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*Government Notice No. 12*

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**THE CONSUMER PROTECTION COUNCIL ACT (1992 No. 66) CONSUMER PROTECTION  
(SALES PROMOTIONS) REGULATIONS 2005**

Commencement [1st May, 2005].

**In exercise of the powers conferred upon it by section 31 of the Consumer Protection Council Act and of all other powers enabling it in that behalf, the Consumer Protection Council with the approval of the Honourable Minister of Commerce hereby makes the following Regulations:**

1. All sales promotions shall comply with part 5 of the Nigerian Code of Advertising Practice made pursuant to the Advertising Practitioners (Registration etc) Act as amended.
- 2.-(1) Application for the registration of a sales promotion shall be made in writing giving such particulars as are specified in the Consumer Protection Council Registration Form in the First Schedule to these Regulations  
  
(2)The applicant seeking the registration of sales promotion shall pay such non-refundable registration fees as may be prescribed by the Council from time to time and it shall accompany the application for registration.
3. The Council may issue a certificate of registration as specified in the Third Schedule to these Regulations to the applicant, if it is satisfied that the applicant has complied with the provisions of these Regulations.
4. Where a certificate of registration is issued to the promoter of a sales promotion, he shall give to the Council an undertaking as specified in the Second Schedule to these Regulations as to the honest, decent, equitable, prompt and efficient conduct of the promotion.
5. Where the Council decides that an application for registration of a sales promotion is not satisfactory, the promoter shall be duly informed within 14 days of the reasons for the disapproval and promoter may be at liberty to re-submit another application.
6. – (1) A certificate of registration issued by the Council under Regulation 3 of these Regulations shall be valid and operative for the duration of the promotion or for such other period or extension of period as the Council may prescribe.  
  
(2) A certificate of registration may be suspended, withdrawn or cancelled by the Council at anytime if –
  - (a) The grounds on which the promotion was registered were false or incomplete; or
  - (b) The circumstances under which the promotion was registered no longer exists; or
  - (c) Any of the conditions or undertaking under which the promotion was registered has been contravened.

**Council to supervise sales promotions**

7. - (1) All sales promotions shall be conducted under the supervision of the Council.
- (2) The Council shall verify the genuineness of all sales promotions and ensure that they are –
  - (a) Legal, decent, honest and faithful;

(b) Conducted equitably, promptly and efficiently to the extent that consumers are dealt with fairly and honourably;

(c) Not designed to abuse consumers' trust or exploit their lack of knowledge or experience or mislead by inaccuracy, ambiguity, exaggeration, omission or otherwise.

**What the Council may do in carrying out supervision.**

8. In carrying out its supervision of sales promotions, the Council may –

(a) Participate in the meetings of the planning/implementation committee of the promoter;

(b) Check, inspect or test products, that is, the subject of the promotion;

(c) Assist in the verification of claims or prizes won by consumers or participants;

(d) Ensure that such claims or prizes won are delivered or presented promptly to the winners;

(e) Investigate complaints arising from such sales promotions and generally ensure that the interests of consumers are protected.

9. A promoter shall be required to produce within 2 days on demand by any person duly authorised by the Council, the original certificate of registration in respect of any sales promotion being conducted by him.

**Sales promotion to be subject of registration.**

**Cap. 7 LFN. 1992 No. 93**

10. Notwithstanding the provisions of Part 5 of the Nigerian Code of Advertising Practice, made pursuant to the Advertising Practitioners (Registration, etc) Act as amended, no person shall carry out a sales promotion where the aggregate or total benefits or prizes offered are worth more than N250,000 (two hundred and fifty thousand Naira), unless the said sales promotion is registered by the Council and in accordance with provisions of these Regulations.

**Offences and penalty.**

11. Any person who contravenes the provisions of these Regulations shall be precluded by the Council from carrying on or conducting the sales promotion either absolutely or for such period of time as the Council may prescribe and in addition shall be liable –

(a) In the case of a promotion where the aggregate or total benefits and prizes offered do not exceed 1 million Naira to a fine of N50,000;

(b) In the case of a promotion where the aggregate or total benefits and prizes offered exceed 1 million Naira but do not exceed 5 million Naira to a fine of N200,00;

(c) In the case of a promotion where the aggregate or total benefits and prizes offered exceed 5 million Naira to a fine of not less than N500,000.

