

# A BILL

## FOR

AN ACT TO ESTABLISH A NATIONAL PEST CONTROL AGENCY (NAPCA) AND FOR RELATED MATTERS, 2018

*Sponsored by Hon. Yusuf Buba Yakub*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 PART 1 - ESTABLISHMENT OF THE NATIONAL PEST CONTROL AGENCY  
2 AND THE GOVERNING BOARD

3 1. There is established a body to be known as the National Pest  
4 Control Agency (in this Act referred to as "the Agency") which:

Establishment  
of the National  
Pest Control  
Agency

5 (a) shall be a body corporate with perpetual succession and a  
6 common seal; and

7 (b) may sue and be sued in its corporate name.

8 2.-(1) There is established for the Agency, a Governing Board  
9 which shall consist of:

Establishment  
of the Governing  
Board

10 (a) a chairman;

11 (b) representative of the Federal Ministry of Agriculture and Rural  
12 Development;

13 (c) representative of the Federal Ministry of Health;

14 (d) representative of the Federal Ministry of Transportation;

15 (e) representative of the Federal Ministry of Finance;

16 (f) one other person to represent public interest; and

17 (g) the Director - General of the Service.

18 (2) Members, other than ex-officio shall:

19 (a) be appointed by the President on the recommendation of the  
20 Minister; and

Cessation of  
membership

1 (b) hold office on part-time basis for a term of four years and no more.

2 (3) The supplementary provisions set out in the First Schedule to this  
3 Act shall have effect with respect to the proceedings of the Board and other  
4 matters contained therein.

5 3.-(1) A member shall cease to be a member if:

6 (a) he resigns as a member by notice in writing under his hand  
7 addressed to the Minister and from the date specified in the notice or, if no date  
8 is specified, from the date of the receipt by the Minister of the notice, he shall  
9 cease to be a member;

10 (b) he is without permission of the Board absent from more than two  
11 consecutive meetings or without such permission is absent from the country for  
12 a period exceeding one year; or

13 (c) the Minister subject to the approval of the President, is satisfied  
14 that is not in the interest of the Agency or the public for the person appointed to  
15 continue in office and notifies the member in writing to that effect.

16 (2) If the Minister is satisfied that a member of the Board:

17 (a) has become bankrupt;

18 (b) is incapacitated by physical or mental illness;

19 (c) holds any other office of profit under the Service;

20 (d) enters into contract with the Agency or is engaged or participates  
21 in the sharing of the profits of any contract with the Agency;

22 (e) is guilty of serious misconduct in relating to his duties;

23 (f) has been convicted at any time by any court of law in Nigeria or  
24 elsewhere for an offence involving financial dishonesty; or

25 (g) is otherwise unable or unfit to discharge the functions of a  
26 member; the Minister may declare his office as a member of the board to be  
27 vacant.

28 (3) Where a member ceases to hold office for any reason whatsoever  
29 before the expiration of his term of office, President after consulting the  
30 Minister may appoint another person for the unexpired term.

1                   4. Notwithstanding anything to the contrary in this Act, the   Dissolution  
2 Minister shall exercise the powers of the Board where:

3                   (a) the Board has not been constituted;

4                   (b) the Board has been dissolved; and

5                   (c) any action taken or decision reached in compliance with the  
6 provisions of this subsection shall be valid for all intent and purpose.

7                   5. A member shall be paid such remuneration and allowance as the   Allowances of  
8 Federal Government may from time to time direct.                   members

9                   PART 11 - FUNCTIONS OF THE AGENCY AND POWERS OF THE BOARD

10                  6.-(1) The Agency shall:

11                  (a) enforce compliance with laws, guidelines, policies and                   Functions of the  
12 standards on pest control matters;                   Agency

13                  (b) coordinate and liaise with stakeholders within and outside  
14 Nigeria to ensure compliance with matters of pest control standards,  
15 regulations and enforcement;

16                  (c) enforce compliance with the provisions of international  
17 agreements, protocols, conventions and treaties on pest control, including  
18 forestry, endangered species, plants, plants products, animal products,  
19 animal biologics, sanitation, marine and wildlife, and such other pest control  
20 agreements as may from time to time come into force such as International  
21 Plant Protection Convention, International Office of Epizootics, etc; .

