

FOR IMMEDIATE RELEASE

Mr Justice Buba of the Federal High Court delivered an oral judgment dismissing the proceedings issued by Stanbic IBTC Holdings Plc (Stanbic IBTC') against the Financial Reporting Council of Nigeria (FRC) and National Office for Technology Acquisition and Promotion (NOTAP). In his oral judgment, Mr Justice Buba held that the questions raised by Stanbic IBTC regarding FRC were hypothetical and academic and he did not deal with them. Mr Justice Buba held that section 7 of the NOTAP Act 1979 expresses important national public policy of Nigeria, namely to avoid the dumping of obsolete and inappropriate technology in Nigeria and to raise revenue for the Federal Government of Nigeria. According to Justice Buba, an agreement that seeks to circumvent the registration requirement under the NOTAP Act would not be enforced by the courts. Justice Buba does not appear to have addressed the position where an agreement is submitted for registration and NOTAP fails or refuses to register or where an agreement is for a period of years and NOTAP gives approval to make payment in relation to some (but not all) of the years.

Given that none of Stanbic IBTC's agreements that are pending with NOTAP seeks to circumvent NOTAP Act, Stanbic IBTC awaits the written judgment to enable it to understand the decision regarding the meaning and application of section 7 of the NOTAP Act 1979 and the implications of the decision. In the meantime, Stanbic IBTC has exercised its constitutional right of appeal and lodged an appeal at the Lagos Division of the Court of Appeal. Stanbic IBTC has been advised by its Counsel, Fidelis Oditah QC, SAN, that it has a sound basis for lodging the appeal.

Stanbic IBTC is a law abiding corporation and will continue to respect the rule of law and comply with extant Nigerian law.

Stanbic IBTC has nothing further to add at this stage.

15 December 2015