12. In these regulations, unless the context otherwise requires –

“Council” means the Consumer Protection Council;

“Director-General” means the Director-General of the Council;

“Person” means an individual, a sole trader, corporate entity, company, agent, manufacturer, distributor of products, advertising concern;

“Promoter” means and advertiser of products or services through the instrumentality of a sales promotion;

“Sales Promotion” means a promotional marketing technique, which generally involves providing a range of direct or indirect additional benefits usually on a temporary basis, designed to make goods, products or services more attractive to purchasers.

**13.** These Regulations may be cited as the Consumer Protection (Sales Promotions) Regulations 2005.

**MADE at Abuja this 17th Day of February 2005.**

.....  
*Chairman,  
Consumer Protection Council*

## FIRST SCHEDULE

### CONSUMER PROTECTION (SALES PROMOTIONS) REGULATIONS

Application for Registration of a Sales Promotion

(Particulars to be submitted by persons applying for the Registration of a Sales Promotion)

I/We hereby apply for the Registration of the Sales Promotion of which the particulars are given below:

1. (a) Name of the Promoter.....  
.....

(b) If a firm give the number and date of registration under the Companies and Allied Matters Act (Cap. 59) and full name and address of each partner (and attach duly certified true copy of certificate issued under the Companies and Allied Matters Act (Cap. 59)

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.....

(c) If a registered company, state here particulars of registration under the Companies and Allied Matters Act and attach duly certified true copy of certificate issued under the said

Act.....  
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.....  
.....  
.....

2. Contact address, e-mail, fax, telephone number.....  
.....

3. Name and detailed description of Product/Service the subject matter of the promotion.....  
.....  
.....

4. Venue(s) of the promotion.....  
.....  
.....

5. Particulars of the Promotion

(a) Total value.....  
.....

(b) Prizes to be won.....  
.....  
.....  
.....

(c) Sell-in time .....  
.....

(d) Details of how consumers are expected to participate.....  
.....

.....  
.....  
.....

6. Specify a closing date for entries if applicable.....  
.....

7. Specify whether the final date for purchase of the promoted product differs from the closing date for the submission of entries or claims.....  
.....

8. Will consumers be expected to show proof of purchase.....  
.....

9. State any limitation on the availability of promotional packs in relation to the stated closing date.....  
.....

10. Specify any geographical or personal restriction including whether permission is needed from an adult.....  
.....

11. Specify restrictions on the number of entries or prizes.....  
.....  
.....

12. Will a cash alternative be substituted for any prize.....  
.....

13. State clearly how and when winners will be notified of results.....  
.....

14. State clearly how and when winners and results will be announced.....  
.....

15. State criteria for judging entries.....  
.....

16. State whether and how entries will be returned by Promoters.....  
.....

17. Where appropriate, state who owns the copyright of the entries.....  
.....

18. State clearly whether winners will be used in post-event publicity.....  
.....

19. Details of any other factor likely to influence consumers' decisions or understanding of the promotion.....  
.....  
.....

**DATED this       Day of       20**

Signature of applicant.....

Name.....

Designation.....

Warning:

1. Application must be submitted at least 3 months before commencement of the Promotion.
2. An application not satisfactorily completed may be rejected
3. The applicant shall give notice of any changes in respect of the particulars stated in the above application to the Director-General forthwith.
4. The making of a false entry in this form is a criminal offence punishable under S. 19 of the Consumer Protection Council Act, 1992.

## **SECOND SCHEDULE**

### **CONSUMER PROTECTION (SALES PROMOTIONS) REGULATIONS UNDERTAKING AS TO CONDUCT OF PROMOTION**

\* I/We, being the Promoter of the Sales Promotion known and called.....

.....  
do hereby undertake to conduct the said Promotion honesty, decently, equitably, promptly, efficiently and in a manner as not to mislead consumers by inaccuracy, ambiguity, exaggeration, omission or otherwise and shall not lower the quality of the product during the period of the said promotion.

Date.....

Signature.....

Name.....

Designation.....