22                  (d) enforce compliance with any legislation on disposal of spent  
23 animal, animal product, biologics, plants, fish and fish products, wood and  
24 other wood packaging materials and regulated articles at the ports of entry  
25 and Pest Control Stations;

26                  (e) enforce compliance through monitoring the pest control  
27 regulations and standards on plant, fishes, animal;" and forestry wood and  
28 their product;

29                  (f) enforce compliance with regulations on the implementation and  
30 exportation of fishes and fish products, animals, animal products, biologics,

- 1 plants, plant products, wildlife and wildlife trophies, and wood products;
- 2 (g) ensure that pest control projects funded by donor organizations  
3 and external support agencies are carried out in compliance to regulations in  
4 plant health, animal public health, safety and environmental protection;
- 5 (h) enforce compliance with pest control measure using the  
6 registration, plant health, public health, licensing and permit systems, permits,  
7 inspection and certification system;
- 8 (i) conduct pest control audit, pest survey and disease surveillance,  
9 containment and eradication programmes on regulated pests and establish data  
10 bank on regulatory and enforcement mechanisms of pest control standard;
- 11 (j) prohibit the use of processes, equipment and materials that are  
12 capable of undermining public health, sanitation, and endangering the  
13 agricultural economy;
- 14 (k) develop pest control monitoring networks, compile and  
15 synthesize data on pest control measures compliance from all sectors;
- 16 (l) enter into agreement with public or private organizations and  
17 individuals to develop, utilize, coordinate and share monitoring programmes,  
18 research works, data on the effect of various activities as they concern the  
19 mandate of the Agency;
- 20 (m) collect and make available, through publications and other  
21 appropriate means and in co-operation with public and private organizations,  
22 scientific data and other information pertaining to pest control measures and  
23 standards;
- 24 (n) charge fees for tests, investigations and other services performed  
25 by the Agency;
- 26 (o) develop pest diagnostic and analytic capabilities and establish  
27 laboratories and pest stations at such places as may be deemed necessary and  
28 encourage and promote activities related to be functions of the Agency;
- 29 (p) collaborate with relevant agencies in the conduct of public  
30 investigation on epidemic, public health and sanitation occasioned by the

1 spread or outbreak of pests;

2 (q) train and develop the staff of the Agency; and

3 (r) other relevant agencies (national and international) with the  
4 approval of the Minister, establish the programmes for setting standards and  
5 regulations for the prevention, reduction and elimination of pest and  
6 epidemics caused by these diseases or brought about by these pests.

7 (2) The Service shall to the greatest extent be consistent with the  
8 performance of its duties under this Act, collaborate and co-operate with  
9 Ministries, Departments particularly parent Departments of Agriculture,  
10 Livestock and Pest Control Services, Fisheries, Forestry, branches and  
11 agencies of any Government in Nigeria and international organizations  
12 having duties related to those of the Agency.

13 (3) The Minister shall approve collaboration referred in sub-  
14 section (2) and such approval shall be laid before the Board within 60 days.

15 (4) The Agency may cause to be published such studies and reports,  
16 which shall include a review of medium and long-term economic prospects  
17 and problems, prepared for the use of the Agency as it sees fit.

18 (5) It shall be the duty of the Board to comply with any directives  
19 given by the President under this section.

20 7.-(1) The Board shall have power to:

Powers of the  
Board

21 (a) manage and superintend the affairs of the Agency;

22 (b) subject to the provisions of this Act, make, alter and revoke  
23 rules and regulations for carrying on the functions of the Agency;

24 (c) fix the terms and conditions of service including remuneration  
25 of employees of the Agency in conjunction with the office of the Head of  
26 Service of the Federation;

27 (d) maintain the efficiency and adequacy of the Agency to ensure  
28 the efficient performance of its functions;

29 (e) in the absence of a duly constituted Board for the Agency, the  
30 Director General of the Agency shall with the approval of the Minister carry

1 out such functions of the Board as ay be required;

2 (2) In the exercise of its functions and powers, the Agency shall give  
3 effect to the policy of the Agency in relation to those functions and powers as  
4 communicated to it from time to time in writing by the Minister.

