

A BILL

FOR

AN ACT TO ESTABLISH NIGERIA AGRICULTURAL QUARANTINE SERVICE
AND FOR RELATED MATTERS

Sponsored by Hon. Munir Dan Agundi

[] Commencement

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

1 PART I- ESTABLISHMENT OF THE NIGERIA AGRICULTURAL QUARANTINE
2 SERVICE AND THE GOVERNING BOARD

3 1. There is established a body to be known as the Nigeria
4 Agricultural Quarantine Service (in this Bill referred to as ("the Service"))
5 which-

Establishment of
the Nigeria
Agricultural
Quarantine Service

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

8 (b) may sue and be sued in its corporate name;

9 (c) shall be operated under Professional Departments (Plants,
10 Livestock, and Aquatics Resources and other related Service Department).

11 2.-(1) There is established for the Service, a Governing Board
12 which shall consist of-

Establishment of
the Governing
Board

13 (a) a Chairman;

14 (b) representative of the Federal Ministry of Agriculture and Water
15 Resources;

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

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

18 (e) representative of the Nigeria Customs Service;

19 (f) representative of the Federal Ministry of Commerce and
20 Industry;

21 (g) representative of the Federal Ministry of Finance;

- 1 (h) one other person to represent public interest;
2 (i) the Director-General of the Service;
3 (2) Members, other than ex-officio shall-
4 (a) be appointed by the President on the recommendation of the
5 Minister; and
6 (b) hold office on part-time basis for a term of four years and subject
7 to reappointment for another term of four years and no more.

8 *Schedule*

- 9 (3) The supplementary provisions set out in the first schedule to this
10 Bill shall have effect with respect to the proceedings of the Board and other
11 matters contained therein.

Cessation of
membership

- 12 3.-(1) A member shall cease to be a member if-
13 (a) he resigns as a member by notice in writing under his hand
14 addressed to the Minister and from the date specified in the notice or, if no date
15 is specified, from the date of receipt by the Minister of the notice, he shall cease
16 to be a member;
17 (b) he is without permission of the Board absent from more than two
18 consecutive meetings or without such permission is absent from the country for
19 a period exceeding one year; or
20 (c) the Minister subject to the approval of the President, is satisfied
21 that it is not in the interest of the service or the public for the person appointed to
22 continue in office and notifies the member in writing to that effect.
23 (2) If the Minister is satisfied that a member of the Board-
24 (a) has become bankrupt; or
25 (b) is incapacitated by physical or mental illness;
26 (c) holds any other office of profit under the service;
27 (d) enters into contract with the service or is engaged or participates in
28 the sharing of the profits of any contract with the Service;
29 (e) is guilty of serious misconduct in relation to his duties;
30 (f) has been convicted at any time by any court of law in Nigeria or

1 elsewhere for an office involving financial dishonesty; or

2 (g) is otherwise unable or unfit to discharge the functions of a
3 member, the Minister may declare his office as a member of the Board to be
4 vacant.

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

8 4. Notwithstanding anything to the contrary in this Bill, the **Dissolution**
9 Minister shall exercise the powers of the Board where-

10 (a) the Board has not been constituted;

11 (b) the Board has been dissolved; and

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

14 5. A member shall be paid such remuneration and allowances as **Allowances of**
15 the Federal Government may, from time to time direct. **members**

16 **PART II - FUNCTIONS OF THE SERVICE AND POWERS OF THE BOARD**

17 **6.-(1) The Service shall-** **Functions of the**

18 (a) enforce compliance with laws, guidelines, policies, regulations **Service**
19 and standards on agricultural quarantine matters;

20 (b) coordinate and liaise with stakeholders within and outside
21 Nigeria to ensure compliance with matters of agricultural quarantine
22 standards, regulations and enforcement;

23 (c) enforce compliance with the provisions of international
24 agreements, protocols, conventions and treaties on agricultural quarantine,
25 endangered species, plant, plant products, animal, animal products, aquatic
26 resources, aquatic resources products, animal biologics, wildlife and other
27 regulated articles like soil, wood packaging materials and infested or
28 contaminated trophies and artifacts and such other agricultural quarantine
29 agreements as may from time to time come into force such as International
30 Plant Protection Convention, International Office of Epizootics etc.;

