

CHAPTER 349

**PEST CONTROL OF PRODUCE (SPECIAL
POWERS) ACT**

ARRANGEMENT OF SECTIONS

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1. Special powers of pest control inspector of produce.
 2. Offences.
 3. Regulations, etc.
 4. Short title, application and interpretation.
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CHAPTER 349

**PEST CONTROL OF PRODUCE (SPECIAL
POWERS) ACT**

An Act to provide for the inspection of produce for pests before export at all sea and air ports in Nigeria and other matters ancillary thereto. 1968 No. 30.

[29th May, 1968] Commence-
ment.

1. (1) Any person specially authorised by the Minister for Trade and Tourism in this Act (hereafter referred to as "the Minister") as a pest control inspector of produce may, in the performance of his duties at all reasonable times on production of his authority, enter buildings of any description and vehicles within a port area, or board while it is in port or within port approaches, any ship for the purpose of inspecting the condition of the holds thereof or the produce stored therein.

(2) The power of entry conferred by subsection (1) of this section shall include the power to fumigate for the purpose of eradicating or controlling pest infestation of produce; and in the exercise of his powers, an inspector may condemn

Special powers of pest control inspectors of produce.

Pest Control of Produce (Special Powers) Act

Cap. 371.

produce if he is of opinion that no other means of control are suitable to the case, and thereafter the provisions of section 9 of the Produce (Enforcement of Export Standards) Act (which relates to export of damaged produce) shall have effect in proper case, or if the Minister thinks fit a destruction certificate may be issued.

Offences.

2. It shall be an offence against this Act for any person—
- (a) who fails to comply with any requirement of an inspector in the lawful exercise of his authority; or
 - (b) who interferes with or otherwise hinders an inspector in the execution of his duty,

and in respect of any such offence it shall, in the case of a first offence, be punishable by a fine of not less than ₦200 or more than ₦1,000 or by imprisonment for a term not less than twelve months, and in respect of any subsequent conviction by imprisonment without the option of a fine for a term of not less than two years or more than five years; and where the offence is a continuing one by a penalty of ₦20 for every day during which the offence continues.

Regulations,
etc.

3. (1) The Minister may, after consultation with the Produce Inspection Board if he thinks it necessary, make regulations generally for the purposes of this Act, and by the same or any other regulations may prescribe fees for inspection of produce under this Act.

(2) The Minister may by order published in the Federal *Gazette* declare "port areas" for the purposes of produce inspection under this Act.

Short title,
application
and interpretation.

4. (1) This Act may be cited as the Pest Control of Produce (Special Powers) Act.

(2) Powers under this Act shall be exercisable in addition to the powers conferred by the Produce (Enforcement of Export Standards) Act so however that any provisions of the Act aforesaid inconsistent with the corresponding provisions of this Act shall be read subject to this Act.

Cap. 371.

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(3) This Act shall apply to all ports in Nigeria and, in respect of territorial waters, to port approaches.

(4) In this Act, unless the context otherwise requires—
“port” means any port of shipment for produce in Nigeria and includes any international airport and port areas shall likewise include any such airport;

“produce” has the meaning assigned by section 3 of the Produce (Enforcement of Export Standards) Act Cap. 371. whether intended for export from or import into Nigeria.

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**PEST CONTROL OF PRODUCE (SPECIAL
POWERS) ACT**

CHAPTER 349

SUBSIDIARY LEGISLATION

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DECLARATION OF PORT AREAS ORDER

under section 3(2)

L.N. 29 of
1969.

Commencement: 30th May, 1969

1. The areas hereunder are hereby declared to be port areas for the purposes of produce inspection under the Act, that is to say—

Port areas
for produce
inspection
purposes.

- (a) in respect of Lagos, the port area for arrivals and departures by sea includes the Western Sea Terminal at Apapa and an area within a radius of 4.8279 kilometres from the Custom-house at Lagos; and in respect of arrivals and departures by air includes the Murtala Muhammed International airport at Ikeja and the environs within the like radius from Ikeja;
- (b) in respect of any other place designated as a port or an airport in Nigeria, the port area includes the area within a radius of 8.0465 kilometres from the Custom-house (or any office used for such purpose) thereat.

2. This Order may be cited as the Declaration of Port Areas Order. Short title.

PEST CONTROL IN PORT AREAS REGULATIONSL.N. 30 of
1969.*under section 3(1)**Commencement: 30th May, 1969*Pest control
inspectors
and control
of produce
in a port
area.

1. Where a person holds office in the Federal Produce Inspection Service in any one or more of the following capacities, that is to say as—

- (a) chief produce officer;
- (b) principal produce officer;
- (c) senior produce officer;
- (d) produce officer;
- (e) assistant produce officer;
- (f) chief produce inspector;
- (g) senior produce inspector;
- (h) produce inspector; or
- (i) pest control assistant,

he shall be a pest control inspector for the purposes of inspection and clearance of produce intended for export, or of produce if found in a port area in the course of transit within Nigeria, and whether or not intended for export or consumption within Nigeria; and produce in a port area shall not be exported, or if imported shall not be removed therefrom, without a clearance from a pest control inspector.

Special
powers of
pest control
inspectors.