5 PART III - APPOINTMENT OF THE DIRECTOR GENERAL AND OTHER STAFF

Appointment  
of the Director  
General

6 **8.**-(1) There shall be for the Agency a Director General who shall be  
7 appointed by the President on the recommendation of the Minister.

8 (2) The Director General shall be a person with cognate and  
9 professional experience in pest control activities.

10 (3) The Director General shall be the Chief Executive and Accounting  
11 Officer of the Agency and is responsible for the execution of the policies and  
12 the day to day administration of the Agency

13 (4) The Director General shall:

14 (a) hold office for a term of five years only; and

15 (b) on such terms and conditions as are specified in his letter of  
16 appointment.

17 (5) If for any reason the Director General is unable to perform his  
18 function or carry out his duties or there exist a vacancy in the office of the  
19 Director General the board may designate an employee of the agency who is  
20 next in rank to act as the Director General during the period of his inability or  
21 vacancy until a Director General is appointed in accordance with the provision  
22 of this Act and the employee shall while so acting have all the powers and  
23 perform all the functions of the Director General.

Appointment  
of Secretary/  
Legal Adviser

24 **9.**-(1) The Board shall appoint for the Agency, a Secretary/Legal  
25 Adviser who shall be a legal practitioner and must have been so qualified for a  
26 period of not less than 10 years.

27 (2) The Secretary/Legal Adviser shall:

28 (a) be Secretary to the Board;

29 (b) be responsible for keeping the books and proper records of

1 proceedings and correspondences of the Board and the upkeep of the records  
2 of the Agency;

3 (c) administer and discharge all legal obligations of the Agency;

4 (d) administer and discharge all insurance requirements of the  
5 Agency;

6 (e) retain external legal services on behalf of the Board as he may  
7 deem necessary or expedient; and

8 (f) perform such other functions as the Board or the Director -  
9 General as the case may be, may from time to time, assign to him.

10 (3) The Board may deploy or appoint other employees upon such  
11 terms and conditions as may be determined by the Board.

12 **10.**-(1) The Agency may establish Zonal Pest Control offices and  
13 Directorates as it deems necessary for the discharge of its function

Establishment  
of Zonal Pest  
Control Offices

14 PART IV - FINANCIAL PROVISIONS

15 **11.**-(1) The Agency shall establish and maintain a Fund from which  
16 shall be defrayed all expenditure incurred by the Agency.

Fund of the  
Agency

17 (2) There shall be paid and credited into the Fund the following:

18 (a) such sum as may be appropriated to it by the National  
19 Assembly;

20 (b) 2% of the Agriculture Development Fund;

21 (c) such sum as may be approved by the President from the  
22 National Resource Development Fund;

23 (d) loans and grants in aid from national, bilateral and multilateral  
24 agencies;

25 (e) all sums accruing to the Agency by way of rents, fees grants,  
26 subsidies, subscriptions, interest, royalties and other internally generated  
27 revenues from services rendered by the Service;

28 (f) all sums accruing to the Agency by way of gifts, endowments,  
29 bequeaths or other voluntary contributions by persons and organizations but  
30 the Agency shall not be obliged to accept a gift, endowment, bequeath,

1 contribution or donation for a particular purpose unless it approves of the terms  
2 and conditions attached to such donation;

3 (g) any sum or property which may in any manner become payable to  
4 or vest in the Agency in respect of the performance of its functions;

5 (h) any sum derived from the sale of any property held by or on behalf  
6 of the Agency;

7 (i) any other sum and property lawfully received by the Agency for  
8 the purposes of the Agency; and

9 (j) all accumulations of income derived from any such property or  
10 money.

