

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE INTERNATIONAL TRADE COMMISSION OF NIGERIA; AMONG OTHER THINGS, FOR THE CO-ORDINATION OF TRADE POLICIES, TRADE DEFENCE AND SAFEGUARDS, TRADE DIPLOMACY AND NEGOTIATIONS; AND FOR RELATED MATTERS

Sponsored by Hon. Benjamin Okezie Kalu

Co-sponsors:

Hon. Oriyomi A. Onanuga	Hon. Pascal Aghodike
Hon. Akintunde Rotimi, Jr.	Hon. Lawan Shettima Ali
Hon. Nasiru Shehu	Hon. Leko jafaru

[] Commencement

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

1 PART I - ESTABLISHMENT, ETC. OF THE INTERNATIONAL TRADE
 2 COMMISSION OF NIGERIA

3 1.-(1) There is hereby established a body to be known as the
 4 International Trade Commission (in this Act referred to as "the
 5 Commission"). Establishment
of the International
Trade Commission

6 (2) The Commission-
 7 (a) shall be a body corporate with perpetual succession and a
 8 common seal;

9 (b) may sue and be sued in its corporate name; and

10 (c) may acquire, hold and dispose of property whether moveable or
 11 immovable.

12 2.-(1) There is hereby established for the Commission, a Board (in Establishment
and membership
of the Board
 13 this Act referred to as "the Board").

14 (2) The Board shall consist of-

15 (a) a Chairman;

- 1 (b) a representative each of -
2 (i) the Federal Ministry of Investment, Trade and Industry,
3 (ii) the Federal Ministry of Finance,
4 (iii) the Federal Ministry of Agriculture and Rural Development,
5 (iv) the Standards Organisation of Nigeria,
6 (v) the National Agency for Food and Drug Administration and
7 Control,
8 (vi) the Nigerian Customs Service,
9 (vii) the Nigerian Immigration Services;
10 (c) three persons who shall have the requisite qualifications and
11 experience in economics and law and specialising in international trade;
12 (d) one person to represent the academia;
13 (e) one person to represent civil society in Nigeria;
14 (f) the Director-General of the Commission.
15 (3) The Chairman and members of the Commission other than the
16 Director-General shall serve on a part-time basis.
17 (4) The Chairman and members of the Board shall each be-
18 (a) appointed by the President on the recommendation of the
19 Minister; and
20 (b) a person of proven integrity.
21 (5) The supplementary provisions set out in the Schedule to this Act
22 shall have effect with respect to the proceedings of the Board and the other
23 matters contained therein.
- Tenure of office 24 **3.-(1)** The Chairman and members of the Board other than the ex-
25 officio members shall each hold office-
26 (a) for a term of 4 years in the first instance and may be re-appointed
27 for a further term of 4 years and no more; and
28 (b) on such terms and conditions as may be specified in his letter of
29 appointment.

- 1 (a) promote the efficiency, adaptability and sustainable development
2 of the Nigerian economy through international trade;
- 3 (b) protect Nigerian industries from unfair trade practices;
- 4 (c) ensure, from time to time, that the multi-lateral rule-based
5 international trading system is promoted in Nigeria and applied to Nigeria's
6 advantage.
- 7 **8.** The Commission shall have the responsibility for-
- 8 (a) the administration of Nigeria's trade remedy laws in a fair and
9 objective manner;
- 10 (b) the provision of independent analysis, information and support on
11 matters of tariffs, international trade and Nigeria's competitiveness to the
12 President, through the Minister as well as the National Assembly;
- 13 (c) the maintenance of the Harmonised Tariffs Schedule (HTS) of
14 Nigeria;
- 15 (d) the formulation of measures to create public awareness through
16 seminars, workshops, studies and other activities;
- 17 (e) making recommendations to the relevant ministries, extra-
18 ministerial departments and agencies regarding relief for an industry seriously
19 injured by increased imports;
- 20 (g) giving and receiving advice from any regulatory authority on all
21 matters relating to trade;
- 22 (h) making, from time to time, recommendations to the Minister on
23 the review of relevant policies, legislations and subsidiary legislations, and
24 reporting to the Minister on matters concerning any provisions that permits
25 unfair trading practices;
- 26 (i) the performance of such other duties which in the opinion of the
27 Commission are required for the effective performance of its functions under
28 this Act.
- 29 **9.** The Commission shall have power to administer and implement the
30 provisions of any law relating to -

Functions of the
Commission

Special powers
of the Commission

- 1 (a) dumping and subsidised imports;
2 (b) intellectual property in international trade;
3 (c) safeguards and countervailing; and
4 (d) other related matters.

5 PART III - STAFF OF THE FUND

6 **10.**-(1) There shall be for the Commission a Director-General, Appointment of
7 who shall be appointed by the President on the recommendation of the the Director-
8 Minister. General

9 (2) The Director-General shall-

10 (a) have such qualifications and experience as are appropriate for a
11 person required to perform the functions of that office under this Act;

12 (b) hold office for a term of 4 years in the first instance and may be
13 re-appointed to another term of 4 years and no more; and

14 (c) be responsible to the Commission for policy direction and the
15 day to day administration of the Commission.