2. (1) For the more effective control of inspection of produce a pest control inspector may in a port area—

- (a) stop and search any vehicle which he believes or suspects on reasonable grounds to be carrying produce intended for export and require the person in apparent charge of the vehicle or, if that person cannot be ascertained with certainty, any other person on the vehicle in charge or apparent charge of produce found thereon, to unload it for inspection and clearance from pest infestation;

- (b) in proper case direct the person or persons in charge of the vehicle and of any produce detained by the pest control inspector to proceed with the vehicle to the most convenient place within the port area for further inspection if necessary, and for disposal thereafter of the produce as circumstances may require;
- (c) seize and detain produce, whether or not intended for export which he suspects on reasonable grounds to be pest infested, and fumigate or otherwise disinfest at the owner's expense the produce and the vehicle as well as any receptable in which such produce may be contained;
- (d) if satisfied that the owner of produce seized and detained did not know that the produce was pest infested, authorise the release of any such produce and any receptable in which the produce was contained, after fumigation or other means of disinfection;
- (e) require any person to furnish him with any information he may reasonably require for the purpose of investigating any offence against these regulations.

(2) Any person whose property is detained for inspection may refuse to comply with a direction of a pest control inspector unless that officer produces evidence of his authority; and where in exercise of his powers hereunder a pest control inspector acquires information, he shall not disclose it to any unauthorised person without the permission of the Minister for Trade and Tourism (hereinafter called "Minister").

3. (1) Persons having a duty within a port area of controlling produce intended for export shall comply with all reasonable requirements of a pest control inspector (on production if required of his authority where given in person) and the failure to do so shall be an offence.

Failure to comply with requirements of pest control inspector an offence.

(2) For the purposes of this paragraph, the requirements may be notified by word of mouth or by notice in writing published in such manner as the Minister may direct or approve.

Restriction
on move-
ment of
produce
liable to
fumigation.

4. Where under section 1 of the Act, a pest control inspector directs the fumigation of produce, the produce shall not be removed otherwise than to a suitable place of fumigation; and if the produce is to be shipped it shall not be delivered on board ship without the permission of a produce officer or any officer authorised by him in that behalf, until it has been fumigated or otherwise disinfested.

Precautions
to be taken
during
fumigation.

5. Where any produce in a port area is in process of being fumigated, any pest control inspector may order the removal of any person likely himself to be in danger or to endanger the person operating the fumigation plant or, being unauthorised, in any way interferes with fumigation operations; and any person failing to comply with any such order shall be guilty of an offence.

Penalties
for offence.

6. Any person who without reasonable excuse, the proof of which shall lie upon him, contravenes or fails to comply with any order or other requirement of a pest control inspector shall be guilty of an offence against the Act, and the penalties prescribed for an offence thereunder shall upon conviction be imposed accordingly.

Safety
precautions.

7. (1) In any port area a pest control inspector not below the rank of produce officer shall have and may exercise all powers necessary for the taking of safety precautions during or in the course of fumigation, and any other pest control inspector below that rank if specially authorised by a superior in that behalf may exercise them.

(2) The powers conferred or authorised to be conferred pursuant to paragraph (1) of this regulation include power—

(a) to require any building used for the fumigation of produce to be provided with such materials as will make fumigation effective and safe;

(b) to arrange for any stack of produce which is being fumigated where it actually is, to be adequately covered with suitable materials in order to prevent the escape of fumigant and to make fumigation effective and safe;

- (c) to direct and require any person operating any fumigation machine or plant to take such precautions as are necessary for the safety of the public or as the case may be, for the care and maintenance of that machine or plant.

8. (1) The fees to be charged for carrying out services necessary for the disinfection of produce, buildings or ship-holds for Government agencies and private companies connected with the ports shall be—

Fees payable for disinfection.

- (a) fumigation ₦1.70k per tonne;
(b) surface spraying ₦1.20k per tonne;
(c) space/dusk misting .. ₦2.00 per 1,000 cubic centimetre.

(2) Notwithstanding paragraph (1) of this regulation, the Minister may grant a rebate on the rate of fees chargeable in respect of services rendered for—

L.N. 35 of 1970.

- (a) the Nigerian Ports Authority; or
(b) the Nigerian Railway Corporation; or
(c) the National Commission for Rehabilitation and its agencies.

(3) Fees charged and payable under paragraph (1) of this regulation may be recovered as a debt due to the Federal Government and shall be paid into the Consolidated Revenue Fund of the Federation.

9. (1) These Regulations may be cited as the Pest Control in Port Areas Regulations and shall apply within port areas declared by the Declaration of Port Areas Order.

Short title, etc. L.N. 29 of 1969.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the Pest Control of Produce (Special Powers) Act;

“pest” includes rodents, vermin, insects, and parasites, and any fungus, bacterium, or disease deleterious to produce intended for export, or to be stored pending export or if not then exported, for domestic consumption;

Pest Control of Produce (Special Powers) Act

- “pest control inspector” (which expression for the avoidance of doubt includes a Federal Chief Produce Officer), in relation to produce in a port area means an officer in the Federal Produce Inspection Service designated as such under regulation 1 of these Regulations;
- “pest infestation” means the incidence of pests relative to produce;
- “ship” includes a vessel designed for use on water or as a hovercraft, and where used in the air, any aircraft;
- “vehicle” includes any means of conveyance whatsoever provided with wheels, runners or wings and used for the carriage by land or air, as the case may be, wholly or partly of produce, or capable of being adapted to any such use.
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