Expenditure

11 **12.** The Agency shall, from time to time, apply the funds at its  
12 disposal to:

13 (a) the cost of establishing and maintaining the Head Office of the  
14 Agency located at the Federal Capital Territory, Abuja and its offices and  
15 stations in other places in Nigeria;

16 (b) the cost of compliance monitoring and enforcement activities  
17 including provision of uniform materials/paraphernalia, and payment of rents  
18 for offices;

19 (c) pay allowances and other benefits of members of the Agency and  
20 of its committees;

21 (d) pay the salaries and entitlements of the Director-General and other  
22 members of staff of the Agency;

23 (e) pay the pension, overhead and other administrative costs incurred  
24 by the Agency;

25 (f) training and capacity building of staff of the Agency; develop and  
26 maintain any property vested in or owned by the Agency including vehicles,  
27 facilities, laboratories and infrastructures;

28 (h) pay for services and contracts entered into by the Agency; and

29 (i) undertake any other activity in connection with all or any of the  
30 functions of the Agency.



- 1                   **13.**-(1) The Agency shall every year cause to be prepared and shall      Annual Account  
2                   adopt annual estimates of income and expenditure of the Agency for the      and estimate  
3                   ensuring year and, if so directed by the Minister, for any other period and  
4                   shall submit these estimates not later than such date as the Minister directs.
- 5                   (2) A copy of all annual estimates and supplementary estimates,  
6                   shall, upon their adoption by the Board, be sent forthwith to the Minister for  
7                   approval.
- 8                   (3) Moneys shall not be expended by the Agency other than in  
9                   accordance with the estimates of expenditure approved by the Minister.
- 10                  **14.**-(1) The Agency shall, as soon as practicable after each thirtieth      Annual Report  
11                  day of December occurring after the commencement of this Act, prepare and  
12                  furnish to the Minister a report on the operation of the Agency during the  
13                  year ended on that date, together with financial statements in respect of that  
14                  year in such form as the Auditor-General of the Federation approves.
- 15                  (2) Before furnishing the financial statements to the Minister, the  
16                  Agency shall submit to the Auditor - General of the Federation, who shall  
17                  satisfy:
- 18                  (a) whether the statements are based on proper accounts and  
19                  records;
- 20                  (b) whether the statements are in agreement with the accounts and  
21                  records and show fairly and truly the financial operations and state of the  
22                  affairs of the Agency;
- 23                  (c) whether the receipt, expenditure and investment of money, and  
24                  the acquisition and disposal of assets, by the Agency during the year have  
25                  been in accordance with this Act; and
- 26                  (d) as to such other matters arising out of the statements as the  
27                  Auditor-General of the Federation considers should be reported to the  
28                  Minister.
- 29                  **15.**-(1) The Agency may accept any gift of land, money or other      Power to accept  
30                  property on such terms and conditions, if any, as may be specified by the      gift

	1	person or organization making the gift.
	2	(2) The Agency shall not accept any gift if the conditions attached by
	3	the person or organization offering the gift are inconsistent with functions and
	4	objectives of the Fund.
Power to borrow	5	<b>16.</b> -(1) The Agency may from time to time, borrow by way of
	6	overdraft or otherwise such sums as it may require for the performance of its
	7	functions under this Act.
	8	(2) The Agency shall not, without the approval of the Minister,
	9	borrow money which exceeds at any time.
	10	(3) Where the sum to be borrowed is in foreign currency, the Agency
	11	shall seek and obtain the approval of the Minister through the Board.
Power to enter into contract	12	<b>17.</b> No committee of the Agency or any person or body engaged by it,
	13	and notwithstanding anything in the terms of reference:
	14	(a) shall carry on any activity on behalf of the Agency unless the
	15	consent of the Minister is obtained; and
	16	(b) shall enter into any contract with any other person or body, except
	17	with the consent of, or in accordance with the terms of any general authority
	18	given by the Board.
Power to acquire land	19	<b>18.</b> -(1) For the purpose of providing offices and premises necessary
	20	for the performance of its functions, the Agency may, subject to the provisions
	21	of the Land Use Act, 1978:
	22	(a) purchase or take on lease any interest in land, building or property;
	23	and
	24	(b) build, equip and maintain offices and premises
	25	(2) The Agency may, subject to the provisions of the Land Use Act,
	26	1978, sell or lease any office or premises held by it, which is no longer required
	27	for the performance of its functions under this Act.
	28	PART V - MISCELLANEOUS
Power of Authorised Officer	29	<b>19.</b> Authorised Officer shall:
	30	(a) inspect, examine and take samples of any plant, plant product,