1 (d) enforce compliance with any legislation on disposal of spent
2 animal, animal product, biologics, plants, fish and fish products, wood and
3 other wood packaging materials and regulated articles at the ports of entry and
4 Agricultural Quarantine Stations;

5 (e) enforce compliance through monitoring the agricultural
6 quarantine regulations and standards on plants, fishes, animals, and forestry
7 wood and their products;

8 (f) enforce compliance with regulations on the importation and
9 exportation of fishes and fish products, animals, animal products, biologics,
10 plants, plant products, wildlife and wildlife trophies and wood products;

11 (g) ensure that agricultural quarantine projects funded by donor
12 organizations and external support agencies are carried out in compliance to
13 regulations in plant health, animal public health, safety and environmental
14 protection;

15 (h) enforce compliance with agricultural quarantine control measures
16 using the registration, plant health, public health, licensing and permit systems,
17 permits, inspection and certification system;

18 (i) conduct agricultural quarantine audit, pest survey and disease
19 surveillance, containment and eradication programmes on regulated pests and
20 establish data bank on regulatory and enforcement mechanisms of agricultural
21 quarantine standards;

22 (j) prohibit the use of processes, equipments and materials that are
23 capable of undermining public health, sanitation and endangering the
24 agricultural economy;

25 (k) develop agricultural quarantine monitoring networks, compile
26 and synthesize data on agricultural quarantine measures compliance from all
27 sectors;

28 (l) enter into agreement with public or private organizations and
29 individuals to develop and utilize, coordinate and share monitoring
30 programmes, research works, data on the effect of various activities as they

1 concern the mandate of the service;

2 (m) collect and make available through publications and other
3 appropriate means and in co-operation with public and private
4 organizations, scientific data and other information pertaining to
5 agricultural quarantine measures and standards;

6 (n) charge fees for tests, investigations and other services
7 performed by the service;

8 (o) develop pest and animal diseases diagnostic and analytic
9 capabilities and establish laboratories and quarantine stations at such places
10 as may be deemed necessary and encourage and promote activities related
11 to the functions of the service;

12 (p) collaborate with relevant agencies in the conduct of public
13 investigation on epidemics, public health and sanitation occasioned by the
14 spread or outbreak of quarantine-able diseases or pests;

15 (q) train and develop the staff of the service; and

16 (r) other relevant agencies (national and international) with the
17 approval of the Minister, establish programmes for setting standards and
18 regulation for the prevention, reduction and elimination of quarantine-able
19 diseases, pests and epidemics caused by diseases or brought about by these
20 pests.

21 (2) The Service shall to the greatest extent be consistent with the
22 performance of its duties under this Bill, collaborate with Ministries,
23 Departments particularly parent Departments of agriculture, Livestock and
24 Pest control services, Fisheries, Forestry, branches and agencies of any
25 government in Nigeria and International Organizations having duties
26 related to those of the service.

27 (3) The Minister shall approve collaboration referred in subsection
28 (2) and such approval shall be laid before the Board within 60 days.

29 (4) The Service may cause to be published such studies and
30 reports, which shall include a review of medium and long-term economic

1 prospects and problems, prepared for the use of service as it sees fit.

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

Powers of the
Board

4 7.-(1) The Board shall have power to-

5 (a) manage and superintend the affairs of the service;

6 (b) subject to the provisions of this Bill, make, alter and revoke rules
7 and regulations for carrying on the functions of the Service;

8 (c) fix the terms and conditions of service including remuneration of
9 employees of the service in conjunction with the office of the head service of
10 the Federation;

11 (d) maintain the efficiency and adequacy of the Service to ensure the
12 efficient performance of its functions;

13 (e) in the absence of a duly constituted Board for the service, the
14 Director-General of the service shall with the approval of the Minister carry out
15 such functions of the Board as may be required;

16 (f) the Board shall on the recommendation of the Director - General
17 make all necessary regulation for the implementation of this Bill as the need
18 arises.

19 (2) In the exercise of its functions and powers, the service shall give
20 effect to the policy of the Service in relation to those functions and powers as
21 communicated to it from time to time in writing by the Minister.

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

Appointment of
the Director-General

23 8.-(1) There shall be for the service a Director-General who shall be
24 appointed by the President on the recommendation of the Minister.

25 (2) The Director-General shall be a person of cognate and
26 professional experience in agricultural quarantine activities.

