

AGRICULTURE (CONTROL OF IMPORTATION) ACT

ARRANGEMENT OF SECTIONS

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An Act to make provisions for regulating the importation of articles for the purpose of controlling plant diseases and pests.

[Commencement]

[31st March, 1964J]

1. Short title

This Act may be cited as the Agriculture (Control of Importation) Act.

2. Interpretation

In this Act, unless the context otherwise requires-

"**Act**" includes regulations made under this Act;

"**authorised officer**" means a person designated as an authorised officer under section 3 of this Act;

"**imports**" means to bring or cause to be brought into Nigeria; and "importation" shall be construed accordingly;

"**Minister**" means the Minister charged with responsibility for matters relating to agricultural research;

"**pest**" means any insect or other animal injurious to agricultural or horticultural crops;

"**plant**" means any plant or parts of a plant such as cuttings, suckers, bulbs, tubers, roots, haulms, and fruits; but does not include the manufactured or processed products of plants;

"**plant disease**" means any disease caused by fungus, bacterium, virus, or any other organism injurious to agricultural or horticultural crops.

3. Authorised officers

The Minister may designate any officer in the public service of the Federation as an authorised officer for the purposes of this Act.

4. Minister may make regulations

(1) The Minister may make regulations prohibiting, restricting or laying down conditions for the importation from any or all countries of plants, seeds, soil, containers, straw and other packing materials, artificial fertilisers, and any other similar goods or things, and without prejudice to the generality of the foregoing any such regulations may prescribe or provide for-

- (a) the places at which such goods or things may or may not be imported;
- (b) the detention and examination of such goods and things on arrival;
- (c) the charging of fees in respect of matters to which the regulations relate;
- (d) carrying into effect the provisions of this Act generally.

(2) Regulations made under this section may provide that a contravention of any specified regulations shall be an offence and may provide penalties in respect thereof:

Provided that, the penalties provided in respect of any such offence shall not exceed a fine of ₦200 and imprisonment for a term of six months.

5. Regulations to be laid before the National Assembly

(1) All regulations made under section 4 shall be laid before both Houses of the National Assembly as soon as may be after the date of their making.

(2) Either House may, by resolution, approve, amend or revoke any regulations laid before the House in pursuance of this section, but any such amendment or revocation shall be without prejudice to anything lawfully done thereunder or to the making of further regulations.

6. Diseases and pests

Where plants, seeds, soil, containers, straw or other packing materials or any other similar goods or things are on importation found or suspected to be infected with any plant disease or pest, an authorised officer may order them to be destroyed or may direct that they shall not be imported until they have been treated to his satisfaction for the removal of the plant disease or pest.

7. Furnishing of information

(1) An authorised officer may call upon any person to furnish him with any information he may reasonably require for the purpose of investigating any offence against this Act.

(2) No person who obtains any information by virtue of this section shall, otherwise than in the execution of his duties or powers under this Act, disclose that information except with the permission of the Minister.

8. Offences

(1) Any person who -

- (a) hinders or molests any authorised officer in the exercise of any of his duties or powers under this Act; or
- (b) without lawful excuse, fails to comply with any order lawfully given under this Act; or
- (c) without lawful excuse, fails to furnish any information lawfully demanded under this Act or furnishes information which he knows to be false in a material particular or does not believe to be true,

shall be guilty of an offence and liable on conviction to a fine of ₦400 and imprisonment for a term of one year.

(2) In any prosecution for an offence against this section, the onus of proving the existence of a lawful excuse shall lie on the person charged.

9. Prosecution

(1) No prosecution for an offence against this Act shall be commenced except with the consent of the Director of the Federal Department of Agricultural Research.

(2) Nothing in this section shall prevent the institution of proceedings for an offence against this Act by or in the

name of the Attorney-General of the Federation in accordance with the provisions of the Constitution of the Federal Republic of Nigeria in any case in which he thinks it proper that proceedings should be so instituted.

[Cap. C23.]

10. Defence in civil and criminal proceedings

Where any proceedings, whether civil or criminal, are brought against any public officer in respect of any act done in pursuance of any of the provisions of this Act, it shall be a good defence to show that there was reasonable and probable cause for the act in respect of which such proceedings are brought.

11. Power to sue for fees, etc.

Any expenses or fees due under this Act may be recovered by the Director of the Federal Department of Agricultural Research as a civil debt.

12. Transitional provisions

Any regulations made under the Agriculture Act, 1950, relating to matters in respect of which the Minister has power to make regulations under this Act and in force immediately before the commencement of this Act shall remain in force, as if made under this Act, until replaced by regulations made under this Act.