

# FERTILIZER (CONTROL) ACT

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## ARRANGEMENT OF SECTIONS

### SECTIONS

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## FERTILIZER (CONTROL) ACT

### **An Act to provide for the control of the sale and distribution of fertilizer and for matters connected therewith.**

[1992 No. 90.]

[15th December, 1992]

[Commencement.]

#### **1. Unauthorised sale of fertilizer**

As from the commencement of this Act, any person who, without the permission of the appropriate authority, deals in, sells or distributes fertilizer in any place not designated for the purpose of sale or distribution of fertilizer, shall be guilty of an offence under this Act and shall be accordingly punished as stipulated in this Act.

#### **2. Delays, defaults, dumping, etc., of fertilizer**

A person engaged under a duty of contract and charged under that duty with the delivery, haulage or transportation within a specified period of fertilizer who -

(a) fails, defaults, refuses, or delays the delivery of such fertilizer; or

(b) fails to deliver the quantity of fertilizer contracted to him for delivery, haulage or transportation; or

(c) dumps the fertilizer at any unauthorised place,

is guilty of an offence under this Act and shall accordingly be punished as stipulated in this Act.

#### **3. Designation of selling point**

(1) The appropriate authority may declare any place to be an approved selling or distributing point for the purpose of selling or distributing fertilizer.

(2) Every such selling or distributing point shall be made known in the manner customary in the area by the appropriate authority.

#### 4. **Conversion, etc., of fertilizer**

A person engaged by the appropriate authority in the sale, custody, distribution or transportation of fertilizer, who diverts or converts the fertilizer to his own use or the use of another, is guilty of an offence under this Act and shall accordingly be punished as stipulated in this Act.

#### 5. **Prohibition of exportation of fertilizer**

(1) Notwithstanding anything contained in any enactment, no person shall export fertilizer out of Nigeria.

(2) Any person who-

(a) takes or attempts to take or causes to be taken or induces any person to take fertilizer out of Nigeria; or

(b) loads and brings fertilizer to any place for the purpose of being exported fertilizer,

is guilty of an offence under this Act and liable to be punished as stipulated in this Act.

(3) Any customs officer or other person who aids, counsels, procures or conspires with any other person to commit an offence under this section is guilty of the offence and liable to be punished as stipulated under this Act.

#### 6. **Power of magistrate to issue warrant**

(1) A magistrate, if satisfied by information upon oath that there is reasonable ground for believing that there is in any building, premises, container, shop or place within the State or part of the Federation in which he has jurisdiction, that-

(a) anything upon or in respect of which an offence against the provisions of this Act has been or is suspected of having been committed; or

(b) anything which there is reasonable ground for believing will afford evidence as to the commission of any such offence; or

(c) anything which there is reasonable ground for believing is intended to be used for the purposes of committing such offence,

may at any time issue a warrant under his hand authorising any police officer named therein or person authorised by the appropriate authority at any time or times to enter or

open, if need be by force, the building, premises or place named in the warrant and to examine the same and search for any such thing and to seize it.

(2) Any fertilizer or thing seized under the authority of such warrant shall as soon as possible be brought before a court to be dealt with accordingly.

#### 7. **Power to search**

In addition to the power conferred by subsection (1) of section 6 of this Act, any police officer or person authorised by the appropriate authority, may search the property of any person where the officer or person in question has reason to believe that the person who or whose property is to be searched is in unlawful possession of fertilizer.

#### 8. **Offence**

(1) Any person who commits any offence under section 1, 2, 4 or 5 of this Act shall on conviction be liable to imprisonment for ten years without the option of a fine.

(2) Where an offence under section 1, 2, 4, or 5 of this Act has been committed by a body corporate, every person who at the time of the commission of the offence was a proprietor, director, general manager, secretary or other similar officer, servant or agent of the body corporate (or a person purporting to act in any such capacity), shall be deemed guilty of the offence and may be proceeded against and punished in accordance with the provisions of this Act.

(3) Any person who aids, counsels, procures or conspires with any other person to commit any offence under section 1, 2, 4 or 5 of this Act is guilty of an offence and liable on conviction to the same punishment as prescribed for the offence under this Act.

[1999 No. 62.]

## 9. Jurisdiction

(1) The Federal High Court shall have the jurisdiction to try offenders under this Act.

(2) The Federal High Court before which any person is convicted of any offence under this Act shall order the forfeiture to the Government of the Federation the fertilizer and any vehicle, ship, aircraft, animal, container or anything whatsoever which has been used for the sale, carriage, distribution, handling or depositing of the fertilizer.

## 10. Interpretation

In this Act, unless the context otherwise requires-

**"appropriate authority"** means reference to the Minister of Agriculture and Rural Development or any person or body authorised by him to give the required permission; and

**"fertilizer"** means any artificially produced chemical manure whether constituted by macro, micro, organic or inorganic substances that can improve and sustain plant growth and yield.

## 11. Short title

This Act may be cited as the Fertilizer (Control) Act.

## FERTILIZER (CONTROL) ACT

### SUBSIDIARY LEGISLATION

No Subsidiary Legislation