

Day 1: 11th Sabi Law Lecture Series

“BUSINESS LICENSES & LICENSING IN NIGERIA; A PRACTICAL GUIDE FOR BUSINESSES IN NIGERIA”

Day 2: 12th Sabi Law Lecture Series

“TIPS FOR LAWFUL BUSINESSES IN NIGERIA”

By Onyekachi Umah
Esq. LL.M. ACI Arb (UK)
Founder, LearnNigerianLaws.com
#SabiLaw | #DailyLawTips
#SabiLawLectures



Host
Pastor Sunday Ikechukwu
President, Land of Dream

SATURDAY | **10AM**
11 . 08 . 2018

@ Elyon's place (city center)
Bissala road, Independence layout Enugu.

Materials will be made available on our website
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SUNDAY | **8AM**
12 . 08 . 2018

@ Christian retreat center, 23forest crescent GRA,
beside Parklane hospital, Enugu.

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LICENSES AND LICENSING IN NIGERIA.

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1. INTRODUCTION

- License is an authority, certification, warrant, permit and permission to do or no to do, use, act or own something for a particular purpose or time or place issued by an official authority empowered to do so.
- Nigeria like most other countries controls certain sectors, practises, uses and forms of its economy through issuance of licenses.
- Licenses fees generate funds for the country and more importantly ensures certain standards.

2. LICENSING RIGHT

- Government through its ministries, regulators, agencies and appointed third parties issue licenses and monitor observance and adherence to terms of licenses.
- In some cases, professional associations and bodies issue licenses too to control quackery, impersonation and maintain high professional standard.
- Most regulators are set up by laws enabling them to issue licenses as a regulatory mechanism. Details will be shown later.

3. LICENSING AUTHORITIES, LICENSES & AUTHORIZING LAWS

S/N	LICENSING AUTHORITY	LICENSE AND PURPOSE	ENABLING LAW
1.	Corporate Affairs Commission	Business Registration Certificates for business names and companies registered in Nigeria.	Company and Allied Matters Act, 1990.
2.	National Office for Technology Acquisition and Promotion (NOTAP)	Certificates of Registration, Extension and Renewal Of Technical, Management and Know-How Contracts and Agreements among others for lawful remittance of approved technology and management fees to a foreign account.	National Office for Technology Acquisition and Promotion Act, 1979
3.	National Pension Commission	Certificate of Compliance is a proof adherence to national pension law and prequalification in relating with numerous government agencies like Bureau of Public Procurement.	Pension Reform Act, 2014

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4.	Bureau of Public Procurement (BPP)	Certificate of Registration in to the database of government approved contactors and service providers allowed to bid for government contracts.	Bureau of Public Procurement 2007
5.	State Land Registries and land Departments of Federal Government Ministries, Departments and Agencies	Certificate of Occupancy and Right of Occupancy for a termed occupancy of land in states or owned by Federal Government	Land Use Act, 1978
6.	Industrial Training Fund	Compliance Certificate is a proof of adherence to Industrial Training Fund Act. It is a prequalification for registration with Bureau of Public Procurement and necessary for Companies in Free Trade Zone requiring approval for expatriate quota and/or utilizing custom services in matters of export and import.	Industrial Training Fund Act
7.	National Lottery Commission	Lottery Permit and Lottery License. Lottery Permit to carry out lottery Promo for 12 months and a Lottery License for 10 years to carrying on a lottery business.	National Lottery Commission 2005
8.	Trademarks, Patents And Designs Registry, Commercial Law Department, Federal Ministry of Trade And Investment.	Certificates of registration of trademarks, patents and designs. They accord exclusive ownership and afford protection of trademarks, patents and designs in Nigeria	Trademark Act Patent and Designs Act

9.	National Copyright Commission	Copyright Certificate for Literary works (books, manuals, users guide and other written/printed works, and computer programmes), Musical works (musical scores/compositions duly recorded), Artistic works (visual arts, pictures, drawings, 3 dimensional works etc), Cinematographic films and Sound Recordings (audio recordings)	Copyrights Act
10.	The Nigeria Immigration Services (NIS)	Expatriate Quota, Business, Residential and Work Permits For foreigners willing to do business or be employed in Nigeria.	Immigration Act
13.	National Agency for Food and Drug Administration and Control (NAFDAC)	Certificates and Permits for drug and food importation, trading, production, packaging, labelling and product description.	National Agency for Food and Drug Administration and Control Act
14.	National Broadcasting Commission	Radio Broadcasting License TV Broadcasting License Satellite Broadcasting License for operations in Nigeria.	National Broadcasting Commission Act
15.	Nigerian Electricity Regulatory Commission	Operator's Licenses for electricity generation (including Permits for captive generation), transmission, system operation, distribution and trading. For generations from 1 MW and above and a distribution network of above 100KW.	Electric Power Sector Reform Act

16.	Market Operations Department, Transmission Company of Nigeria	Market Operator License for an operator (Generator or Distributor) in the Nigerian Electricity Supply Industry (NESI)	Electric Power Sector Reform Act
17.	Central Bank of Nigeria	Licenses for Commercial Bank, Microfinance Bank, Bureau De Change, Discount Houses, Non-Interest Bank, Merchant Banks and Primary Mortgage Banks.	Central Bank Act
18.	Nigeria Social Insurance Trust Fund (NSITF)	Compliance Certificate. It is a prequalification in relating with numerous government agencies like Petroleum Trust Development Fund (PTDF)	Nigeria Social Insurance Trust Fund (NSITF) Employees Compensation Act
19.	Federal Reporting Council of Nigeria (FRCN)	Registration Certificate and Annual Dues Receipts for public interest entities as well as professionals engaged in professional reporting process.	Federal Reporting Council Act
20.	Nigerian Electricity Management Services Agency (NEMSA)	Certificate for Electrical Installation Contractors and electricity Installations	Nigerian Electricity Management Services Agency Act.