(\* Delete whichever is not applicable)

### THIRD SCHEDULE

#### CONSUMER PROTECTION (SALES PROMOTIONS) REGULATIONS CERTIFICATE OF REGISTRATION

No. of certificate.....

Date of issue.....

I hereby certify that the Sale Promotion named below has been duly registered as a Sales Promotion in pursuance of S. 2 of the Consumer Protection (Sales Promotions) Regulations.

Name or description of the Sales Promotion.....  
.....

Name of Promoter.....  
.....

Contact address of Promoter.....  
.....

Venue or venues of the Promotion.....  
.....

Period of validity of certificate.....  
.....

.....  
Director-General

#### EXPLANATORY NOTE

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

These Regulations provide for the registration of sales promotions where the benefits and prizes exceed N250,000 with the Consumer Protection Council so as to enable the Council to monitor and supervise sales promotions.



**THE CONSUMER PROTECTION COUNCIL ACT**  
**(1992 No. 66)**

**CONSUMER PROTECTION (PRODUCTS AND SERVICES MONITORING AND  
REGISTRATION) REGULATIONS 2005**

Commencement [1st, May, 2005]

**In exercise of the powers conferred upon it by section 31 of the Consumer Protection Council Act and of all other powers enabling it in that behalf, the Consumer Protection Council with the approval of the Honourable Minister of Commerce hereby makes the following Regulations.**

**1. – (1)** Every product manufactured, imported, advertised, sold or distributed in Nigeria shall be registered with the Council in accordance with the provisions of these Regulations.

(2) Products registered by or subject to registration by the National Agency for Food and Drug Administration and Control or any other regulatory agency of the Federal Government of Nigeria may be exempted from paying registration fees or may attract such reduced registration fees as the Council may determine.

**2.- (1)** Application for the registration of products shall be made in writing giving such particulars as are specified, in the Consumer Protection Council Registration Form in the First Schedule to these Regulations.

(2) The applicant seeking registration of a product or products shall pay such non-refundable registration fees as may be prescribed by the Council from time to time and it shall accompany the application for registration.

**3-(1)** The Council may issue a certificate of registration as specified in the Third Schedule to these Regulations to the applicant, if it is satisfied that the applicant has complied with the provisions of the Regulations.

(2) A certificate of registration shall not be issued unless the applicant undertakes as specified in the Second Schedule, to these regulations to promptly respond to consumers' complaints not later than 14 days of the receipt of such complaints in the promotion of the interests of consumers.

**4.** Where the Council decides that an application for a product or products is not satisfactory, the applicant shall be duly informed of the reasons for the disapproval and the applicant may be at liberty to resubmit another application.

**5- (1)** A certificate of registration issued by the Council under Regulation 3 of these Regulations shall be valid and operative for a period of 5 years or such other period or extension of period as the Council may from time to time prescribe.

(2) A certificate of registration may be suspended, withdrawn, or cancelled by the Council at any time if -

(a) The grounds on which the product or products was registered were false or incomplete;

or

(b) The circumstance under which the product was registered no longer exists; or

(c) any of the conditions or undertaking under which the product was registered have been contravened; or

(d) The standard of quality, safety or efficacy as prescribed in the documentation for registrations are not being complied with.

**Original certificate of registration to be produced on demand.**

6. A manufacturer, importer, advertiser or distributor shall be required to produce within 2 days on demand by any person duly authorised by the Council, the original certificate of registration granted in respect of any product.

**Offences and penalty.**

7. If any person contravenes the provisions of these Regulations, the Council shall prohibit the person from carrying on the manufacture, distribution, sale, advertisement and importation of the product or products absolutely or for such period of time as the Council may declare in addition to the payment of a fine of N50,000.

**Interpretation.**

8. In these regulations, unless the context otherwise requires -  
“Consumer” means any person who –

(a) Buys any goods for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment and includes any user of such goods other than the person who buys the goods when such use is made with the approval of the first mentioned person but does not include a person who obtains such goods for resale; or

(b) Hires or avails of any services for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any beneficiary of such services other than the person who hires or avails himself of the services, when such services are availed of with the approval of the first mentioned person.

“Council” means the Consumer Protection Council;

“Director-General” means the Director-General of the Council;

“Product” means any manufactured goods, creation, merchandise, produce, item for consumption, imported, distributed, advertised for sale and sold in Nigeria and shall include services or any business, act or performance of an intangible nature that does work or caters for consumers, but does not make goods.