1 annual, animal products, fish and fishery product or regulated articles and  
2 send such samples for further sanitary or phytosanitary action;

3 (b) enter and search at all reasonable time and with such assistance,  
4 if any, as he considers necessary, any area or premises if he has a reason to  
5 believe that an offence under this Act has been, is being or is about to be  
6 committed or for the purpose of satisfying himself that the provisions of this  
7 Act are being complied with after identifying himself by making available  
8 the identity card issued to him by the Agency;

9 (c) ask the consignee to produce an import permit or health  
10 certificate or other documentation required under this Act, provided that no  
11 officer shall in the exercise of the power conferred by this section, enter into  
12 any building or part of a building which is used exclusively as a private  
13 dwelling place or residence on board of any sea-going ship or vessel unless  
14 he shall have been authorized by a warrant issued by a competent authority;

15 (d) inspect, examine and make copies of such permits, certificates  
16 and documentation or take extracts from registers or records kept by such  
17 persons and seize them if they have reason to believe that all or any of them  
18 may be evidence of the commission of an offence punishable under this Act;

19 (e) search any person, baggage, package, conveyance or any other  
20 regulated article upon entry into or exit from Nigeria;

21 (f) make such examination and inquiries as he thinks fit in order to  
22 ascertain whether the provisions of this Act are being complied with and for  
23 that purpose stop any conveyance;

24 (g) stop the distribution, sale or use of any product, animal  
25 products, fish, fish products or regulated articles and seize same if he has  
26 reason to believe that they are being distributed, sold or used in  
27 contravention of the provisions of this Act;

28 (h) order at the owners expense, the treatment or disposal including  
29 reshipment and confinement in pest sites of plants, products, animal, animal  
30 products, fish, fish products or regulated articles imported into Nigeria,

1 whether or not they are covered by imported permits or health certificates, as  
2 well as the treatment of incoming conveyances as he may consider necessary  
3 for the prevention of the spread of any regulated pest or diseases which he has  
4 reasonable grounds to believe is or are among such plants, plant products,  
5 animal, animal products, fish, fish products or regulated articles;

6 (i) be present when the official agency seal on containers containing  
7 products, animal, animal products, fish, fish products or regulated articles are  
8 being broken;

9 (j) be accompanied and assisted by Police Officers in the performance  
10 of their functions under this section;

11 (k) order that plants, plant products and other regulated articles  
12 imported if found or suspected to be infected with any regulated pest of  
13 diseases be destroyed or re-shipped to the country of origin or they shall direct  
14 such plants products, animal, animal products, fish, fish products or regulated  
15 articles should not be granted entry into Nigeria unless they are treated in  
16 accordance with the existing sanitary and phytosanitary, regulations of the  
17 Agency, reshipping to country or be destroyed;

18 (l) refuse to issue phytosanitary certificate for plants, plant products,  
19 health certificates for animal and fish products and other regulated articles on  
20 exportation where request for sanitary and phytosanitary certificates are found  
21 or suspected not to be in compliance with sanitary requirements of the  
22 importing country until they have been so treated;

23 (m) conduct inspection and animal diseases surveillance of trade  
24 plants which shall be accompanied with pestnary movement and loading  
25 permit at the inter-state veterinary control posts; and

26 (n) exercise such other powers as the agency may deem necessary to  
27 delegate for carrying out the purposes of this Act.

Offences

28 **20.** It shall be an offence to:

29 (a) grow, rear, possess, sell, offer for sale, transport or distribute in any  
30 manner any plant, plant product, animal, animal product, fish, fish product or

1 regulated article knowing them to be imported into Nigeria contrary to this  
2 Act;

3 (b) assault, resist, threaten or willfully obstruct any authorized  
4 officer from exercising his lawful function under this Act;

5 (c) fail to comply with any order or directive lawfully made or  
6 given under this Act;

7 (d) import any plant, plant product, animal, animal product, fish,  
8 fish product or regulated articles contrary to any requirements prescribed  
9 under this Act;

10 (e) import any plant, plant product, animal, animal product, fish,  
11 fish product or regulate articles contrary to any requirements prescribed  
12 under this Act;

13 (f) fail to allow a search or inspection authorized under this Act;

14 (g) knowingly or recklessly provide information which is false for  
15 the purpose of obtaining any document under this Act; and

16 (h) alter, forge, deface or destroy any document issued under this  
17 Act.

