 notice shall clearly and explicitly state the cause of action, the particulars of
7 the claim, the name and place of abode of the intending plaintiff and the
8 relief which he intends to claim.

Pre-action notice
to be issued before
filling a suit

9 **275.** The notice referred to in Clause 274 of this Bill and any
10 summons, notice or other document required or authorised to be served
11 upon any of the Directorates or the Council under the provisions of this Bill
12 or any other enactment or law may be served by delivering the same to the
13 Executive Commissioner in the case of a Directorate or the Executive
14 Secretary in case of the Council, or by sending it by registered post
15 addressed to the Executive Commissioner in the case of a Directorate or the
16 Executive Secretary in case of the Council.

Pre-action notice
to be served on
Executive Secretary
or Executive
Commissioner

17 **276.** In any action or suit against the Council or any of the
18 Directorates, no execution or attachment or process in the nature thereof
19 shall be issued against the Council or the Directorate, but any sum of money
20 which may, by the judgment of the court, be awarded against the Council or a
21 Directorate, shall, subject to any directions given by the court where no
22 notice of appeal has been given by the Council, be paid from the fund of the
23 Board of the Council, in the case of the Council or be paid from the fund of
24 the particular Directorate in the case of a Directorate.

Payment of
Judgment sum

25 **277.** To ensure the distinct status of the Fund of each Directorate
26 established under this Bill, no judgment against the Council or any
27 Directorate shall be enforced against the Fund of any other Directorate when
28 the other Directorate was not specifically mentioned as a party in the suit in
29 which the judgment was given.

Limitation of
Enforcement of
Judgment against
funds of Directorates

Indemnity for defending proceedings	1	278. A member of the Board, Executive Secretary, agent, auditor or
	2	employee for the time being of the Board or any employee of the Directorates
	3	shall be indemnified out of the Fund of the Board or Directorate against any
	4	liability incurred by him in defending any proceedings whether civil or
	5	criminal, if any such proceeding is brought against him in his capacity as such
	6	member, agent, auditor or employee as aforesaid where he acted in good faith
	7	in respect of the conduct complained against in the suit.
Application of Public Officer's Protection Act	8	279. The provisions of the Public Officer's Protection Act shall apply
	9	in relation to any suit instituted against any officer or employee of the
	10	Councilor the Directorate in his capacity as such officer or employee.
Audit of the Council	11	280. The audit of the Council or its Directorates shall be in accordance
	12	with the provisions of the Constitution of the Federal Republic of Nigeria as
	13	amended.
	14	PART XXXV - NIGERIAN CONTENT DEVELOPMENT IN TEXTILES,
	15	GARMENTS, NEDDLES AND SYRINGE MANUFACTURERS
Nigerian Security agencies, MDAs, schools, companies to use Made-in- Nigeria textiles and Garments for uniforms	16	281. -(1) MDAs including but not limited to all Nigerian military and
	17	paramilitary agencies, Nigerian Content entities and all schools, either owned
	18	or operating under the regulation of the Government except schools owned by
	19	foreign missions, shall upon the commencement of this Bill only use Made - in-
	20	Nigeria textile materials and garments as uniforms provided the Nigerian
	21	content including locally sourced raw materials in the manufacture of such
	22	textiles and garments is not less than eighty per cent of the entire component of
	23	the manufacture and meet the quality standard set by the Standard Organisation
	24	of Nigeria for such textiles or garments.
	25	(2) All uniforms to be used for national and social celebrations in
	26	Nigeria except celebrations by foreign missions shall be Made - in- Nigeria
	27	textiles materials or garments.
	28	(3) For the purposes of sub clause (1) of this clause, the Standard
	29	Organisation of Nigeria shall within six months from the coming into effect of
	30	this Bill, make Regulation prescribing quality standards for the textile

1 materials and garments to be used as various uniforms.

2 (4) Any existing Regulation or specification setting standard for
3 the production of uniforms by Nigerian military, paramilitary agencies and
4 schools shall be used by manufacturers of textiles and garments in Nigeria
5 for the production of such uniforms, in the absence of any Regulation made
6 by the Standard Organisation of Nigeria as specified in sub clause (3) of this
7 clause.

8 **282.**The Directorate of Nigerian Content Development on
9 Manufacturing shall encourage indigenous Nigerian companies to deploy
10 human and material resources for the production of raw materials especially
11 cotton for the manufacture of textiles and garments in Nigeria.

Directorate of
Nigerian Content
Development on
Manufacturing to
encourage domestic
production of raw
materials for the
local manufacture
of textiles and
materials

12 **283.**-(1) There shall be established a Fund to be known as Nigerian
13 Textiles and Garments Sector Development Fund (NTGDF) which shall be
14 composed of-

Establishment of
Nigerian Textiles
& Garments Sector
Development
Fund (NTDF)

15 (a) a surcharge of five per cent on the monetary value of every
16 imported textile and garment which sum shall be collected by the Federal
17 Inland Revenue Service (FIRS) and be paid into the NTGDF;

18 (b)ten per cent of the sum accrued to, and received by the Federal
19 Government of Nigeria from import duties on imported textiles and
20 garments, which sum shall be computed on monthly basis by the Accountant
21 General of the Federation and be paid into NTGDF;

22 (c) ten per cent of excise duties where imposed and collected by
23 the Federal Government from companies from domestic manufacture of
24 textiles and garments which sum shall be computed on monthly basis by the
25 Accountant General of the Federation and be paid into NTGDF; and

26 (d) any fund obtained from any manner of fund raising including
27 but not limited to crowd funding, or any other source for the development of
28 the textiles and garments industry.

29 (2) For the avoidance of doubt, the five per cent surcharge on the
30 monetary value of every imported textile and garment which sum shall be

	1	collected by the Federal Inland Revenue Service (FIRS) and be paid into the
	2	NTGDF is exclusive of the import duties payable to the Federal Government of
	3	Nigeria on imported textiles and garments.
Application of Fund Nigerian Textiles & Garments Sector Development Fund (NTDF)	4	284. -(1) The Nigerian Textile & Garment Development Fund
	5	(NTDF) shall be managed and applied by the Directorate of Nigerian Content
	6	Development on Manufacturing for,
	7	(a) the development and operation of Integrated Textiles and
	8	Garments Park to be established in each state of the Federation;
	9	(b) granting loans for facilitating the rehabilitation and modernization
	10	of textiles and garments manufacturing factories or any unit thereof or the
	11	undertaking of any scheme for the development of raw materials for the
	12	manufacture of textiles and garments;
	13	(c) making loans to textiles and garments manufacturing companies
	14	for the development of renewable power project for use for the production of
	15	textiles and garments at a cheaper rate; and
	16	(d) giving grants for the purpose of any research and development
	17	project aimed at the development of the textiles and garments industry in
	18	Nigeria.
	19	(2) The manner in which loans or grants may be made under this
	20	clause and the terms and conditions subject which such loans and grants may be
	21	made shall be prescribed by the Directorate of Nigerian Content Development
	22	on Manufacturing upon consultation with the Central Bank of Nigeria.
Textiles and garments importers to register with Standard Organization of Nigeria	23	285. -(1) No imported textile or garment shall be offered for sale or be
	24	sold in Nigeria except the importer of such textiles or garments has been
	25	registered as an importer of such textile or garment with the Standard
	26	Organisation of Nigeria (SON).
	27	(2) The Standard Organisation of Nigeria shall ensure before the
	28	registration of such textiles or garments that the textiles or garments sought to
	29	be imported meet the standard requirements prescribed by the Standard
	30	Organisation of Nigeria (SON) for the registration of such textiles or garments.

1 (3) Any person who offers for sale or sells in Nigeria any imported
2 textile or garment without a prior registration with the Standard
3 Organisation of Nigeria (SON) commits an offence and shall upon
4 conviction, be sentenced to a term of custodial imprisonment for not less
5 than two years or with an option of fine of an amount not less than five
6 times the monetary value of the entire textiles and/or garments imported by
7 the convict from which he offered for sale or sold the subject textile or
8 garment.

9 (4) The Court upon convicting and sentencing a person under sub
10 clause (3) of this Clause shall have powers to order for the confiscation and
11 disposal of the entire textiles and/or garments imported by the convict.

12 (5) Where an offence prescribed in sub-clause (3) is committed by
13 a body corporate, such body corporate and any director, manager, secretary
14 or other similar officer of the body corporate who was purporting to act in
15 any such capacity as herein mentioned and involved in the Council shall be
16 liable to be prosecuted and punished as required in sub clause (3) of this
17 clause.