**Citation.**

9. These Regulations may be cited as Consumer Protection (Products and Services Monitoring and Registration) Regulations 2005.

**MADE** at Abuja this 17th day of February, 2005.

.....  
*Chairman*  
*Consumer Protection Council*

## FIRST SCHEDULE

### CONSUMER PROTECTION (PRODUCTS AND SERVICES MONITORING AND REGISTRATION) REGULATIONS

*Application for Registration of Products and Services*

*(Particulars to be submitted by persons applying for the registration of products and services)*

\* I/We hereby apply for the registration of the Product/Service of which the particulars are given below:

(a) Name of Applicant .....

(b) If a Sole Trader or firm, give the number and date of registration under the Companies and Allied Matters Act (Cap. 59) and full name and address of each partner (and attach duly certified true copy of certificate issued under the Companies and Allied Matters Act (Cap. 59).

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(c) If a registered company, state here particulars of registration under the Companies and Allied Matters Act and attach duly certified true copy of certificate issued under the said Act.

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.....

2. Contact address, e-mail, fax and telephone number .....

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3. Name and detailed description of Product/Service.....

.....  
.....

4. If manufactured in Nigeria, the precise location of factory. If a township, the street or plot number should be given. If outside a township, please add sufficient information to enable the factory to be easily located.....

.....  
.....

5. If imported, the country or place of importation.....

.....

6. Number of samples of the product supplied.....

.....

7. Give full details of or provide brochure containing information as to usage, any health or safety hazards inherent therein, any relevant caution or warning as to usage, first aid treatment in the event of accident, any precaution advised by the manufacturer and the precautionary measures you have taken to protect actual users or consumers.

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8. Give detailed particulars of any special characteristics, labeling and quality claims, shelf life as may be applicable.....

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9. Give detailed particulars of registration with any regulatory agency of the Federal Government of Nigeria.....

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10. Give full particulars of compliance with existing safety and quality standards where applicable

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.....

11. Give full particulars of Distributors (Attach list where necessary).....

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.....

12. Indicate other documents/information submitted in support of this application (e.g. information on safety precautions, evidence of special characteristics, etc).....

.....  
.....

DATED this Day of 20

Signature of Applicant.....

Name.....

Designation.....

1. Application must be submitted at least 3 months before commencement of actual sale and distribution of a new product.
2. An application not satisfactorily completed may be rejected.
3. The applicant shall give notice of any changes in respect of the particulars stated in the above application to the Director-General forthwith.
4. The making of a false entry in this form is a criminal offence punishable under S. 19 of the Consumer Protection Council Act, 1992.

## **SECOND SCHEDULE**

### **CONSUMER PROTECTION (PRODUCTS AND SERVICES MONITORING AND REGISTRATION) REGULATIONS UNDERTAKING TO PROMOTE CONSUMERS' INTEREST**

\* I/We, being the manufactures, distributors, sellers, marketers, or provider of the Product/ Service known and called..... do hereby undertake to promote Consumers' interests by responding to Consumers' complaints not later than two weeks from the date of receipt of such complaints and that \* I/We shall submit our premises to inspection by the inspection officers of the Council at any reasonable time.

Date.....

Name.....

Signature.....

Designation.....

## **THIRD SCHEDULE**

### **CONSUMER PROTECTION (PRODUCTS AND SERVICES MONITORING AND REGISTRATION) REGULATIONS**

#### **CERTIFICATE OF REGISTRATION**

No. of certificate.....

Date of issue.....

I hereby certify that the \*Product/Service named below has been duly registered as a \* Product/Service in pursuance of S. 2 of the Consumer Protection (Products and Services Monitoring and Registration) Regulations.

Name of \* Product/Service.....

Name of \* Manufacturer/Provider.....

Contact address of \*Manufacturer/Provider.....

Location of the Factory or where service is provided.....

Period of validity of this certificate.....

*Director General*

#### **EXPLANATORY NOTE**

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

These regulations provide for the registration of products and services with the Consumer Protection Council so as to enable the Council monitor the movement of products and provision of services in Nigeria.