21.	Standard Organisation of Nigeria (SON)	Certificates for products in commerce and industry throughout Nigeria.	Standard Organisation of Nigeria Act
22.	Nigerian Communication Commission	Communication Licenses for telecommunication operators.	Nigerian Communication Act
23.	Special Control Unit Against Money Laundry (SCUML)	Certificate of registration for Non-Financial Institutions.	Money laundry (Prevention) Act, Terrorism Prevention Act
24.	National Environmental Standards and Regulations Enforcement Agency (NESREA)	Environmental Impact Assessment Certificate for major development project that may affect environment.	National Environmental Standards and Regulations Enforcement Agency Act
25	Advertising Practitioners Council of Nigeria	Approval for an advertisement for an advert to be advertised printed and aired.	Advertising Practitioner's (Registration etc) Act

26.	Federal Inland Revenue Services	<p>Tax Clearance Certificates, Withholding Tax Credit Note and Receipts for Company Tax, Stamp Duties, Value Added Tax, Capital Gain Tax for companies and residents of Abuja, Petroleum Profit Tax, Withholding tax on companies and residents of the Federal Capital Territory, Abuja It s a prequalification in relating with numerous government agencies like Bureau of Public Procurement.</p>	Taxes and Levies (Approved List for Collection) Act, Associated Gas Re-Injection Act, Capital Gains Tax Act,, Taxes and Levies (Approved List for Collection) Act, Casino Act and others.
27.	States Inland Revenue Services	<p>Tax Clearance Certificates, Withholding Tax Credit Note and Receipts for Personal Income Tax of all workers, partnerships and business names resident in a given state, road tax, Withholding tax for individuals, Pools betting and lotteries, gaming and casino taxes, Capital Gain Tax for individuals, Stamp Duties for individuals.</p>	Federal Inland Revenue Service (Establishment) Act States' Revenue Laws Taxes and Levies (Approved List for Collection) Stamp Duties Act
28.	Local Government Authorities (LGAs)	<p>Tax Clearance Certificates and Receipts For Shops and kiosks rates, Slaughter slab fees, Right of Occupancy fees on lands in rural areas, excluding those collectable by the Federal and State Governments, Domestic animal licence fees, Merriment and road closure levy, Wrong parking charges, Religious places establishment permit fees, Signboard and Advertisement permit fees, Public convenience, sewage and refuse disposal fees, Bicycle, truck, etc.</p>	Local Government Authorities Levies Bye-Laws Taxes and Levies (Approved List for Collection)
29.	Consumer Protection Council (CPC)	<p>Certificate of Registration of product/service for all products and services in Nigeria.</p>	Consumer Protection Council Act

4. SabiLaw Master's Interlude

Upcoming Events;

15th Sabi Law Lecture Series on “Legal Framework and Institutions For Economic Empowerment in Nigeria” at Saint Luke's Catholic Church, Kubwa, Abuja on 25th August, 2018 by 11:00am.

Our other Programs:

Daily Law Tips (#DailyLawTips)

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5. CHALLENGES TO LICENSING.

There are serious challenges that affect licensing in Nigeria. Some of them are;

1. Lack of a harmonized licensing scheme
2. Lack of a real One Stop Shop for business licenses in Nigeria
3. Poor information on guidelines, procedures and fees for licenses
4. Lack of user friendly and informative websites
5. Lack of certainty and gestation period for processing of most licenses.
6. Lack of dedicated customer help desk and reliable customer relationship skills.

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7. High Cost of Licenses and permits.
8. Poor stability of federal government online payment platform;
www.Remita.com
9. Lack of clear administrative procedures and remedies for appealing against decisions of licensing authorities.
10. Ultra-vires attitudes of some licensing authorities especially in unilaterally extending their powers and functions.

6. THE WAY FORWARD

Here are steps to take towards better licensing experience in Nigeria.

1. Establishment of a comprehensive harmonised handbook for different licensing schemes
2. Establishment and operation of a One Stop Shop for Licenses in all the states in Nigeria
3. Frequent sensitization on guidelines, procedures and fees for licenses with certainties on time frames and other essentials.
4. Engagement and supervision of dedicated customer help specialist by licensing authorities.
5. A reduced cost of licenses across boards as an incentive to businesses to attract more investments and reduce cost of doing business
6. Creation of several payment options into the recently introduced government's Treasury Single Account.

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7. Conclusion:

“Owing to some factors, it is possible for some fellow to conspire, issue and request for unlawful licenses from businesses and business owners. This is a huge set back to small scale business and easy of doing business in Nigeria, generally.”

Thursday 9th August, 2018.

Abuja.

Thank you!

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