18 (6) A person or an entity convicted of an offence referred to in sub
19 clause(1) of this clause shall in addition to the penalty prescribed in sub
20 clause (3) of this clause, be barred from participating in any procurement
21 process of any ministry, extra ministerial department, agency, arm of the of
22 the Federal Government for a period lasting not less than ten years from the
23 date of conviction.

24 **286.** No textile or garment shall be offered for sale or sold in
25 Nigeria except the manufacturer or the importer of the textile material or
26 garment has a registered trademark with the relevant agency responsible for
27 trademark registration in Nigeria for the said textile or garment.

Manufacturers
and Importers of
textiles and garments
to register their
trademarks in
Nigeria

28 **287.-(1)**The Directorate of Nigerian Content Development on
29 Manufacturing shall with the approval of the Board of the Council
30 established under this Bill enter into Public and Private Partnership

Establishment
of Integrated
Textiles and
Garments Parks
(ITGP) with
facilities

1 Agreement (PPPA) with other government agencies, international and
2 domestic financial institutions, indigenous Nigerian Content companies,
3 private investors, among others in order to raise funds and establish at least
4 one Integrated Textiles and Garments Park in each state of the Federation for
5 the production of textiles and garments.

6 (2) The Directorate of Nigerian Content Development on
7 Manufacturing shall take into consideration the nearness to raw materials,
8 markets, availability of infrastructure including power, security and
9 geographical advantages in siting an Integrated Textiles and Garments Park in
10 establishing an Integrated Textiles and Garments Park in a State.

11 (3) An Integrated Textiles and Garments Park to be established in
12 each State of the Federation shall have, among others:

13 (a) common source(s) of renewable energy designed to ensure
14 adequate and sustainable supply of power at low cost to the companies
15 operating in the Park;

16 (b) adequate water delivery and treatment system;

17 (c) good and sustainable transport network to ensure easy
18 accessibility and transportation of manufactured products;

19 (d) security; and

20 (e) research and development centre.

Directorate of
Nigerian Content
Development on
Manufacturing
to assist in linking
buyers with
manufacturers
of textiles and
garments in
Nigeria

21 **288.**-(1) The Directorate of Nigerian Content Development on
22 Manufacturing shall establish and maintain forward linkages to link
23 cooperative societies, associations, unions and other organisations whose
24 members are desirous of buying made-in-Nigeria textiles and garments, with
25 Nigerian companies manufacturing textiles and garments to enhance bulk
26 purchase of made - in - Nigeria textiles and garments at reasonable prices.

27 (2) An arrangement for the bulk purchase of made-in-Nigeria textiles
28 and garments may include an arrangement for upward money deposit by the
29 cooperative societies, associations, unions and other organisations for the
30 manufacture of the textiles and garments for bulk purchase and may also

1 involve financial institutions that are desirous of advancing loans for such
2 transactions.

3 (3) The Directorate of Nigerian Content Development and on
4 Manufacturing shall always ensure the protection of the interest of all parties
5 to any arrangement contemplated under sub clauses (1) and (2) of this
6 clause.

7 **289.** All medical facilities either owned or operating under the
8 regulation of the Federal Government of Nigeria or any Nigerian Content
9 Entity shall upon the commencement of this Bill only use Made - in- Nigeria
10 needles and syringes provided the Nigerian content including locally
11 sourced raw materials in the manufacture of such needles and syringes is
12 not less than eighty per cent of the entire component of the manufacture and
13 meet the quality standard set by the Standard Organisation of Nigeria and
14 registered with the National Agency for Food and Drug Administration and
15 Control.

Health centres and
facilities including
hospitals, companies
etc. to use Made-in-
Nigeria needles
and syringes

16 PART XXXVI - DIRECTORATES AND MONITORING UNITS TO
17 COLLABORATE WITH NIGERIAN EXPORTS PROMOTION COUNCIL

18 **290.** Every Directorate or Monitoring Unit under this Bill shall
19 collaborate with the Nigerian Exports Promotion Council in all matters
20 relating to any plan or programme of the Directorate or Monitoring Unit for
21 the development of any product for export.

Duty of Directorates
and Monitoring
Units to collaborate
with Nigerian
Export Promotion
Council

22 PART XXXVII - ANTI - SMUGGLING, COUNTERFEITING AND DUMPING
23 OF SUBSTANDARD GOODS COMMITTEE

24 **291.-(1)** The Directorate of Nigerian Content Development on
25 Manufacturing in order to eliminate smuggling and dumping of substandard
26 imported goods on Nigeria, shall liaise with the Nigerian Customs Service,
27 Economic and Financial Crime Commission, Standard Organisation of
28 Nigeria, Federal Ministry of Industry, Trade and Investment, Nigerian
29 Army, Nigerian Navy, Nigerian Air Force, Police, State Security Service,
30 Nigerian Security and Civil Defence, Manufacturers Association of Nigeria

Establishment
of National
Committee on
Anti-Smuggling
Counterfeiting
and Dumping
Committee

1 and any other relevant entity to establish a Committee to be known as
 2 "National Committee on Anti -Smuggling, Counterfeiting and Dumping
 3 Committee" (also referred to as "Anti -Smuggling, Counterfeiting and
 4 Dumping Committee" in this Bill) which shall comprise of the representatives
 5 of all the entities mentioned in this clause.

6 (2) The Chairman and members of the Committee shall be appointed,
 7 and may be removed, by the Minister responsible for Industry, Trade and
 8 Investment upon the recommendation of the Manufacturers Association of
 9 Nigeria.

10 (3) The Chairman of the Anti -Smuggling, Counterfeiting and
 11 Dumping Committee shall be a member of the Manufacturers Association of
 12 Nigeria with proven record that he/she has been an advocate against smuggling
 13 and illegal dumping of goods on Nigeria by foreign countries or companies.

14 (4) The Anti -Smuggling, Counterfeiting and Dumping Committee
 15 may establish offices in the states of the Federation.

Functions of the
 Ant-Smuggling
 Counterfeiting
 and Dumping
 Committee

16 **292.** The functions of the Anti -Smuggling, Counterfeiting and
 17 Dumping Committee shall include, to-

18 (a) initiate and adopt measures that will suppress smuggling of
 19 foreign goods into the Country;

20 (b) initiate and adopt measures that will eliminate counterfeiting and
 21 dumping of substandard goods on Nigeria;

22 (c) undertake anti- smuggling sensitization and awareness
 23 programmes to the populace on the dangers of smuggling into, counterfeiting
 24 and dumping of imported goods, on the Country by foreigners;

25 (d) maintain portals and other technological devices to obtain
 26 information on the activities of persons and companies involved in smuggling,
 27 dumping and counterfeiting of goods in Nigeria;

28 (e) share information and intelligence with security and other
 29 appropriate agencies on the movement of smuggled and substandard goods in
 30 Nigeria;

1 (f) exercise power to arrest and handover to the relevant security
 2 agency for investigation and possible prosecution of persons involved in
 3 smuggling, counterfeiting and dumping of goods in Nigeria; and
 4 (g) give monthly reports of successes or otherwise of its activities
 5 to the Directorate of Nigerian Content Development on Manufacturing
 6 which shall brief the Board of the Council on the content of the Report, on
 7 monthly basis.

8 **293.** The activities of the Anti -Smuggling, Counterfeiting and
 9 Dumping Committee under this Bill shall be funded from the fund provided
 10 under clause 190 of this Bill.

Funding of the
Anti-Smuggling,
Counterfeiting and
Dumping Committee

11 PART XXXVIII - NIGERIAN CONTENT DEVELOPMENT ON
 12 AGRICULTURAL COMMODITIES

13 **294.** There is hereby established a body to be known as National
 14 Committee (Promotion and Facilitation) on Agricultural Commodities
 15 Trade and Commerce which body shall consist of-
 16 (a) the National President of the Federation of Agricultural
 17 Commodity Associations of Nigeria who shall be the Chairman of the
 18 Committee;

Establishment of
National Committee
(Promotion and
Facilitation on
agricultural
Commodities Trade
and Commerce

19 (b) one representative each of -;
 20 (i) All Farmers Association;
 21 (ii) Bank of Agriculture;
 22 (iii) Bank of Industry;
 23 (iv) Central Bank of Nigeria;
 24 (v) Federation of Agricultural Commodity Associations of
 25 Nigeria;
 26 (vi) Federal Ministry of Trade, Industry and Investment;
 27 (vii) National Agency for Food and Drug Administration and
 28 Control;
 29 (viii) Nigerian Agricultural Quarantine Service; and
 30 (ix) Standard Organisation of Nigeria.