16 **11.**-(1) The structure of the Commission shall include the Structure of the
17 following departments, that is- Commission

18 (a) Trade Defence;

19 (b) Trade Diplomacy and Negotiations;

20 (c) Trade Justice;

21 (d) Legal Services;

22 (e) Administration;

23 (f) Finance and Supplies; and

24 (g) Research and Statistics.

25 (2) Notwithstanding the provisions of subsection (1) of this
26 section, the Commission shall, with the approval of the Minister, have
27 power to establish such additional departments to assist in the performance
28 of its duties and functions under this Act.

29 (3) The Board shall appoint Directors to head each department
30 established pursuant to subsections (1) and (2) of this section and each

1 Director shall have the requisite qualification and experience of not less than
2 20 years as may be required for the effective implementation of the functions of
3 their respective departments and the Commission under this Act.

Appointment
of other staff
of the Commission

4 **12.**-(1) The Commission may, with the approval of the Board, appoint
5 such other staff or employees as, in the opinion of the Commission, may be
6 expedient and necessary for the proper and efficient performance of its
7 functions under this Act.

8 (2) The terms and conditions of service including remuneration,
9 allowances, benefits and pensions) of the employees of the Commission shall
10 be as determined by the National Salaries and Wages Commission.

11 (3) The Commission shall have power to appoint either on transfer or
12 on secondment from any public service in the Federation, such employees as
13 may, in the opinion of the Commission, be required to assist the Commission in
14 the discharge of any of its functions under this Act and shall have the power to
15 pay to persons so employed such remuneration (including allowances) as the
16 Board may, after consultation with the National Salaries and Wages
17 Commission, determine.

Staff regulations

18 **13.**-(1) The Board may, subject to the provisions of this Act, and with
19 the approval of the Commission make regulations generally relating to the
20 conditions of service of the staff of the Fund and without prejudice to the
21 generality of the foregoing, such regulations may provide for-

22 (a) the appointment, promotion and discipline (including dismissal)
23 of staff;

24 (b) appeals by such staff against dismissal or other disciplinary
25 measures, and until such regulations are made, any instrument relating to the
26 conditions of service of officers in the civil service of the Federation shall be
27 applicable with such modifications as may be necessary.

28 (2) Staff regulations made under subsection (1) of this section shall
29 not have effect until approved by the Minister and when so approved the Board
30 shall cause them to be brought to the notice of all affected persons in such

1 (b) the payment of salaries, fees and other remuneration, allowances,
2 pensions and gratuities payable to employees of the Board and to experts or
3 consultants appointed by the Commission;

4 (c) the payment for all consultancies, contracts, including
5 mobilization, fluctuations, variations, legal fees and costs of contract
6 administration;

7 (d) the payment for all purchases; and

8 (e) undertake such other activities as are connected with all or any of
9 the functions of the Commission under this Act.

Power to accept
gift

10 **17.**-(1) The Commission may accept gift of land, money or other
11 property upon such terms and conditions, if any, as may be specified by the
12 person or organisation making the gift.

13 (2) The Commission shall not accept any gift if the conditions
14 attached by the person or organisation making the gift are inconsistent with the
15 objectives of the Commission under this Act.

Annual estimates
and expenditure

16 **18.**-(1) The Board shall, not later than 30th of September in each year
17 submit to the Minister an estimate of the expenditure and income of the
18 Commission during the next succeeding year.

19 (2) The Board shall cause to be kept proper accounts of the
20 Commission in respect of each year and proper records in relation thereto and
21 shall cause the account to be audited not later than 6 months after the end of
22 each year by auditors appointed from the list and in accordance with the
23 guidelines supplied by the Auditor-General of the Federation.

Annual reports

24 **19.** The Board shall prepare and submit to the Minister not later than
25 30th July in each year, a report in such form as the Minister may direct on the
26 activities of the Commission during the immediate preceding year and shall
27 include in the report a copy of the audited accounts of the Commission for that
28 year and the auditor's report thereon.

Limitation of
suit against the
Commission

29 PART V - MISCELLANEOUS PROVISIONS

30 **20.**-(1) Subject to the provisions of this Act, the provisions of the

1 Public Officers Protection Act shall apply in relation to any suit instituted
2 against any officer or employee of the Commission.

3 (2) Notwithstanding anything contained in any other enactment or
4 law, no suit shall lie or be instituted in any court against any member of the
5 Board, the Director-General or any other officer or employee of the
6 Commission for any act done in pursuance or execution of this Act or any
7 other enactment or law, or of any public duty or authority in respect of any
8 alleged neglect or default in the execution of this Act or such enactment or
9 law, duty or authority unless-

10 (a) it is commenced within 3 months next after the act, neglect or
11 default complained of; or

12 (b) in the case of a continuation of damage or injury, within 6
13 months next after the cessation thereof.