18 **21.**-(1) Any person who commits an offence under section 20 of Penalties  
19 this Act shall:

20 (a) on a first summary conviction be sentenced to imprisonment for  
21 a period of 1 year or fine of 100% of the market value of the plants, plant  
22 products, animal, animal products, fish, fish products or regulated articles or  
23 both; and

24 (b) on a second summary conviction be sentenced to imprisonment  
25 for a period of 2 years or fine of 200% of the market value of the plants, plant  
26 products, animal, animal products, fish, fish products or regulated articles or  
27 both.

28 (2) In addition, in the case of second summary conviction, the  
29 agency may suspend the rights of the person temporarily to import as well as  
30 to perform any activities accredited by the Agency.

1 (3) In all cases, all plants, plant products, animal, animal products,  
2 fish, fish products or regulated articles imported into Nigeria in contravention  
3 of this Act, rules, orders or regulations under this Act shall be subject to  
4 reshancements, confiscation and destruction if there is no alternative sanitary and  
5 phytosanitary measure approved by the Service to deal with the goods.

6 PART VI - LEGAL PROCEEDINGS

Indemnity

7 **22.** A member, the Director - General or any employee of the Agency  
8 shall be indemnified out of the asset of the Agency against any liability incurred  
9 by him in defending any proceeding, whether civil or criminal, if any such  
10 proceeding is brought against him in his capacity as a member, Director  
11 General or employee of the Agency.

Execution of  
deeds

12 **23.**-(1) All deeds, instruments, contracts and other documents shall be  
13 duly executed by or on behalf of the Agency if sealed with the seal of the  
14 Agency and signed by the Director -General and the Director of Finance and  
15 Administration or any other person not below the rank of a Director appointed  
16 by the Board for that purpose.

17 (2) A deed, instrument, contract or other document executed in  
18 accordance with subsection (1) shall, subject to any exception that may be  
19 taken thereto on any ground other than that of competence of the party  
20 executing the same on behalf of the Agency, be effectual in law to bind the  
21 Agency and its successors and may be varied or discharged in like manner as  
22 that in which it was executed.

Limitation of  
suits against the  
Agency

23 **24.**-(1) No suit shall be instituted against the Agency or its employees  
24 unless it commenced (a) within three months after the act, neglect, or default  
25 complained of; and

26 (b) in the case of continuation of damage or injury, within six months  
27 after the ceasing thereof.

28 (2) No suit shall commence against the Board, Director - General or  
29 any employee of the Agency before the expiration of a period of one month,  
30 after written notice of intention to commence the suit shall have been served on

1 the Agency by the intending plaintiff or his agent.

2 (3) The notice referred to in subsection (2) of this section shall  
3 clearly state the:

4 (a) cause of action;

5 (b) particulars of the claim;

6 (c) name and place of abode of the intending plaintiff; and

7 (d) relief which he claims.

8 **25.** The notice or other documents required or authorized to be  
9 served on the services under the provisions of this Act or any other law may  
10 be served by:

Service of  
documents

11 (a) delivering the same to the office of the Director - General; or

12 (b) sending it by registered post addressed to the Director - General  
13 at the Head Office of the Agency.

14 **26.** In this Act:

Interpretation

15 "Authorised Officer" means an inspector in the Pre-entry Department of the  
16 Agency;

17 "Board" means the Governing Board of the Agency established by section 2  
18 of this Act;

19 "Chairman" means the Chairman of the Board;

20 "Director General" means the Chief Executive of the Agency and Chairman  
21 of the Management Committee;

22 "Functions" includes power and duty;

23 "Fund" means the account established by section 8 (1);

24 "member" means an individual representing an organization or institution in  
25 (the Board and includes the Chairman and Director General);

26 "Minister" means the Minister charged with responsibility for matters  
27 relating to Agriculture;

28 "Agency" means the Agency established by section 1 (1).