1 (2) The National Committee (Promotion and Facilitation) on
2 Agricultural Commodities Trade and Commerce may establish offices in the
3 states of the Federation.

4 (3) In this part of this Bill, agricultural commodities mean farmers'
5 produce that the minister responsible for trade, industry and investment by an
6 order published in the official Gazette of the Federal Republic of Nigeria and
7 designate as agricultural commodities.

Functions of
National Committee
(Promotion and
Facilitation) on
agricultural
Commodities
Trade and
Commerce

8 **295.** The functions of the National Committee (Promotion and
9 Facilitation) on Agricultural Commodities Trade and Commerce shall be-

10 (a) to support and stabilise the price of agricultural commodities for sales for
11 exports or processing;

12 (b) to appoint licensed agricultural commodities buying agents,
13 ginning and other agents;

14 (c) to fix and control the allowances to be paid to licensed agricultural
15 commodities buying agents;

16 (d) to grant, renew and withhold licensed agricultural commodities
17 buying agents;

18 (e) to impose conditions upon the granting or renewal of such
19 agricultural commodities buying licences and to cancel or suspend them for
20 good cause;

21 (f) to recommend to the minister responsible for trade, industry and
22 investment to enable the said minister prescribe by public notice specifying
23 periods during which the buying of agricultural commodities by licensed
24 agricultural commodities buying agents for export or for mechanised
25 processing shall be prohibited, restricted or allowed;

26 (g) ensure the arrest and prosecution, subject to the provisions of the
27 Constitution of the Federal Republic of Nigeria, any person who commits an
28 offence under this part; and

29 (h) to do all things necessary for and in connection with the purchase,
30 sale, cleaning, packing and transport of agricultural commodities.

Appointment of
Secretary to the
National Committee
(Promotion and
Facilitation) on
Agricultural
Commodities Trade
and Commerce

Secretariat of the
National Committee
(Promotion and
Facilitation) on
Agricultural
Commodities Trade
and Commerce

Functions of the Secretariat

1 purposes of marketing agricultural commodities are quickly disburse to
2 indigenous Nigerian farmers, licensed agricultural commodities buying agents
3 or any other person granted loan for the development of trade in the agricultural
4 commodities in Nigeria;

5 (e) report to the National Committee (Promotion and Facilitation) on
6 Agricultural Commodities Trade and Commerce any failure of any entity or
7 person to comply with any directive or decision of the National Technical
8 Committee on Marketing of Agricultural Commodities; and

9 (f) do anything legally necessary to be done to facilitate the carrying
10 out of the functions of the National Committee (Promotion and Facilitation) on
11 Agricultural Commodities Trade and Commerce under this Bill.

Publication of
Standard Code
of Practice
specifying grades
and qualities of
strategic agricultural
commodities

12 **299.-(1).** The minister responsible for trade, commerce and
13 investment shall within six months from the date of the commencement of this
14 Bill after consultation with the minister responsible for agriculture and other
15 key stakeholders in the agricultural sector including farmers, input suppliers,
16 associations involved in the agricultural value chain, make and publish in the
17 Federal Government Official Gazette, a Standard Code of Practice specifying
18 grades and qualities of agricultural produce to be known as strategic
19 agricultural commodities that may be exported out of Nigeria.

20 (2) The Standard Code of Practice made pursuant to sub clause (1) of
21 this clause shall include and regulate-

22 (a) soil composition that is to be used for the production of the
23 commodity;

24 (b). soil preparation;

25 (c). usage of pesticide and other chemical substances;

26 (d) seedling;

27 (e) method of harvesting

28 (f). packaging;

29 (g) labelling; and

30 (h) storage.

1 (3). In addition to the prescriptions stated in sub clause (2) of this
 2 clause, the Standard Code of Practice shall conform to international best
 3 standard practice applicable to the export of the relevant agricultural
 4 produce.

5 **300.** The minister responsible for trade, industry and investment
 6 shall not less than six months upon the commencement of this Bill make
 7 regulations prescribing-

Appointment and
 regulation of
 licensed agricultural
 commodities buying
 agents, ginning and
 other agents

8 (a) the qualifications and conditions for the licensing of persons or
 9 indigenous Nigerian companies as agricultural commodities buying agents,
 10 ginning and other agents for the purposes of trading in agricultural
 11 commodities for exports or mechanised processing; and

12 (b) conditions under which buying agents, ginning or other agents
 13 shall operate in Nigeria.

14 **301.** The Federal Government of Nigeria and all its agencies
 15 including the Directorate of Nigerian Content Development on Agriculture
 16 and Agro-Allied Products shall not grant any financial or non - financial
 17 benefit to any person or company for the purposes of trading in agricultural
 18 commodities for exports or mechanised processing if such person or
 19 company is not licensed as an agricultural commodities buying agent under
 20 this Bill.

Restriction of
 persons and
 entities from
 enjoying Federal
 Government
 facilities for lack
 of license

21 **302.-(1)** The minister responsible for trade, industry and
 22 investment shall liaise with the National Committee (Promotion and
 23 Facilitation) on Agricultural Commodities Trade and Commerce and by
 24 order published in the Federal Government Official Gazette establish
 25 agricultural commodities buying centres throughout the Federation and
 26 shall for this purpose partner with the Central Bank of Nigeria, any other
 27 financial institution or donor agencies to assist licensed agricultural
 28 commodities buying agents to secure loans to buy agricultural commodities
 29 from the buying centres established under this clause.

Establishment of
 Buying Centres
 for agricultural
 commodities

30 (2) The National Committee (Promotion and Facilitation) on

1 Agricultural Commodities Trade and Commerce shall ensure that agricultural
2 commodities traded in the buying centres are of standard qualities and grades
3 free from pollutants.

4 (3) Such buying centres shall include-

5 (a) farm gates;

6 (b) factory premises;

7 (c) warehouses;

8 (d) silos; and

9 (e) cold storages.

10 **303.**-(1) A farmer may enter into a written farming agreement in
11 respect of any farming produce and such agreement shall provide for-

12 (a) the terms and conditions for supply of such produce, including the
13 time of supply, quality, grade, standards, price and such other matters; and

14 (b) the terms related to supply of farm services: Provided that the
15 responsibility for compliance of any legal requirement for providing such farm
16 services shall be with the Sponsor or the farm service provider, as the case may
17 be.

18 (2) No farming agreement shall be entered into by a farmer under this
19 section in derogation of any rights of a share cropper. For the purposes of this
20 sub-section, the term "share cropper" means a tiller or occupier of a farm land
21 who formally or informally agrees to give fixed share of crop or to pay fixed
22 amount to the land owner for growing or rearing of agricultural commodity or
23 commodities.

24 (3) The minimum period of the farming agreement shall be for one
25 crop season or one production cycle of livestock, as the case may be, and the
26 maximum period shall be five years: Provided that where the production cycle
27 of any agricultural commodity is longer and may go beyond five years, in such
28 case, the maximum period of farming agreement may be mutually decided by
29 the farmer and the Sponsor and explicitly mentioned in the farming agreement.

30 (4) For the purposes of facilitating farmers to enter into written

Farming
Agreement to
be made for the
purchase of
agricultural
commodities

1 farming agreements, the National Committee (Promotion and Facilitation)
2 on Agricultural Commodities Trade and Commerce may issue necessary
3 guidelines along with model farming agreements, in such manner, as it
4 deems fit.

5 (5) For the purposes of this Part of this Bill "farming agreement"
6 means a written agreement entered into between a farmer and a Buyer of
7 agricultural commodity or commodities from the farmer, or between a
8 farmer, a Buyer and any third party, prior to the production or rearing of any
9 farming produce of a predetermined quality, in which the Buyer agrees to
10 purchase such agricultural commodity from the farmer and to provide farm
11 services.

12 **304.**-(1) The parties (the farmer and the buyer) entering into a
13 farming agreement shall identify and require as a condition for the
14 performance of such agreement compliance with mutually acceptable
15 quality, grade and standards of an agricultural commodity.