27 (3) The Director-General shall be the Chief Executive and
28 Accounting Officer of the service and is responsible for the execution of the
29 policies and day to day administration of the Service.

30 (4) The Director-General shall-

- 1 (a) hold office for a term of five years only; and
2 (b) on such terms and conditions as are specified in his letter of
3 appointment.

4 (5) If for any reason the Director-General is unable to perform his
5 functions or carry out his duties or there exists a vacancy in the office of the
6 Director-General the Board may designate an employee of the service who
7 is next in rank to act as the Director- General during the period of his
8 inability or vacancy until a Director is appointed in accordance with the
9 provision of this Bill and the employee shall while so acting have all the
10 power and perform all the functions of the Director-General.

11 9.-(1) The Board shall appoint for the service, a Secretary/Legal
12 Adviser who shall be a legal practitioner and must have been so qualified for
13 a period of not less than 10 years.

Appointment of
Secretary/Legal
Adviser

14 (2) The Secretary/Legal Adviser shall-

- 15 (a) be Secretary to the Board;
16 (b) be responsible for keeping the books and proper records of
17 proceedings and correspondences of the Board and the upkeep of the
18 records of the service;
19 (c) administer and discharge all legal obligations of the service;
20 (d) administer and discharge all insurance requirements of the
21 service;
22 (e) retain external legal services on behalf of the Board as he may
23 deem necessary or expedient; and
24 (f) perform such other functions as the Board or the Director-
25 General as the case may be, from time to time, assign to him.

26 (3) The Board may deploy or appoint other employees upon such
27 terms and conditions as may be determine by the Board.

28 10.-(1) The Service may establish Zonal Quarantine Offices and
29 Directorates as it deems necessary for the discharge of its functions.

Establishment of
directorate and
zonal offices of
the service

30 (2) Zonal quarantine office shall be headed by a Deputy Director.

1 PART IV -FINANCIAL PROVISIONS

Fund of the
Service2 11.-(1) The Service shall establish and maintain a Fund from which
3 shall be defrayed all expenditure incurred by the service.

4 (2) There shall be paid and credit into the Fund the following-

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

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

7 (c) such sum as may be approved by the President from the Natural
8 Resources Development Fund;9 (d) loans and grants in aid from national, bilateral and multilateral
10 agencies;11 (e) all sums accruing to the service by way of gifts, endowments,
12 bequeaths or other voluntary contributions by persons and organizations but
13 the service shall not be obliged to accept a gift, endowment, bequeaths,
14 contributions or donation for a particular purpose unless it approves of the
15 terms and conditions attached to such donation;16 (f) any sum or property which may in any manner become payable to
17 or vest in the service in respect of the performance of its functions;18 (g) any sum derived from the sale of any property held by or on behalf
19 of the service;20 (h) any other sum and property lawfully received by the service for
21 the purpose of the service; and22 (i) all accumulation of income derived from any such property or
23 money.

Expenditure

24 12. The Service shall, from time to time, apply the Funds at its
25 disposal to-26 (a) the cost of establishing and maintaining the Head Office of the
27 service located at the Federal Capital Territory, Abuja and its offices and
28 stations in other places in Nigeria;29 (b) the cost of compliance, monitoring and enforcement activities
30 including provision of uniform materials/paraphernalia, and payment of rents

1 for offices;

2 (c) pay allowances and other benefits of members of the service
3 and of its committees;

4 (d) pay the salaries and entitlements of the Director-General and
5 other members of staff of the service;

6 (e) pay the pension, overhead and other administrative costs
7 incurred by the service;

8 (f) training and capacity building of staff of the service;

9 (g) develop and maintain any property vested in or owned by the
10 service including vehicles, facilities, laboratories and infrastructures;

11 (h) pay for services and contracts entered into by the service; and

12 (i) undertake any other activity in connection with all or any of the
13 functions of the service.

14 **13.-(1)** The Service shall every year cause to be prepared and shall
15 adopt annual estimates of income and expenditure of the Service for the
16 ensuring year and, if so directed by the Minister, for any other period and
17 shall submit these estimates not later than such date as the Minister directs.

Annual account
and estimate

18 (2) A copy of all the annual estimates and supplementary estimates,
19 shall, upon their adoption by the Board, be sent forthwith to the Minister for
20 inclusion in the Ministry's Budget for presentation to the National Assembly
21 for approval.

