



CENTRAL BANK OF NIGERIA (AMENDMENT) DECREE NO. 3 1997

Repealed by **CENTRAL BANK OF NIGERIA (AMENDMENT) DECREE NO. 37 1998**

THE Federal Government hereby decrees as follows:-

1. The Central Bank of Nigeria Decree 1991 (in this Act referred to as "the principal Decree") as amended, is hereby further amended as set out in this Act.

Amendment of
1991 No. 24

2. Section 6 of the principal Decree is amended by substituting therefor the following new subsections, that is -

1993 No. 79.
Amendment of
section 6.

"(2) The Board shall consist of -

- (a) the Chairman;
- (b) the Governor of the Bank;
- (c) three Deputy-Governors of the Bank;
- (d) the Director-General, Federal Ministry of Finance;
- (e) the Managing Director, Nigeria Deposit Insurance Corporation; and
- (f) four other members.

(3) The Chairman and members referred in paragraph (f) of subsection (2) of this section shall be -

- (a) part-time members,
 - (b) persons of proven integrity and professional competence; and
 - (c) appointed by the President.
- (4) The Board shall be responsible for -

- (a) the consideration of the annual

budget of the Bank prior to its transmission through the Minister to the President for his approval;

(b) the approval of the audited and management accounts as well as the letter;

(c) the formulation of the Monetary and Credit Policy for Nigeria;

(d) devising suitable mechanism to determine rates of exchange at which the Bank shall buy and sell foreign currencies under section 16 of the Decree;

(e) the appointment of auditors in accordance with section 43 of the Decree, the provision of the necessary facilities and the rates of remuneration;

(f) the establishment and closing of Zonal Offices, Branches and Currency Centres;

(g) the appointment of Zonal Controllers, Branch Controllers and Currency Officers on the recommendation of the Governor:

Provided that the Board may delegate to the Committee of Governors the appointment of those categories of officers not above Central Bank Service Scale 05 (Manager);

(h) receiving the reports of all forebearances and foreign exchange transactions; and

(i) carrying out of such other activities as are necessary and expedient for the purposes of achieving the objectives of the Bank.

(5) It shall be the duty of the Board to approve the detailed responsibilities of each of the Deputy Governors on the recommendation of the Governor.

(6) Without prejudice to subsection (5) of this section, the Board may, on the recommendation of the Governor, assign or re-assign the Deputy Governors, from time to time, as may be expedient for the performance of the Bank's functions under or pursuant to the Decree."

3. Section 8 of the principal Decree is amended by substituting therefor the following new section, that is

Amendment of
section 8.

"8.-(1) The Governor shall keep the President informed, through the Minister, of policy pursued or intended to be pursued by the Bank.

(2) In the event of irreconcilable disagreement between the Governor and Minister on any monetary and banking policy, the Governor may, after informing the Minister, submit his representations to the President .

(3) The President after due consideration may, in writing, direct the Bank through the Minister as to the monetary and banking policy pursued and the directive shall be binding on the Board which shall forthwith take all steps necessary or expedient to give effect thereto."

4. Section 9 of the principal Decree is amended in subsection (1) by substituting therefor the following new subsection, that is -

Amendment of
section 9.

"(1) The Governor and Deputy Governors shall be persons of proven integrity and professional competence and shall be appointed by the President by instrument under the public seal and on such terms and conditions as may be set out in their respective letters of appointment."

5. Section 11 of the principal Decree is amended in subsections (1) and (2) by substituting therefor the following new subsections, that is -

"(1) The four part-time Directors of the Bank shall be appointed by the President .

(2) A Director appointed pursuant to this section shall be a person of proven integrity and professional competence."

6. Section 13 of the principal Decree is amended in subsections (2) and (3) by substituting therefor the following new subsections, that is -

"(2) The Chairman shall preside at every meeting of the Board and in his absence any of the four part-time members shall preside.

(3) Six members of the Board shall form a quorum at any meeting and two of whom shall be the Governor and a Deputy Governor or two Deputy Governors."

7. Section 14 of the principal Decree is amended in subsection (1) by substituting therefor the following new subsection, that is

"(1) Appointment of employees of the Bank which shall be by the Board, shall be only in respect of positions declared vacant by the Bank and shall be on such terms and conditions as may be laid down by the Board."

8. Section 16 of the principal Decree is amended in substituting therefor the following new section, that is -

"16. The exchange rate of the Naira shall be determined, from time to time, by suitable mechanism devised by the Bank and approved by the Provisional Ruling Council for that purpose."

9. Section 33 of the principal Decree is amended in subsection (1) by substituting therefor the following new subsection, that is -

Amendment of
section 11.

Amendment of
section 13.

Amendment of
section 14.

Amendment of
section 16.

Amendment of
Section 33.

"(1) Notwithstanding the provisions of paragraph (d) of section 29 of this Act , the Bank may grant temporary advances to the Federal Government in respect of temporary deficiency of current budget revenue at such rate of interest as the Bank may negotiate with the Ministry."

10. Section 44 of the principal Decree is amended in subsections (1), (2), (3), and (6) by substituting therefor the following new subsections, that is -

Amendment of
Section 44.

"(1) The Bank shall, within two months after the close of each financial year submit to the President , through the Minister, a copy of its annual accounts certified by the auditor.

(2) The Bank shall, within four months from the close of each financial year, submit through the Minister to the President a report on the operations during the year.

(3) Any report required to be submitted to the President shall be published by the Bank in such manner as the President may direct.

(6) A copy of the return referred to in subsection (5) of this section, shall be forwarded through the Minister to the President and shall be published in the *Gazette*."

11. Section 45 of the principal Decree is amended in subsection (1) by substituting therefor the following new subsection, that is -

Amendment
of
section 45.

"(1) There shall be for the Board a Secretary who shall be -

(a) appointed by the Board; and

(b) be responsible to the Board through the Governor.

(2) The Secretary shall be responsible for -

(a) convening, on the authority of the Chairman, meetings of the Board;

(b) recording the minutes of all meetings of the Board and such other meetings as the Board may direct;

(c) acting as Secretary to any committee of the Board;

(d) maintaining and keeping minute books and a register of members and Directors of the Bank;

(e) keeping in safe custody the Common Seal of the Bank;

(f) keeping in safe custody all title documents relating to the Bank's properties;

(f) keeping in safe custody all agreements entered into by the Bank and any third party;

(g) carrying out such other duties and responsibilities as may be assigned to him, from time to time, by the Board."

Amendment
of

12. Section 50 of the principal Decree is amended by substituting therefor the following new section, that is -

section 50.

50. "No bank shall hereafter be registered under the provisions of any federal legislation by a name which includes any of the words "Reserve", "Christian", "Islamic", "Muslim", "Quoranic", "Biblical", or any word that reflects religious connotations."

13. Section 53 of the principal Decree is amended by inserting in alphabetical sequence the following new interpretation, that is -

Amendment
of Section
53.

" "Minister" means the Minister charged with responsibility for finance and "Ministry" shall be construed accordingly."

14. this Act may be cited as the Central Bank of Nigeria (Amendment) Decree 1997.

Citation.

MADE at Abuja this 10th day of January 1997.

GENERAL SANI ABACHA,

Head of State, Commander-in-Chief of the Armed Forces, Federal Republic of Nigeria.

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its purport)

The Decree amends the Central Bank of Nigeria Decree 1991, as amended, to provide, among other things, for the reconstitution of the Board of the Directors of the Bank.