Compliance with
mutually acceptable
quality, grade and
standards to be
required as a
condition for the
performance in
respect of farming
agreement

16 (2) For the purposes of sub-clause (1) of this clause, the parties
17 may adopt the quality, grade and standards-

18 (a) which are compatible with agronomic practices, agro-climate
19 and such other factors; or

20 (b) formulated by any agency of the Federal Government or any
21 agency authorised by such Government for this purpose, and explicitly
22 mention such quality, grade and standards in the farming agreement.

23 (3) The quality, grade and standards for pesticide residue, food
24 safety standards, good farming practices and labour and social development
25 standards may also be adopted in the farming agreement.

26 (4) The parties entering into a farming agreement may require as a
27 condition that such mutually acceptable quality, grade and standards shall be
28 monitored and certified during the process of cultivation or rearing, or at the
29 time of delivery, by third party qualified assayers to ensure impartiality and
30 fairness.

Price to be paid for the purchase of agricultural commodity or commodities and likely variations to be explicitly provided in the farming agreement	1	305. The price to be paid for the purchase of an agricultural
	2	commodity may be determined and mentioned in the farming agreement itself,
	3	and in case, such price is subject to variation, then, such agreement shall
	4	explicitly provide for-
	5	(a) a guaranteed price to be paid for such commodity;
	6	(b) a clear price reference for any additional amount over and above
	7	the guaranteed price, including bonus or premium, to ensure best value to the
	8	farmer and such price reference may be linked to the prevailing prices in
	9	buying centres or electronic trading and transaction platform or any other
	10	suitable benchmark prices: Provided that the method of determining such price
	11	or guaranteed price or additional amount shall be stated in the farming
	12	agreement.
Responsibilities for delivery, and payment for agricultural commodities under farming agreements	13	306.-(1) Where, under a farming agreement, the delivery of any
	14	agricultural commodity is to be-
	15	(a) taken by the Buyer at the farm gate, he shall take such delivery
	16	within the agreed time;
	17	(b) effected by the farmer, it shall be the responsibility of the Buyer to
	18	ensure that all preparations for the timely acceptance of such delivery have
	19	been made.
	20	(2) The Buyer may, before accepting the delivery of any farming
	21	produce, inspect the quality or any other feature of such produce as specified in
	22	the farming agreement, otherwise, he shall be deemed to have inspected the
	23	produce and shall have no right to retract from acceptance of such produce at
	24	the time of its delivery or thereafter.
	25	(3) The Buyer shall-
	26	(a) where the farming agreement relates to seed production, make
	27	payment of not less than two-third of agreed amount at the time of delivery and
	28	the remaining amount after due certification, but not later than thirty days of
	29	delivery;
	30	(b) in other cases, make payment of agreed amount at the time of

1 accepting the delivery of farming produce and issue a receipt slip with
2 details of the sale proceeds.

3 **307.** No farming agreement shall be entered into for the purpose of-
4 (a) any transfer, including sale, lease and mortgage of the land or
5 premises of the farmer; or

6 (b) raising any permanent structure or making any modification on
7 the land or premises of the farmer, unless the Buyer agrees to remove such
8 structure or to restore the land to its original condition, at his cost, on the
9 conclusion of the agreement or expiry of the agreement period, as the case
10 may be: Provided that where such structure is not removed as agreed by the
11 Buyer, the ownership of such structure shall vest with the farmer after
12 conclusion of the agreement or expiry of the agreement period, as the case
13 may be.

Buyers prohibited
from acquiring
ownership rights
or making permanent
modifications on
farmer's land or
premises under
farming agreement

14 **308.** A farming agreement may be linked with insurance or credit
15 instrument under any scheme of any government or any financial service
16 provider to ensure risk mitigation and flow of credit to farmer or Buyer or
17 both.

Linkage of farming
agreement with
insurance or credit

18 **309.** Save as otherwise provided in this Bill, an aggregator or farm
19 service provider may become a party to the farming agreement and in such
20 case, the role and services of such aggregator or farm service provider shall
21 be explicitly mentioned in such farming agreement. For the purposes of this
22 clause-

Other parties to
farming agreement

23 (i) "aggregator" means any person, including a Farmer Producer
24 Organisation, who acts as an intermediary between a farmer or a group of
25 farmers and a Buyer and provides aggregation related services to both
26 farmers and Buyer;

27 (ii) "farm services" includes supply of seed, feed, fodder, agro-
28 chemicals, machinery and technology, advice, non-chemical agro-inputs
29 and such other inputs for farming;

	1	(ii) "farm service provider" means any person who provides farm
	2	services.
Farming agreement shall be registered	3	310. -(1) Every farming agreement entered pursuant to the provision
	4	of this Bill shall be registered with the National Committee (Promotion and
	5	Facilitation) on Agricultural Commodities Trade and Commerce.
	6	(2) For the purpose of clause (1) of this clause, the National
	7	Committee (Promotion and Facilitation) on Agricultural Commodities Trade
	8	and Commerce shall establish a Farming Agreement Registration Centre for
	9	the registration of farming agreement centres.
	10	(3) The composition, powers and functions of the Registration
	11	Centres and the procedure for registration shall be such as may be prescribed
	12	by the National Committee (Promotion and Facilitation) on Agricultural
	13	Commodities Trade and Commerce.
Restriction on foreigners and their representatives from buying agricultural commodities from farm gates	14	311. -(1) No foreigner or foreign representative shall buy any
	15	agricultural commodity directly from farm gates.
	16	(2) Pursuant to sub clause (1) of this clause, only Nigerians or
	17	indigenous Nigerian companies shall be entitled to be licensed to buy
	18	agricultural commodities directly from farm gates in Nigeria.
Sanction for selling or buying agricultural commodities directly from farmers by non-Nigerians or non-indigenous Nigerians companies	19	312. -(1) Any farmer who directly sells to any non Nigerian or non
	20	indigenous Nigerian company any agricultural commodity for export or for
	21	mechanised processing of such agricultural commodity commits an offence
	22	and if found guilty by a competent court shall be punished with a fine not less
	23	than twice the monetary value of the agricultural commodity or commodities
	24	sold or imprisonment for not less than one year.
	25	(2) Any non Nigerian or non indigenous Nigerian company who
	26	directly buys any agricultural commodity for export or for mechanised
	27	processing of such agricultural commodity commits an offence and if found
	28	guilty by a competent court shall be punished with a fine not less than thrice the
	29	monetary value of the agricultural commodity or commodities bought.

1	313. The activities of the National Committee (Promotion and	Funding of the
2	Facilitation) on Agricultural Commodities Trade and Commerce shall be	National Committee
3	funded through the ministry responsible for trade, industry and investment	(Promotion and
4	and such fund shall consist of sums from existing surcharges accruing from	Facilitation) on
5	exports of agricultural commodities in Nigeria, fees charged by the National	Agricultural
6	Committee (Promotion and Facilitation) on Agricultural Commodities	Commodities Trade
7	Trade and Commerce on any services rendered under this Bill, funds on	and Commerce
8	investment made by the and, any other sum from grants from the Federal	
9	Government of Nigeria, international donors, financial institutions, private	
10	or any other person or body.	
11	314.-(1) Notwithstanding any provision to the contrary contained	Dispute Resolution
12	in this Bill, no suit shall be filed in respect of the enforcement of any right or	arising from
13	obligation arising from farming agreement entered by virtue of the	transactions relating
14	provisions of this Bill, without the parties exhausting the remedies herein	to farming agreements
15	contained.	
16	(2) Every farming agreement shall explicitly provide for a	
17	conciliation process and formation of a conciliation panel consisting of	
18	representatives of parties to the agreement: Provided that representation of	
19	parties in such conciliation panel shall be fair and balanced.	
20	(3) A dispute arising from any farming agreement shall be first	
21	referred to the conciliation panel formed as per the provisions of the	
22	farming agreement and every endeavour shall be made by such panel to	
23	bring about settlement of such dispute.	
24	(4) Where, in respect of any dispute, a settlement is arrived during	
25	the course of conciliation proceeding, a memorandum of settlement shall be	
26	drawn accordingly and signed by the parties to such dispute and such	
27	settlement shall be binding on the parties.	
28	(5) Where, the farming agreement does not provide for conciliation	
29	process as required under sub-clause (2) of this clause, or the parties to the	
30	farming agreement fail to settle their dispute under this clause within a	

1 period of thirty days, then, an aggrieved party may file a suit in the National
2 Industrial Court of Nigeria for the resolution of the dispute.