22 (3) Monies shall not be expended by the service other than in
23 accordance with the estimates of expenditure as approved by the National
24 Assembly.

25 **14.-(1)** The Service shall, as soon as practicable after each thirtieth
26 day of December occurring after the commencement of this Bill, prepare
27 and furnish to the Minister a report on the operation of the service during the
28 year ended on that date, together with financial statements in respect of that
29 year in such form as the Auditor-General of the Federation approves.

Annual report

30 (2) Before furnishing the financial statements to the Minister, the

1 service shall submit to the Auditor-General of the Federation, who shall
2 satisfy-

3 (a) whether the statements are based on proper account and records;

4 (b) whether the statements are in agreement with the accounts and
5 records and show fairly and truly the financial operations and state of the affairs
6 of the Service;

7 (c) whether the receipt, expenditure and investment of money, and the
8 acquisition and disposal of assets, by the service during the year have been in
9 accordance with this Bill; and

10 (d) as to such other matters arising out of the statements as the
11 Auditor-General of the Federation considers should be reported to the
12 Minister.

Power of accept
gift

13 **15.-(1)** The Service may accept any gift of land, money or other
14 property on such terms and conditions, if any as may be specified by the person
15 or organization making the gift.

16 (2) The Service shall not accept any gift if the conditions attached by
17 the person or organization offering the gift are inconsistent with functions and
18 objectives of the Fund.

Power to borrow

19 **16.-(1)** The Service may from time to time, borrow by way of
20 overdraft or otherwise such sums as it may required for the performance of its
21 functions under this Bill.

22 (2) The Service shall not, without the approval of the Minister, borrow
23 money which exceeds at any time, the amount set by the Government as the
24 limit of the authority of the service.

25 (3) Where the sum to be borrowed is in Foreign currency, the service
26 shall seek and obtain the approval of the Minister through the Board.

Power to enter
into contract

27 **17.** No committee of the service or any person or body engaged by it,
28 and notwithstanding anything in the terms of reference-

29 (a) shall carry on any activity on behalf of the Service unless the
30 consent of the Minister is obtained; and

1 (b) shall enter into any contract with any other person or body,
2 except with the consent of, or in accordance with the terms of any general
3 authority given by, the Board.

4 18.-(1) For the purpose of providing offices and premises
5 necessary for the performance of its functions, the service may, subject to
6 the provision of the Land Use Act, 1978-

Power to acquire
land

7 (a) purchase or take on lease any interest in land, building or
8 property; and

9 (b) build, equip and maintain offices and premises.

10 (2) The Service may, subject to the provision of the Land Use Act,
11 1978, sell or lease any office or premises held by it, which is no longer
12 required for the performance of its functions under this Bill.

13 PART IV- MISCELLANEOUS

14 19. Authorized Officer shall-

Power of
authorized officer

15 (a) inspect, examine and take samples of any plant, plant products,
16 animal, animal products, fish and fishery products or regulated articles and
17 send such samples for further sanitary or phytosanitary action;

18 (b) enter and search at all reasonable time and with such assistance,
19 if any, as they considers necessary, any area or premises if he has a reason to
20 believe that an offence under this Bill has been, is being or about to be
21 committed or for the purpose of satisfying himself that the provisions of this
22 Bill are being complied with after identifying himself by making available
23 the identity card issued to him by the Service;

24 (c) ask the consignee to produce an import permit or health
25 certificate or other documentation required under this Bill, provided that no
26 officer shall in the exercise of the power conferred by this section, enter into
27 any building or part of a building which is used exclusive as a private
28 dwelling place or resident on Board of any sea going ship or vessel unless he
29 shall have been authorized by a warrant issued by a competent authority;

30 (d) inspect, examine and make copres if such permits, certificates

1 and documentation or take extracts from registers or records kept by such
2 persons and seize them if they have reason to believe that all or any of them
3 may be evidence of the commission of an offence punishable under this Bill;

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

6 (f) make such examination and inquires as he thinks fit in order to
7 ascertain whether the provisions of this Bill are being complied with and for
8 that purpose stop any conveyance;

9 (g) stop the distribution, sale or use of any product, animal products,
10 fish, fish products or regulated articles and seize same if he has reason to
11 believe that they are being distributed, sold or used in contravention of the
12 provision of this Bill;