14 (3) No suit shall be commenced against a member of the Board, the
15 Director-General, officer or employee of the Commission before the
16 expiration of a period of one month after written notice of intention to
17 commence the suit shall have been served upon the Commission by the
18 intending plaintiff or his agent.

19 (4) The notice referred to in subsection (3) of this section shall
20 clearly and explicitly state-

21 (a) the cause of action;

22 (b) the particulars of the claim;

23 (c) the name and place of abode of the intending plaintiff; and

24 (d) the relief which he claims.

25 **21.** A notice, summons or other documents required or authorised Notices
26 to be served upon the Commission under the provisions of this Act or any
27 other law or enactment may be served by delivering it to the Director-
28 General or by sending it by registered post and addressed to the Director-
29 General at the principal office of the Commission.

Power to make regulations	1	22. The Minister may, on the recommendation of the Commission,
	2	make regulations generally for the effective implementation and operation of
	3	this Act, and in particular for-
	4	(a) trading standards and rules;
	5	(b) penalties, fees, charges or levies and such other related matters;
	6	(c) forms and returns required;
	7	(d) time periods;
	8	(e) information required and the method for obtaining such
	9	information;
	10	(f) access to confidential information; and
	11	(g) procedures generally.
Interpretation	12	23. In this Act, unless the context otherwise requires -
	13	"Board" means the Governing Board of the International Trade Commission of
	14	Nigeria established under section 2 of this Act;
	15	"Chairman" means the Chairman of the International Trade Commission of
	16	Nigeria;
	17	"Commission" means the International Trade Commission of Nigeria
	18	established under section 1 of this Act;
	19	"member" means a member of the Governing Board pursuant to section 2(1) of
	20	this Act and includes the Chairman; and
	21	"Minister" means the Minister charged with the responsibility for matters
	22	relating to trade.
Short title	23	24. This Bill may be cited as the International Trade Commission of
	24	Nigeria (Establishment) Bill, 2024.

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SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD, ETC.

Proceedings of the Board

1. Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the persons presiding at any meeting, to have a second or casting vote), the Board may make standing orders regulating its proceedings or that of its committees.

2. At every meeting of the Board, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of their number to preside at the meeting.

3. The quorum at a meeting of the Board shall consist of the Chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule and four other members.

4. The Board shall for the purposes of this Act, meet not less than three times in each year and subject, thereto, the Board shall meet whenever it is summoned by the members, he shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt such a person for such a period as it thinks fit, but a person who is a member by virtue of this subparagraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

Committees

6.-(1) Subject to its standing orders, the Board may appoint such a number of standing and ad-hoc committees as it thinks fit to consider and report on any matter within the Fund is concerned.

(2) A committee appointed under this paragraph shall-

(a) consist of such number of persons (not necessarily members of the Board as may be determined by the Board), and a person, other than a

1 member of the Board, shall hold office on the committee in accordance with the
2 terms of his appointment; and

3 (b) be presided over by a member of the Board.

4 (3) The quorum of any committee set up by the Board shall be as may
5 be determined by the Board.

6 (4) A decision of a committee of the Board shall be of no effect until it
7 is confirmed by the Board.

8 *Miscellaneous*

9 7. The fixing of the seal of the Fund shall be authenticated by the
10 signature of the Chairman or any other person generally or specifically
11 authorised by the Board to act for that purpose.

12 8. Any contract or instrument which, if made by a person not being a
13 body corporate, would not be required to be under seal may be made or
14 executed on behalf of the Fund by the Chairman or by any other person
15 generally or specifically authorised by the Board to act for that purpose.

16 9. Any document purporting to be a contract, instrument or other
17 document duly signed or sealed on behalf of the Fund shall be received in
18 evidence and shall, unless the contrary is proved, be presumed without further
19 proof to have been so signed or sealed.

20 10. The validity of any proceedings of the Board or of any of its
21 committees shall not be affected by-

22 (a) any vacancy in the membership of the Board, or committee, or

23 (b) any defect in the appointment of a member of the Board or
24 committee; or

25 (c) reason that any person not entitled to do so took part in the
26 proceedings of the Board or committee.

27 11. A member of a committee who has a personal interest in any
28 contract or arrangement entered into or proposed to be considered by the
29 committee shall disclose his interest to the committee and shall not vote on any
30 question relating to the contract or arrangement.

1 12. No member of the Board shall be personally liable for any act or
2 omission done or made in good faith while engaged in the business of the
3 Fund.

4 13. The members of the Board shall subscribe to and be bound by a
5 code of ethics to be approved by the Commission.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the International Trade Commission of Nigeria for the purposes of co-ordinating policies, interests and issues related to international trade for the Federal Republic of Nigeria.