3 (6) On receipt of a suit under sub-clause (5), of this clause, the
4 National Industrial Court shall settle the dispute in a summary way within a
5 period not lasting more than forty five days from the date of the receipt of the
6 suit, after giving the parties a reasonable opportunity of being heard and pass
7 an order for recovery of the amount under dispute, with such penalty and
8 interest, as the Court deems fit, subject to the following directions, namely-

9 (i) where the Sponsor fails to make payment of the amount due to the
10 farmer, such penalty may extend to one and half times the amount due;

11 (ii) where the order is against the farmer for recovery of the amount
12 due to the Sponsor on account of any advance payment or cost of inputs, as per
13 terms of farming agreement, such amount shall not exceed the actual cost
14 incurred by the Sponsor; and

15 (iii) where the farming agreement in dispute is in contravention of the
16 provisions of this Bill, or default by the farmer is due to force majeure, then, no
17 order for recovery of amount shall be passed against the farmer.

18 (7) Any party who is dissatisfied with the decision of the National
19 Industrial Court of Nigeria shall have a right of appeal to the Court of Appeal
20 which appeal shall be decided within ninety days from the date the Notice of
21 Appeal was filed.

22 (8) The President of the Court of Appeal shall make Rules to guide
23 regulate the appeals under this clause. Such Rules shall fix the period within
24 which the record of appeal shall be compiled and transmitted to the Court of
25 Appeal from the National Industrial Court of Nigeria and period within which
26 parties shall file their Briefs of Argument for the hearing and determination of
27 the appeal.

1 PART XXXIX - NIGERIAN CONTENT DEVELOPMENT OF THE NIGERIAN
2 CONSTRUCTION INDUSTRY

3 **315.** The Directorate of Nigerian Content Development on
4 Construction shall after consulting with the stakeholders including
5 Nigerian Society of Engineers, Nigerian Institute of Architects, Bureau of
6 Public Procurement, Infrastructure Concession Regulatory Commission,
7 from time to time with the approval of the Board of the Council established
8 under this Bill, by notice published in the Federal Government Gazette, fix
9 threshold for construction work which shall only be done by indigenous
10 Nigerian construction companies.

Threshold to be fixed for some construction work to be done by only Nigerian indigenous companies

316.-(1) In order to encourage and promote indigenous Nigerian companies to directly engage in the public and private infrastructural development in Nigeria and to avoid undue delay and difficulties in assessing loan facilities from Central Bank of Nigeria, Nigerian Sovereign Investment Authority, Bank of Industry or any other financial institution wholly or partially owned by the Federal Government of Nigeria, the Central Bank of Nigeria, Nigerian Sovereign Investment Authority, Bank of Industry or any other financial institution wholly or partially owned by the Federal Government of Nigeria shall subject to the availability of Funds, make adequate provisions for loans on liberal terms to be given to indigenous Nigerian companies seeking for loan(s) to purchase construction equipment for the execution of any contract awarded to the indigenous Nigerian company by the Federal Government of Nigeria or any of its agencies, State or Local Government to construct or maintain any construction work in Nigeria.

Liberalised loan
for the purchase
of construction
equipment

(2) For the avoidance of doubt and notwithstanding anything to the contrary contained in any enactment, the Central Bank of Nigeria, Nigerian Sovereign Investment Authority, Bank of Industry or any other financial institution wholly or partially owned by the Federal Government of Nigeria shall subject to availability of funds and the fulfilment of the

1 conditions stipulated for the enjoyment of loan under this Bill, disburse loan
2 directly to qualified indigenous Nigerian construction companies for the
3 purposes of purchasing construction equipment pursuant to sub -clause (1) of
4 this clause.

5 (3) Before the grant of the loan under this clause, the applicant for the
6 loan shall execute an agreement to the effect that the Directorate of Nigerian
7 Content Development on Construction shall during the subsistence of the
8 loan have interest and maintain a lien in the ownership and management of the
9 subject equipment title until when the entire loan and the accrued interest
10 thereupon had been finally liquidated.

11 (4) It shall be obligatory for the Directorate of Nigerian Content
12 Development on Construction to act as a guarantor to any qualified indigenous
13 Nigerian company seeking for loan from the Central Bank of Nigeria, the
14 Bank of Industry or any other financial institution wholly or partially owned by
15 the Federal Government of Nigeria to purchase equipment to commence,
16 continue and/or maintain the execution of contract awarded to such an
17 indigenous Nigerian Construction Company for any construction work in
18 Nigeria by the Federal Government of Nigeria or any of its agencies, State or
19 Local Government.

20 (5) For any period the loan or an interest accrued therefrom remained
21 unpaid, the Guarantor, to wit, the Directorate of Nigerian Content
22 Development on Construction shall appoint a competent and responsible
23 Receiver who shall be a person or entity that has been in actively and
24 successfully involved in the construction industry in Nigeria for not less than
25 twenty five years and does not have any case of dishonesty and/or bankruptcy
26 proceedings pending against him/it or had such case determined against him, to
27 immediately take over the entire business of the company and run the business
28 till the entire money remaining unpaid has been fully recovered.

29 (6) Where necessary and whether or not, there is any arrears of un-
30 paid debt, the Directorate of Nigerian Content Development on Construction

1 in its absolute discretion shall have and exercise the right to appoint a
2 representative of the Directorate to act as a surveillance personnel to oversee
3 the business of the subject company especially in respect of inflow and
4 outflow of funds from any business of the company associated with the
5 loan.

6 (7) Where the Directorate of Nigerian Content Development on
7 Construction acts as a guarantor in favour of any qualified applicant for loan
8 under this clause and there are available funds for disbursement by the
9 Central Bank of Nigeria, the Bank of Industry or any other financial
10 institution wholly or partially owned by the Federal Government of Nigeria ,
11 the Nigerian indigenous company shall not be required to furnish any further
12 security/collateral to be granted loan under this clause.

13 **317.**-(1) The Directorate of Nigerian Content Development on
14 Construction shall arrange for low interest loans from money market, crowd
15 funding and other legitimate sources to fund Nigerian indigenous
16 construction companies to acquire construction equipment.

Power of Directorate
to arrange for low
interest loans from
money market and
other sources to
fund Nigerian
indigenous
construction
companies to
acquire equipment

17 (2) The requirements as mentioned in sub-clause (3) to (7) of
18 clause 318 shall mutatis mutandis be applicable to the status and payment of
19 loans by a beneficiary company under this clause.

20 (3) The Directorate shall exercise the powers in sub - clause (1) of
21 this clause with the approval of the Board of the Council.

22 **318.**-(1) The Nigerian Securities And Exchange Commission shall
23 collaborate with Directorate of Nigerian Content Development on
24 Construction to ensure seamless processes in raising funds for Nigerian
25 indigenous construction companies and to that effect, the Nigerian Security
26 and Exchange Commission shall supply the Directorate on request by the
27 Directorate, extant list of companies, firms and other entities registered
28 with, or recognized by, the Nigerian Securities and Exchange
29 Commission as entities with capacities and capabilities to fund hire or
30 outright purchase of construction equipment by indigenous Nigerian

Nigerian Securities
and Exchange
Commission to
collaborate with
Directorate of
Nigerian Content
Development on
Construction to
ensure seamless
processes in raising
funds for Nigerian
indigenous
construction
companies

1 construction companies.

2 (2) The Directorate upon the receipt of the list pursuant to sub clause
3 (1) of this clause, acknowledge the receipt of the list and ensure regular
4 consultation with the Nigerian Securities and Exchange Commission on
5 matters relating to the raising of funds for funding of purchase of construction
6 equipment.

7 **PART XL - INTEREST ON DELAYED PAYMENT OF EXECUTED**
8 **CONTRACTS**

Liability of buyer
to make payment

9 **319.** Where any company supplies any goods or renders any services
10 to any buyer by the operation of this Bill, the buyer shall make payment
11 therefore on or before the date agreed upon between him and the supplier in
12 writing or, where there is no agreement in this behalf, within sixty days from
13 the date of the issuance of invoice in respect of the transaction, provided that in
14 no case the period agreed upon between the supplier and the buyer in writing
15 shall exceed one hundred and twenty days from the day of acceptance or the
16 day of deemed acceptance.

Date from which
and rate at which
interest is payable

17 **320.-(1)** Where any buyer fails to make payment of the amount to the
18 supplier, as required under clause 319 of this Bill, the buyer shall,
19 notwithstanding anything contained in any agreement between the buyer and
20 the supplier or in any law for the time being in force, be liable to pay interest to
21 the supplier on that amount immediately after the sixty days or the date agreed
22 between the parties had lapsed.

