

TRADE (EEC PREFERENCES UNDER THE LOME CONVENTION) ACT

ARRANGEMENT OF SECTIONS

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TRADE (EEC PREFERENCES UNDER THE LOME CONVENTION) ACT

An Act to implement the provisions of Protocol No.1 of the ACP-EEC Convention of Lome and to appoint the Comptroller-General, Nigerian Customs Service, as the certifying authority in Nigeria for goods exported from Nigeria under the Convention.

[1976 No. 47.]

[24th August, 1976]

[Commencement.]

1. **Appointment of certifying authority**

The Comptroller-General of the Nigerian Customs Service (in this Act referred to as "the Comptroller-General") is hereby appointed as the certifying authority in Nigeria for the purpose of certification of goods exported from Nigeria under the African, Caribbean and Pacific-European Economic Community Convention of Lome on trade co-operation between the contracting parties.

2. **Verification of application and issue of certificates**

The Comptroller-General shall on application therefor on the prescribed form by an exporter, and if satisfied after inspection and valuation of the goods in respect of which the application is made as to the correctness of the matters stated in the application, issue a certificate in the prescribed form-

(a) stating the value of the goods; and

(b) certifying that the goods satisfy the rules of origin requirements specified by the country to which the goods are to be exported.

3. **Power to require supply of further information**

The Comptroller-General may for the purposes of section 2 of this Act, require any exporter to furnish to the Comptroller-General in such form as the Comptroller-General may require, such information as in the opinion of the Comptroller-General is necessary for the purpose of certification under this Act and to produce any book of accounts or other document of whatever nature relating to the sale by the exporter of the goods concerned.

4. **Regulations**

(1) The Minister may make such regulations as may be required from time to time for carrying into effect the objects of this Act and, without prejudice to the generality of the foregoing, he may by the regulations prescribe-

(a) the form in which applications are to be made under this Act and the documents to accompany such applications;

(b) the form of the certificates to be issued under this Act; and

(c) the fees to be paid for the issue of certificates.

(2) The Minister may by order published in the *Federal Gazette* delegate to the Comptroller-General the power to make regulations with respect to any of the matters mentioned in subsection (1) of this section but nothing in such order shall be construed as precluding the Minister from making regulations with respect to any such matters.

5. Offences

(1) If any person-

(a) makes or signs or causes to be made or signed or delivers or causes to be delivered to the Comptroller-General any declaration or document pursuant to any provision of this Act; or

(b) makes or gives any information or statement to the Comptroller-General pursuant to section 3 of this Act, which he knows to be false or untrue in any material particular, he shall be guilty of an offence and liable upon conviction to a fine of ₦400 or imprisonment for a term of two years, or in the case of a second or subsequent offence to a fine of ₦1,000 or imprisonment for a term of five years.

(2) If any person-

(a) alters any document after it has been issued under or pursuant to this Act; or

(b) counterfeits any seal of the Comptroller-General or signature, initials or other mark of any official of the Nigerian Customs Service for the certification of such a document, he shall be guilty of an offence and liable on conviction to a fine of ₦1,000 or imprisonment for a term of five years.

(3) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or attributable to any neglect on the part of any director, manager, secretary or other official of the body corporate, or any

person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

6. Interpretation

In this Act, unless the context otherwise requires-

"the Comptroller-General" means the Comptroller-General of the Nigerian Customs Service;

"the Minister" means the Minister charged with responsibility for trade.

7. Short title

This Act may be cited as the Trade (EEC Preferences under the Lome Convention) Act.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation