A BILL

FOR

AN ACT TO AMEND NIGERIAN INVESTMENT PROMOTION COMMISSION ACT
CAP. N117, LAWS OF THE FEDERATION OF NIGERIA, 2004 IN ORDER TO
RESERVE CERTAIN KINDS OF RETAIL BUSINESSES FOR NIGERIANS AND
STIPULATE CONDITIONS FOR FOREIGNER'S PARTICIPATION SO AS TO
ENHANCE WEALTH CREATION AND EMPLOYMENT GENERATION FOR
NIGERIANS AND FOR RELATED MATTERS

Sponsored by Hon. Francis Ejiroghene Waive

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

1. The Nigerian Investment Promotion Commission Act, Cap.117
Laws of the Federation of Nigeria, 2004 (in this Bill referred to as the
Principal Act") is amended as set out in this Bill.

2. Section 17 of the Principal Act is amended by substituting for
the existing Section 17 a new Section "17":
"17. The enterprises specified in the Second Schedule are reserved
for Nigerians and shall not be undertaken by a person who is not a Nigerian."

3. Section 19 of the Principal Act is amended by substituting for
the existing Section 19 a new Section "19":
"19 (1) subject to the provision of section 17, 18 and any other law,
a non-Nigerian may invest and participate in the operation of any enterprise
in Nigeria.

(2) An enterprise in which foreign participation is permitted in Sub
clause (1) of this Clause, shall not commence business, except:
(a) It is incorporated or registered under the Companies and Allied
Matters Act;
(b) Obtained such licence, lease, permit or any other approval as
may be required.
may be required for the establishment or operation of the enterprise; 

(c) In case of a joint enterprise with a Nigerian partner, there is 
investment by the foreign partner of a capital of not less than N10,000,000 
(Ten Million Naira) or its equivalent worth in capital goods by way of equity 
participation; or 

(d) If the enterprise is wholly owned by a foreigner there is an 
investment of a capital of not less than N20,000,000 (Twenty Million Naira) or 
its equivalent worth in capital goods. 

(3) Notwithstanding the provisions of sub clause (2) of this Clause, in 
case of a trading enterprise involving only the purchasing and selling of goods 
which is wholly or partly owned by a person who is not a Nigerian, there shall 
be:

(a) an investment of foreign capital or its equivalent in goods worth at 
least US$500,000.00 by way of equity capital; and 

(b) at least fifteen Nigerians under the employment of the enterprise 
amongst which shall be at least 30% Senior and Management Staff.”

4. The Principal Act is amended by inserting a Second Schedule after 
paragraph 5 of the existing Schedule:

"SECOND SCHEDULE

[Section 17]" Enterprises Wholly Reserved for Nigerians

1. The sale of anything whatsoever in an open market, petty trading, 
hawking or selling from a kiosk.

2. Operation of taxi services and car hire service. (A non-Nigerian 
may undertake this service where there is a minimum fleet of ten new vehicles).

3. Services of Artisans, Masons, Bricklayers, Iron benders, welders 
and Fabricators.

4. Operation of beauty salons and barber shops

5. Bakeries.”
5. This Bill may be cited as Nigerian Investment Promotion Commission Act (Amendment) Bill, 2021.

EXPLANATORY MEMORANDUM

This Bill seeks to amend Nigerian Investment Promotion Commission Act Cap.N117, Laws of the Federation of Nigeria, 2004 in order to reserve certain kinds of retail businesses for Nigerians and stipulate conditions for foreigner's participation so as to enhance wealth creation and employment generation for Nigerians.