13 (h) order at the owners expense, the treatment or disposal including
14 reshipment and confinement in quarantine sites of plants, products, animal,
15 animal products, fish, fish products or regulated articles import into Nigeria,
16 whether or not they are covered by imported permits or health certificates, as
17 well as the treatment of incoming conveyances as he may consider necessary
18 for the prevention of the spread of any regulated pests or diseases which he has
19 reasonable grounds to believe is or are among such plants, plant products,
20 animal, animal products, fish, fish products or any other regulated articles;

21 (i) be present when the official service seal on containers containing
22 products, animal, animal products, fish, fish products or regulated articles are
23 being broken;

24 (j) be accompanied or assisted by police officers in the performance of
25 their functions under this section;

26 (k) order that plant, plant products, and other regulated articles
27 imported if found or suspected to be infected with any regulated pests or
28 diseases be destroyed or re-shipped to the country of origin or they shall direct
29 such plants products, animal, animal products, fish, fish products or regulated
30 articles should not be granted entry into Nigeria until they are treated in

1 accordance with the existing sanitary and phytosanitary regulations of the
2 Service, reshipped to the country or be destroyed;

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

8 (m) conduct inspection and animal diseases surveillance of trade
9 animals which shall be accompanied with Veterinary movement and
10 loading permit at the inter-state Veterinary control posts;

11 (n) conserved in the field or Cold Stone, Seeds, seedlings, in-vitro,
12 cuttings or any form, the imported germplasma samples after necessary
13 sanitary and phytosanitary actions have been taken and in collaboration
14 with any relevant institution mandated to conserve germplasm in order to
15 control reduce frequent importation of such germplasm; and

16 (o) exercise such other powers as the service may deem necessary
17 to delegate for carrying out the purpose of this Bill.

18 **20.** It shall be an offence to-

Offences

19 (a) grow, rear, possess, sell, offer for sale, transport or distribute in
20 any manner any plant, plant products animal, animal products, fish, fish
21 products or regulated articles knowing them to be imported into Nigeria
22 contrary to this Bill;

23 (b) assault, resist, threaten or willfully obstruct any authorized
24 officer from exercising his lawful function under this Bill;

25 (c) fail to comply with any order or directive lawfully made or
26 given under this Bill;

27 (d) imported any plant, plant products, animal, animal products,
28 fish, fish products or regulated articles at a point of entry not specified by the
29 service;

30 (e) import any plant, plant products, animal, animal products, fish,

1 fish products or regulated articles contrary to any requirement prescribed under
2 this Bill;

3 (f) fail to allow a search or inspection authorized under this Bill;

4 (g) knowingly or recklessly provide information which is false for the
5 purpose of obtaining any document under this Bill; and

6 (h) alter, forge, deface or destroy any document issued under this Bill.

Penalties

7 **21.-(1)** Any person who commits an offence under section 20 of this
8 Bill shall-

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

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

15 (2) In addition, in the case of second summary conviction, the service
16 may suspend the rights of the person temporarily to import as well as to
17 perform any activities accredited by the service,

18 (3) In all cases, all plant, plants products, fish, fish products or
19 regulated articles imported into Nigeria in contravention of this Bill, rules,
20 orders or regulations there under shall be subject to reshipment, confiscation
21 and destruction if there is no alternative sanitary and phytosanitary measure
22 approved by the Service to deal with the goods.

23 PART VI - LEGAL PROCEEDINGS

Indemnity

24 **22.** A member, the Director-General or any employee of the service
25 shall be indemnified out of the asset of the service against any liability incurred
26 by him in defending any proceeding, whether civil or criminal, if any such
27 proceeding is brought against him in his capacity as a member, Director-
28 General or employee of the service.

Execution of
deeds

29 **23.-(1)** All deeds, instruments, contracts and other documents shall be
30 duly executed by or on behalf of the service if sealed with the seal of the service

1 and signed by the Director-General and the Director of Finance and
2 Administration or any other person not below the rank of a Director
3 appointed by the Board for that purpose.

4 (2) A deed, instrument, contract or other documents executed in
5 accordance with subsection (1) shall, subject to any exception that may be
6 taken thereto on any ground other than that of competence of the party
7 executing the same on behalf of the service, be effectual in law to bind the
8 service and its successors and may be varied or discharged in like manner as
9 that in which it was executed.