29 **27.** This Bill may be cited as the National Pest Control Agency  
30 (Establishment, etc.) Bill, 2018.

Short title

1

## SCHEDULE

2

## SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

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1.-(1) The Board shall meet and deliberate on the affairs of the Agency at least twice in one year.

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(2) At any meeting of the Board:

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(a) six members shall form a quorum, but in determining whether a quorum has been constituted the presence of any person invited to offer opinion or tender documents shall not be considered;

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(b) the Chairman, or in his absence, the member elected by the members present to act as Chairman, shall preside;

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(c) where the Board wishes to obtain the advice of any person on any particular matter, the Board may invite any person as it thinks fit, but any person who is invited by virtue of this sub paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum; and

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(d) the Chairman or a member presiding has a deliberative vote and, in the event of equality of votes, also has a casting vote.

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2. The Board may, if thinks fit, transact any of the business by the circulation of papers, and resolution in writing approved in writing by a majority of the members thereof shall be as valid and effectual as if it had been passed at a meeting of the Board by the votes of the members so approving the resolution.

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3. If any member has any beneficial interest in any land or building situate in an area comprised in any project of the Agency, or has any beneficial interest in any company or undertaking with which the Agency proposes to make any contract, or has an interest in any such contract, he shall forthwith disclose to the Board the fact and the nature of such interest, and such disclosure shall be recorded in the minutes of the Board, and thereafter such member shall take no further part in any deliberation or decision of the Board relating to such project or contract.

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(2) Any member disclosing any interest in any project or company or



1           undertaking in which the Agency proposes to make any contract shall be  
2           disregarded for the purposes of constituting a quorum of the Board for any  
3           such deliberation or decision.

4                       (3) For the purposes of subsection (1) of this section a general  
5           notice given at a meeting of the Board by a member to the effect that he is a  
6           member of a specified company or firm and is to be regarded as interested in  
7           any transaction or project of the agency concerning the company or firm,  
8           shall be regarded as a sufficient disclosure of his interest in relation to that  
9           transaction or project.

10                      (4) A member need not attend in person at a meeting of the Board in  
11           order to make any disclosure which he is required to make under this section  
12           if he takes reasonable steps to secure that the disclosure is made by notice  
13           which is brought up and read at the meeting.

14                      4.-(1) The Board may, subject to the provisions of this Act, make  
15           staff regulations relating generally to the conditions of service of the Agency  
16           and without prejudice to the generality of the foregoing, such regulations  
17           may provide for:

18                      (a) the appointment, promotion, termination, dismissal or other  
19           disciplinary control of the staff of the Agency;

20                      (b) appeals by such staff against dismissal or other disciplinary  
21           measures, and until such regulations are made any instrument relating to the  
22           conditions of service of officers in public service of the Federation shall be  
23           applicable, with such modifications as may be necessary; and

24                      (c) the Board shall be responsible for the policy guidance affairs of  
25           the Agency.

26                      (2) The Board may make regulations with respect to:

27                      (a) the quorum, proceedings and meetings of the Board and the  
28           determination of the Board;

29                      (b) the execution of instruments and the mode of entering into  
30           contracts by or on behalf of the Board, and the proof of documents

1 purporting to be executed, issued or signed by the Board, or an Officer or  
2 servant of the Agency.

3 (3) Until such regulation is made relevant sections of this Act shall  
4 apply to regulate the quorum, proceedings, meetings and determination of the  
5 Board.

6 (4) The Board may from time to time, by resolution, appoint,  
7 constitute, discharge, alter, continue or reconstitute any committee to advise  
8 the Board on such matters concerning the functions of the Agency as it sees fit.

9 (5) Any person may be appointed to be a member of a committee not  
10 withstanding that he is a member of the Board.

11 (6) Subject to any direction given by the Board every committee may  
12 regulate its own procedure.

#### EXPLANATORY MEMORANDUM

This Bill seeks to establish a National Pest Control Agency (NAPCA) and enforce compliance with laws, guidelines, policies and standards on pest control matters.