23 (2) The interest payable in view of clause 319 and sub clause (1) of
24 this clause from the date immediately following the date agreed upon, or
25 immediately after sixty days from the date of invoice where there is no written
26 agreement as to the time payment shall be made is at the prevailing commercial
27 interest rate chargeable by commercial banks under compound rate.

Payment of
interest on delayed
payment for
contracts on
construction work

28 **321.** Every contract for construction work for the provision of public
29 infrastructure by the Federal Government or any of its agencies shall be in
30 writing and shall state the mode and date for payment and where there is failure

1 on the part of the Federal Government or its agency to pay as at when due,
2 the provisions of clauses 319 and 320 of this Bill shall apply.

3 PART XLI - PENAL SANCTIONS

4 **322.**-(1) It is a criminal offence for any person or entity- Penal offences

5 (a) to attempt to, or, corruptly influence any public officer
6 exercising any power or performing any duty under this Bill to do or omit to
7 do anything contrary to the stipulation of any provision of this Bill;

8 (b) to engage in fronting practice;

9 (c) to engage in any form of illicit financial flow arising from any
10 transaction including but not limited to the execution of any project or
11 contract under this Bill;

12 (d) without any reasonable cause as provided under this Bill, to fail
13 or neglect to host any sovereign data that originated from Nigeria in Nigeria,
14 or in any way, aid, assist or abet or do any act that will cause a failure to host
15 Nigerian sovereign data in Nigeria.

16 (e) to sell, transfer or assign any contract, licence, lease or any
17 interest obtained on the basis of being an indigenous Nigerian company or a
18 Nigerian citizen to any non-Nigerian or a foreign company; and

19 (f) to fail or neglect without any reasonable cause to perform the
20 contracted works or to abscond from performing, or abandon, a contract
21 before completion when the said contract was exclusively awarded to the
22 person or company on the basis that such person is a Nigerian or an
23 indigenous Nigerian company.

24 (2) A person or entity who commits an offence prescribed in-

25 (a) sub clause (1) (a), (b), (c) and (d) is liable on conviction, to a
26 term of imprisonment for not less than five years but not exceeding ten years
27 and to a fine of an amount not less than twenty million naira.

28 (b) sub clause (1) (e) and (f) is liable on conviction, to a term of
29 imprisonment not exceeding three years or to a fine of an amount not less
30 than five million naira.

1 (3) Where an offence prescribed in sub-clause (1) is committed by a
2 body corporate, such body corporate and any director, manager, secretary or
3 other similar officer of the body corporate who was purporting to act in any
4 such capacity as herein mentioned and involved in the Council shall be liable to
5 be prosecuted and punished as required in sub clause (2) of this clause.

6 (4) A person or an entity convicted of an offence referred to in
7 subclause (1) of this clause shall in addition to the penalty prescribed in sub
8 clause (2) of this clause, be barred from participating in any procurement
9 process of any ministry, extra ministerial department, agency, arm of the of the
10 Federal Government or Nigerian Content Entity for a period lasting not less
11 than ten years from the date of conviction.

Criminal offence
relating to issuance
of work permit and
expatriate quota

12 **323.** Any public officer charged with the responsibility of issuing
13 work permits to non - Nigerians and/or granting expatriate quota to companies
14 who issues any such work permit to any non - Nigerian and/or grant such
15 expatriate quota to a company without verification from the relevant body as to
16 the availability in Nigeria of the skill and/or services such to be rendered by
17 the applicant for the work permit or expatriate quota shall upon conviction be
18 sentenced to prison for a period of two (2) years without an option of fine in a
19 Correctional Facility.

20 **PART XLII - ADMINISTRATIVE SANCTIONS BY DIRECTORATES**

Administrative
measures for
compliance with
the provisions
of the Bill

21 **324.-(1)** Where a person or entity fails, refuses or neglects to comply
22 with any of the provisions of this Bill, provided that such provision does not
23 amount to a crime, or fails to comply with any directive or order issued by the
24 relevant Directorate under this Bill, the Directorate may-

25 (a) blacklist such a person, contractor, supplier or subcontractor, for
26 a period of not less than five (5) years or to when such person, contractor,
27 supplier or sub contractor had fully complied with the provisions of the Bill,
28 directives or orders he or the entity breached.

29 (b) suspend or direct the suspension of the activity being carried out
30 by such person or entity for a period that the contractor, supplier or

1 subcontractor fully complies with the provisions of the Bill, directives or
2 orders.

3 (c) impose an administrative fine on the contractor, supplier or
4 subcontractor, or any other individual as empowered under this Bill;

5 (d) where the breach of the provision of the Bill relates to fulfilling
6 a Nigerian content obligation that will involve financial expenses on the part
7 of the contractor, supplier or subcontractor, require such contractor, supplier
8 or subcontractor to pay into a designated account with the Central Bank of
9 Nigeria, a percentage of the total financial implication required to fulfil the
10 local content obligation under this Bill;

11 (e) withhold or direct the withholding of any payment due to the
12 contractor, supplier or subcontractor; and

13 (f) take any other action as maybe prescribed by regulations.

14 (2) Whenever a contractor, supplier or subcontractor, is suspended
15 or blacklisted by a Directorate such entity shall-

16 (a) in case of suspension, cease or suspend all its activities until the
17 suspension is lifted;

18 (b) in case of being blacklisted, be barred from doing business
19 with Government or participating in any public procurement or being
20 awarded a subcontract for a period of ten years.

21 (3) The Directorate shall within five days of making a decision
22 under this clause communicate the same to the contractor, supplier or
23 subcontractor, and shall also communicate its decision-

24 (a) in case of an order under subsection (1) (a), to the Bureau of
25 Public Procurement;

26 (b) in case of an order made under subsection (1) (f), to the relevant
27 tax Council and the Ministry responsible for Finance;

28 (c) in case of an order under subsection (1) (c), to the Ministry
29 responsible for Finance and Tax authorities; and

30 (d) in case of orders under subsection (1) (e), to the relevant person,

	1	body or entity responsible for making such payment.
	2	(4) The entity that receives a notification in sub clause (3) shall
	3	immediately take action as required in the notification and report back on the
	4	actions taken to the Directorate that issued the notification.
Security for performance of obligations	5	325. A Directorate may require a contractor, subcontractor or
	6	supplier to make arrangements for the execution of a bond or other form of
	7	security for the performance and observance of the obligations under this Bill
	8	or any contract to which such an entity may be subject to.
	9	PART XLIII - DISPUTE RESOLUTION
Procedure for resolving civil disputes arising from Nigerian content disputes	10	326. -(1) Without prejudice to the effect of clauses 323 and 324 of this
	11	Bill, any dispute in respect of any civil right and obligation between parties
	12	arising from the implementation of the provisions of this Bill shall be resolved,
	13	in the first instance, on an amicable basis and where parties cannot resolve their
	14	dispute by an amicable settlement, any of the parties to the dispute shall in
	15	writing make a complaint to the appropriate Directorate for resolution, or
	16	where there is no Directorate responsible for the sector, to the Monitoring Unit
	17	in the ministry or agency responsible for the sector or industry.
	18	(2) A Directorate or a Monitoring Unit which in pursuant to clause (1)
	19	of this clause receives a complaint shall within seven days from the date of the
	20	receipt of the complaint resolve the dispute between the parties and where the
	21	Directorate or Monitoring Unit cannot resolve such dispute, the Directorate or
	22	the Monitoring Unit through the Board Secretariat of the Council, shall
	23	immediately refer the resolution of the dispute to the Independent Dispute
	24	Resolution Committee of the Board of the Council.
Establishment of Independent Dispute Resolution Committee	25	327. -(1) The Board of the Council shall establish an Independent
	26	Dispute Resolution Committee which membership shall be selected by the
	27	Board of the Council through a selective bid from qualified and experienced
	28	persons.
	29	(2) There shall be for each panel of Independent Dispute Resolution
	30	Committee set up to mediate and reconcile parties to a dispute under this Bill, a

1 Chairman and two members.

2 (3) The Chairman of the Board of the Council shall appoint the
3 chairman and members for each panel.