10 24.-(1) No suit shall be instituted against the service or its
11 employees unless it commenced-

Limitation of
suits against the
service

12 (a) within three months after the act, neglect, or default
13 complained of; and

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

16 (2) No suit shall commence against the Board, Director-General or
17 any employee of the service before the expiration of a period of one month,
18 after written notice of intention to commence the suit shall have been served
19 on the service by the intending plaintiff or his agent.

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

22 (a) cause of action;

23 (b) particulars of the claim;

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

25 (d) relief which he claims.

26 25. The notice or other documents required or authorized to be
27 served on the service under the provisions of this Bill or any other law may
28 be served by-

Service of
documents

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

30 (b) sending it by registered post addressed to the Director- General

1 at the Head office of the service.

Interpretation 2 **26. In this Bill-**

3 "Authorized Officer" means an inspector in the pre-entry department of the
4 service;

5 "Board" means the Governing Board of the service established by section 2 of
6 this Bill;

7 "Chairman" means the Chairman of the Board;

8 "Director-General" means the Chief Executive of the service and Chairman of
9 the Management Committee;

10 "Functions" includes power and duty;

11 "Fund" means the account established by section 11 (1);

12 "Member" means an individual representing an organization or institution in
13 (the Board and includes the Chairman and Director-General);

14 "Minister" means the Minister charged with the responsibility for matters
15 relating to Agriculture;

16 "Service" means the service established by section 1 (1);

17 "animal" means horse, mule, donkey, camel, cattle, cow, bull, bullock, heifer
18 and calf, buffalo, sheep, goat, swine, dog, cat, laboratory animal, wild animal
19 and for purposes of this Bill includes bird, rabbit and poultry (domestic fowl,
20 turkey, duck, goose, pigeon, guinea fowl and ostrich etc);

21 "animal product" means egg, milk, semen or any other part of the animal;

22 "area" means an area to which this Bill applies;

23 "control post" means an established area along trade routes at
24 international and inter-state borders or within the States with facilities for
25 inspection, examination, vaccination and treatment of trade animals;

26 "premises" mean house, tenement, land, farm, hatchery and includes rail
27 wagon, motor vehicle, river or ocean going vessel or aircraft;

28 "quarantine station" means a designated place where animals or plant and their
29 products, boxes, rugs, kennels and other appurtenances which have come from
30 infected or suspected to be infected countries or areas are detained at the

1 frontiers, ports of entry or at other officially designated areas where they are
2 temporarily kept before being allowed to mix with local stock or for
3 restricting the movement of local stock infected or suspected to be infected
4 with disease while under observation, disinfection and treatment;

5 "trade animal" means cattle, sheep, goat and camel, horse, donkey, pig
6 intended for slaughter or for use as a pack animal whether coming overland
7 or by air or sea from any place outside Nigeria or purchased in and intended
8 to be moved out of an area, but does not include cattle proceeding to grazing
9 ground, and not intended for sale or for use as pack animal;

10 "certificate" an official document which attests to the phytosanitary status of
11 any consignment affected by phytosanitary regulations;

12 "containment" application of phytosanitary measures in and around an
13 infested area to prevent spread of a pest and disease;

14 "contamination" presence in a commodity, storage place, conveyance or
15 container, of pests or other regulated articles, not constituting an infestation
16 (see infestation);

17 "control (of a pest)" suppression, containment or eradication of a disease or
18 pest population;

19 "entry (of a consignment)" movement through a point of entry into an area;

20 "import permit" official document authorizing importation of a commodity
21 in accordance with specified phytosanitary import requirements;

22 "inspection" official visual examination of animal, animal products, plant,
23 plant products aquatic resources products or other regulated articles to
24 determine if pests are present and/or to determine compliance with
25 phytosanitary regulations;

26 "inspector" person authorized by a National Plant Protection Organization
27 to discharge its functions;

28 "monitoring" an official ongoing process to verify phytosanitary situations;

29 "packaging" material used in supporting, protecting or carrying a
30 commodity;