4 **328.** The functions of the Independent Dispute Resolution Functions of the
5 Committee shall include- Independent
Dispute Resolution
Committee

6 (a) bringing disputing parties together in a safe and non-adversarial
7 environment for the resolution of their dispute;

8 (b) ensuring peaceful resolution of grievances, where possible,
9 through mutually acceptable compromise;

10 (c) issuing of interim orders for the maintenance of the status quo
11 in respect of all matters relating to the complaint pending the final resolution
12 of the dispute; and

13 (d) to lawfully do anything to perform its functions under this
14 clause.

15 **329.** The Independent Dispute Resolution Committee shall not Interim Orders
16 issue any interim order for the maintenance of the status quo of any matter to be issues only in
17 relating to the complaint except there is exceptional circumstance exceptional
18 demonstrating that if such an order is not issued, an irreparable loss or
19 damage may occur to the party asking for the order.

20 **330.** The Independent Dispute Resolution Committee shall not Interim Orders
21 issue any interim order for the maintenance of the status quo in any dispute not to be issued
22 before it except all the disputing parties and any other party that the interim without affording
23 order may affect have been given adequate opportunity to be heard on the all parties opportunity
24 proprietary or otherwise of the issuance of the order. of fair hearing on
the issuance

25 **331.** An interim order issued pursuant to the provisions of this Bill Interim orders
26 shall be respected and be binding on all parties, their agents, servants and to be binding
27 privies until same has been vacated pursuant to the order of the Committee.

28 **332.** The Independent Dispute Resolution Committee shall involve Chairman or Vice
29 the Chairman or Vice Chairman of the Board of the Council where it appears Chairman of the
30 to the Committee during the resolution of a dispute that the resolution of the Board of the Council
to be involved in
the resolution of
dispute where
necessary

	1	dispute could be achieved more effectively, efficiently and expeditiously by
	2	involving the Chairman or Vice Chairman of the Board of the Council in the
	3	resolution of the dispute.
Dispute Resolution Committee to adopt Conciliation and Mediation Approached	4	333. The Independent Dispute Resolution Committee shall adopt
	5	conciliation and mediation approaches in its resolution of disputes and shall
	6	ensure that all disputes referred to it are expeditiously resolved within fourteen
	7	days from the date of such referral.
Rights of parties where dispute is not resolved by the Independent Dispute Resolution Committee	8	334. Where a dispute is not resolved in accordance with the
	9	provisions of clause 333 of this Bill, any of the parties to the dispute shall have
	10	the right to institute action in a court of law with competent jurisdiction for the
	11	enforcement of his/her right.
National Industrial Court of Nigeria to have jurisdiction	12	335. The National Industrial Court of Nigeria shall have jurisdiction
	13	to try causes and matters arising from any dispute relating to the enforcement
	14	and/or implementation of the provisions of this Bill, or in connection with any
	15	transaction carried out between persons pursuant to any provision of this Bill.
Litigations on Nigeria content to be given accelerated determination by courts	16	336. Any matter arising from the enforcement and/or implementation
	17	of the provisions of this Bill, or, any dispute in connection with any transaction
	18	carried out between persons pursuant to any provision of this Bill shall be given
	19	accelerated hearing and determination.
Special Rule to be for the litigation of dispute relating to Nigeria content	20	337. The National Industrial Court of Nigeria Court shall make
	21	Practice Directions to regulate and ensure accelerated hearing and
	22	determination of any dispute relating to the enforcement and/or
	23	implementation of the provisions of this Bill, or, any dispute arising from any
	24	transaction carried out between persons pursuant to any provision of this Bill.
Prosecution of offences	25	338. -(1) An offence under this Bill shall, subject to the Rules of the
	26	Court, be tried in the National Industrial Court of Nigeria and references in this
	27	clause to "Court" shall be construed accordingly.
	28	(2) Prosecution for offences under this Bill shall be instituted before
	29	the Court in the name of the Federal Republic of Nigeria by the Attorney-
	30	General of the Federation or such officer in the Federal Ministry of Justice as he

1 may authorize so to do.

2 (3) Notwithstanding the provisions of this clause or any other law
3 or enactment contrary, any legal practitioner employed by the Directorate
4 shall be entitled to represent the Directorate before any Court or any Panel
5 and for this purpose, the consent of the Attorney - General of the Federation
6 is deemed to have been given to legal practitioners employed by the
7 Directorates to prosecute or represent the Directorates.

8 (4) The question whether any or what authority has been given in
9 pursuance of sub clause (2) of this clause shall not be inquired into by a
10 person other than the Attorney-General of the Federation.

11 (5) A person accused of an offence under this Bill shall be entitled
12 to defend himself in person or by a person of his own choice who is a legal
13 practitioner resident in Nigeria.

14 **PART XLIV - MISCELLANEOUS PROVISIONS**

15 **339.-(1)** The Board of the Council shall upon consultation with Regulations
16 relevant key industry stakeholders, government and regulatory agencies,
17 chambers of commerce, professional associations of the sectors that this Bill
18 covers make regulations for carrying out the purposes of this Bill
19 particularly for-

20 (a) establishing the minimum standards, facilities, personnel and
21 technology for Nigerian Contents in the sectors covered by this Bill;

22 (b) specifying modalities involving Nigerian Content Entities as
23 partners in training and development;

24 (c) setting out targets to ensure-

25 (i) maximum utilization and steady growth of Nigerian companies
26 engaged in exploration in the case of the extractive sector and in other
27 preliminary activities or operations in the other sectors covered by this Bill;

28 (ii) seismic data processing in the case of the mining sector;

29 (iii) engineering design;

30 (iv) reservoir studies;

1 (v) gps surveys in the case of agriculture;
2 (vi) manufacturing and fabrication of equipment; and
3 (vii) other facilities as well as provisions of other support services in
4 the Nigerian economy in the sectors covered by this Bill.

5 (d) setting targets for Nigerian Content on the type of joint venture or
6 alliances to be achieved for public project (s);

7 (e) setting Nigerian Content targets for the growth of research and
8 development in the sectors covered by this Bill;

9 (f) require any operator or company or its professional employees
10 engaged in the provision of engineering or other professional services in the
11 sectors covered by this Bill to be registered with the relevant professional
12 bodies in Nigeria;

13 (g) requiring any operator to invest in or set up a facility, factory,
14 production units or other operations in Nigeria for the purposes of carrying out
15 any production, manufacturing or providing a service otherwise imported into
16 Nigeria;

17 (h) setting auditing procedures to enable the Directorates to conduct
18 regular audits for the purposes of monitoring and enforcing compliances with
19 the provisions of this Bill in their various sphere of operations;

20 (i) setting out the qualifications and other relevant criteria for the
21 capturing of indigenous Nigerian companies and Nigerian citizens on the
22 National Supplier database and the maintenance and regular update of the
23 database.

24 (j) monitoring of business and other activities of Nigerian Startup
25 Participants, Incubators and Accelerators which shall require the submission of
26 periodic progress and other reports to the relevant Directorate by Nigerian
27 Startup Participants, Incubators and Accelerators registered under this Bill;
28 and

29 (2) The Board of the Nigerian Content (Non-Oil and Gas Sector)
30 Development Council shall within 180 days from the date of the

1 commencement of this Bill make the Regulations under this clause.

2 **340.** Subject to the provisions of the Constitution of the Federal Superiority
 3 Republic of Nigeria, 1999, the provisions of this Bill shall take precedence
 4 over other existing laws, rules and regulations on the regulation, monitoring
 5 and enforcement of Nigerian Content in the sectors of the Nigerian economy
 6 to which this Bill applies.

7 **341.**-(1) Upon the commencement of this Bill, a contractor, Savings and
 8 subcontractor or supplier carrying on an activity under any Nigerian Transitional
 9 Content arrangement to which the provisions of this Bill applies shall
 10 continue to carry on that activity as if the same was contracted under this
 11 Bill.

12 (2) Pursuant to sub clause (1) of this clause, the overseeing,
 13 monitoring and the implementation of Nigerian Content in respect of
 14 existing contracts, subcontract or activity shall upon the commencement of
 15 this Bill, be regulated by the relevant Directorate overseeing and
 16 monitoring the implementation of Nigerian Content in the sector the
 17 contract or activity relates to.