- 1 "pest" any species, strain or biotype of plant, animal or pathogenic agent
2 injurious to plants or plant products;
- 3 "plants" living plants and part thereof, including seeds and germplasm;
- 4 "point of entry" airport, seaport or land border point officially designated for
5 the importation of consignments, and/or entrance of passengers;
- 6 "quarantine" official confinement of regulated articles for observation and
7 research or for further inspection, testing and/or treatment;
- 8 "regulated article" any plant, plant products, animal, animal products, aquatic
9 resources,
10 aquatic resources product, storage place, packaging, conveyance, container,
11 soil and any other organism, object or material capable of harbouring or
12 spreading pests, deemed to require phytosanitary measures, particularly where
13 international transportation is involved;
- 14 "surveillance" an official process which collects and records data on diseases,
15 pest occurrence or absence by survey, monitoring or other procedures;
- 16 "wood" a commodity class for round wood, sawn wood, wood chips or
17 dunnage, with or without bark;
- 18 "wood packaging material" wood or wood products (excluding paper
19 products) used in
20 supporting, protecting or carrying a commodity (includes dunnage);
- 21 "aquatic" in aquaculture: live finfish, molluses and crustaceans, including their
22 reproductive products, fertilized eggs, embryos and juvenile stages, whether
23 from aquaculture sites or from the wild;
- 24 "aquatic product" product or sub product obtained from a cultured organism
25 whose value or retail price is greatly enhanced after being subjected to
26 processing;
- 27 "aquatic resource" natural resource in which a group of people has common
28 user rights (not necessarily owner rights). It is common for the resources of
29 lakes, rivers, estuaries and marine areas to be considered as common
30 properties. Traditionally, they are not open-access but are subject to rules and

1 conventions often unwritten, of local communities;

2 "phytosanitary certificate" means the certificate set out in schedule to be
3 made under this Bill;

4 "phytosanitary measures" means any legislation, regulation or official
5 produce having the purpose to prevent the introduction and/or spread of
6 pests;

7 "phytosanitary requirements" means any official specific phytosanitary
8 import conditions to be met by a consignment of a particular plant, plant
9 product or regulated article from a specific origin;

10 "phytosanitary regulations" means any official rule to prevent the
11 introduction and/or spread of pests by regulating the production, movement
12 or existence of commodities or other articles ,or the normal activity of
13 persons, and by establishing procedures for phytosanitary certification;

14 "plant" means any living plant and parts thereof, including seeds and
15 germplasm;

16 "plant product" means any unmanufactured material of plant origin
17 (including grain) and those manufactured products that, by the nature or that
18 of their processing may create a risk for the introduction and spread of pests;

19 "quarantine pest" means a pest of potential economic importance to the area
20 endangered thereby and not yet present there, or present but not widely
21 distributed and being officially controlled;

22 "regulated pest" means a quarantine pest or a regulated non-quarantine pest;

23 "Area of jurisdiction" means seaports, airports, land borders, interstate
24 control posts, post offices and any other area as per the mandate of the
25 service.

26 **27.** This Bill may be cited as the Nigeria Agricultural Quarantine Short Title
27 Service (Establishment, etc) Bill, 2016.

1 SCHEDULE

2 *Section 2 (3)*

3 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

4 1.-(1) The Board shall meet and deliberate on the affairs of the service
5 at least twice in one year.

6 (2) At any meeting of the Board-

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

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

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

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

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

23 3.-(1) If any member has any beneficial interest in any land or
24 building situate in an area comprised in any project of the service, or has any
25 beneficial interest in any company or undertaking with which the service
26 proposes to make any contract, or has an interest in any such contract, he shall
27 forthwith disclose to the Board the fact and the nature of such interest, and such
28 disclosure shall be recorded in the minutes of the Board, and thereafter such
29 member shall take no further part in any deliberation or decision of the Board
30 relating to such project or contract.

1 (2) Any member disclosing any interest in any project or company
2 or undertaking in which the Service proposes to make any contract shall be
3 disregarded for the purposes of constituting a quorum of the Board for any
4 such deliberation or decision.

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

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

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

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

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

25 (c) the Board shall be responsible for the policy guidance affairs of
26 the service.

27 (2) The Board may make regulations with respect to-

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

30 (b) the execution of instruments and the mode of entering into

1 contracts by or on behalf of the Board, and the proof of documents purporting
2 to be executed, issued or signed by the Board, or an officer or servant of the
3 service.

4 (3) Until such regulation is made section of this Bill shall apply to
5 regulate the quorum, proceedings, meetings and determination of the 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 service as it sees fit.

9 (5) Any person may be appointed to be a member of a committee
10 notwithstanding 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 Nigeria Agricultural Quarantine Service and for related matters.