18 **342.** In this Bill, except the context indicates otherwise- Interpretation
 19 "artisanal miner or small scale - miner " means a subsistence miner who is
 20 not officially employed by a licensed mining company, but works
 21 independently, mining minerals using their own resources, usually by hand
 22 or other locally fabricated tools or equipment;
 23 "Board" means the Board of the Nigerian Content (Non - Oil and Gas)
 24 Development Council established under this Bill;
 25 "Construction work" includes putting up, demolishing, maintenance,
 26 renovation of buildings, roads, bridges, seaports, airports, dams and
 27 boreholes for water supply, and other structures including fabrication of
 28 steel structures and other civil works;
 29 "Council" means the Nigerian Content (Non - Oil and Gas) Development
 30 Council established under this Bill;

- 1 "Directorate" means any Directorate established under this Bill;
- 2 "Economic Diversification" means the process of shifting the Nigerian
3 economy away from the dependence on petroleum as the single source of
4 income to the Federal Government towards multiple sources from other
5 sectors of the Nigerian economy;
- 6 "Federal Government" means the Government of the Federal Republic of
7 Nigeria;
- 8 "Foreign Company" means a company incorporated or registered outside
9 Nigeria.
- 10 "fronting" means to deceive any Directorate or any ministry, extra
11 ministerial department or agency of the Government as being an indigenous
12 Nigerian company or a Nigerian for the purpose of fulfilling any local content
13 requirement when the person or company is indeed acting for the benefit of a
14 foreigner or non-indigenous Nigerian company or organization to fulfil the
15 local content requirement.
- 16 "goods" means objects of every kind and description, including commodities,
17 raw materials, manufactured products, and equipment, industrial plant,
18 objects in solid, liquid or gaseous form and electricity;
- 19 "ICT" means Information Communication Technology;
- 20 "in-country spend" means the amount of money spent in Nigeria in relation to
21 economic activities carried out by a person or an entity;
- 22 "Indigenous Nigerian Company" means a legal entity wholly owned by
23 Nigerians without foreign affiliation except technical partnership;
- 24 "indigenous Nigerian financial institution" means a financial institution that
25 is wholly owned by Nigerians without foreign affiliation except technical
26 partnership;
- 27 "Information Communication Technology" includes all the technology used to
28 handle telecommunications, broadcast media, intelligent building
29 management systems, audiovisual processing and transmission systems, and
30 network-based control and monitoring functions;

1 "Innovation" means the creation of new ideas that results to the development
2 of new or improved products, processes, or services which are then spread or
3 transferred across the market;

4 "illicit fund transfer" means any transfer of funds out of Nigeria to any other
5 country as a result of activities relating to corruption, market manipulation,
6 fraud or tax evasion;

7 "instrument" means a written approval from a regulatory agency in Nigeria
8 to undertake a regulated activity;

9 "joint venture" means an association where firms or persons are jointly and
10 severally liable for the entire contract and shall designate one party to act as a
11 leader with a mandate to bind the joint venture and to sign contract with the
12 procurement entity;

13 "licensee" means a person granted a licence to undertake any regulated
14 activity in any sector of the Nigerian economy except, the oil and gas
15 sector;

16 "lessee" means a person granted a lease to undertake any regulated activity
17 in any sector in the Nigerian economy except, in the oil and gas sector;

18 "major project" includes a project whose cost or appraised value is not less
19 than one billion naira;

20 "manufacture" means-

21 (a) to produce, assemble or process good or the making of any good or part
22 of any good;

23 (b) the altering, ornamenting, finishing, assembling or processing in any
24 form of any good; or

25 (c) the adapting for sale of any good, in which machinery operated by
26 mechanical power is used;

27 "Margins of Preference" means extra mark ups on prices allowed bidders
28 under competitive biddings;

29 "MDAs" means ministries, extra- ministerial departments and agencies of
30 the Federal Government of Nigeria;

1 "Minister" means a person appointed by the President and Commander In
2 Chief of the Armed Forces of the Federal Republic of Nigeria under the
3 Constitution of the Federal Republic of Nigeria 1999 as amended, as the
4 political head of a Federal Government Ministry;

5 "Monitoring Unit" means Nigerian Content and Economic Diversification
6 Monitoring Unit;

7 "MSMEs" means Micro Small and Medium Enterprises;

8 "Nigerian Company" means a company registered or incorporated in Nigeria.

9 "Nigerian Electricity Supply Industry" means the totality of activities in the
10 production, transportation and delivery of electrical energy to consumers and
11 customers within Nigeria, including the generation, transmission, system
12 operations, distribution, retail, and trading of electricity energy, as well as the
13 provision of support services to any of these regulated activities;

14 "Nigerian Content" refers to the quantum of composite value added to or
15 created in the Nigerian economy by a systematic development of
16 capacity and capabilities through the deliberate utilization of Nigerian
17 human and material resources and services in the Nigerian economy;

18 "Nigerian Content Entity" means an operator or any entity carrying out any
19 regulated activity under any Act or deemed Act of the National Assembly in
20 any sector of the Nigerian economy to which the provisions of this Bill apply;

21 "Oil and Gas sector" means the sector in the Nigerian economy relating to
22 petroleum exploitation;

23 "Operator" includes every licensee, lessee, any minerals title holder, their
24 subsidiaries and joint venture partners and any indigenous Nigerian company,
25 any foreign company operating in the regulated sector of the Nigerian
26 economy;

27 "Organised Private Sector of Nigeria" means the umbrella organisation of the
28 following associations-

29 (i) Manufacturers Association of Nigeria (MAN),

30 (ii) Nigerian Employers Consultative Association (NECA),

1 (iii) Nigeria Association of Chambers of Commerce, Industry, Mines, and
2 Agriculture (NACCIMA),

3 (iv) Nigerian Association of Small Scale Industries (NASSI); and

4 (v) Nigerian Association of Small and Medium Enterprises.

5 "Petroleum Exploitation" means the operation of producing oil and gas from
6 the deposit, their separation and initial processing, preparation of the
7 produced oil or gas for transport and storage;

8 "Plan" means Nigerian Resource Development Plan required to be
9 submitted under this Bill;

10 "Public private partnership agreement" means an agreement entered into
11 between the Federal Government of Nigeria or any of its agencies and a
12 private sector company or companies pursuant to the provisions of the
13 Infrastructure Concession Regulatory Council (Establishment) Act 2005 or
14 any enactment of like effect;

15 "Public works" includes any construction work undertaken by a person,
16 body or entity on behalf of the Federal Government of Nigeria or any of her
17 agencies which is funded or financed in whole or in part with public money
18 or with loan obtained on behalf of the Federal Government of Nigeria or any
19 of her agencies;

20 "Regulated Activity" means an activity that could only be lawfully
21 undertaken with the consent of the Federal Government of Nigeria or any of
22 her agencies;

23 "Research and Development" means activities undertaken by a Local
24 Content Entity, institution or government to obtain new knowledge to create
25 new technology, products, services, or system that it will utilise for itself or
26 dispose of.

27 "Startup" means innovative idea conceived by novice entrepreneur or
28 entrepreneurs with the ultimate aim of commercialising the idea for the
29 purposes of making a business venture from commercialised innovative
30 idea;

1 "sub contractor" means a third party to whom a contractor has entered into a
2 contract for the supply of goods and/or provision of services;
3 "technology transfer" means activities and mechanisms aimed at transferring
4 skills, knowledge, technologies and methods from foreign entity to an
5 indigenous Nigerian company or citizen;
6 value - addition means the economic improvement of a product or service in
7 the business activities in -country.
8 **343.** This Bill may be cited as the Nigerian Content (Non - Oil and
9 Gas Sector) Development (Establishment) Bill, 2023.

Short title

EXPLANATORY MEMORANDUM

This Bill seeks to ensure the diversification of the Nigerian economy through the application of Nigerian Content principles to transactions in the non- oil and gas sector of the Nigerian economy:

(a) the development of domestic capacities and capabilities in the value chain of some critical sectors like ICT, Mining, Power, Maritime, Manufacturing, Health, agriculture etc., in the Nigerian economy through strategic investments, education, skills transfer, expertise development, transfer of technology and know-how and active research and development programmes;

(b) the achievement of minimum local employment level and in-country spend for the provision of goods and services in value chains of the various sectors of the Nigerian economy;

(c) strengthening of the international competitiveness of Nigerian domestic businesses;

(d) the achievement and maintenance of control by Nigerians over the economic developmental initiatives and activities in Nigeria;

(e) the provision of a robust and transparent monitoring and reporting system to ensure delivery of Nigerian Content policies; and

(f) supervision and coordination of the implementation and monitoring of Nigerian capacities and capabilities in the Nigerian economy.