

A BILL

FOR

**AN ACT TO REPEAL THE NATIONAL AGRICULTURAL SEEDS ACT CAP. N5
LFN 2004 AND ENACT THE NATIONAL AGRICULTURAL SEEDS COUNCIL
2016 AND FOR RELATED MATTERS**

Sponsored by Hon. Munir Dan Agundi

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Commencement

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

1 **PART 1- ESTABLISHMENT OF THE NATIONAL AGRICULTURAL SEEDS**
2 **COUNCIL AND GOVERNING BOARD**

3 **1.-(1) There is established a body to be known as the National**
4 **Agricultural Seeds Council (in this Bill referred to as the "Council").**

Establishment of
the Agricultural
Seeds Council

5 **(2) The Council shall be a body corporate with perpetual**
6 **succession and a common seal and may-**

7 **(a) acquire, hold or dispose of real and personal property;**

8 **(b) sue or be sued in its corporate name.**

9 **2.-(1) There is hereby established for the management of the**
10 **Governing Board (in this Bill referred to as "the Board").**

Establishment of
the Governing
Board

11 **(2) The Board shall consist of a Chairman and the following**
12 **members-**

13 **(a) two persons to be nominated by the Seeds Association of**
14 **Nigeria;**

15 **(b) the Director of the Federal Department of Agriculture;**

16 **(c) one representative of the Ministry of Commerce and Industry**
17 **not below the rank of a Director;**

18 **(d) one person with relevant qualifications and cognate experience**
19 **in crop breeding technology to represent Agricultural Research Council of**
20 **Nigeria;**

21 **(e) one person with relevant qualifications and cognate experience**

- 1 in Crop Breeding Technology to represent the Universities of Agriculture;
- 2 (f) one person representing the National Food Reserve Agency;
- 3 (g) one representative of the Agricultural Development Fund;
- 4 (h) one person representing Nigerian Chamber of Commerce,
5 Industries, Mines and Agriculture;
- 6 (i) two persons from the Apex Farmers Association of Nigeria, one
7 each representing the Large Scale Farmers and the Small Scale Farmers
8 groups;
- 9 (j) the Director General of the National Agricultural Seeds Council.
- 10 (3) The Chairman and other members shall possess sufficient
11 qualifications and experience in the Seed industry and shall be appointed by the
12 President upon the recommendation of the Minister.
- 13 (4) The Chairman and members shall hold office for a term.
- 14 (5) A member of the Board shall be paid such allowances as the
15 Federal Government may from time to time direct.
- 16 (6) The Chairman or member may at any time be removed from office
17 by the President for inability to discharge the functions of his office whether
18 arising from infirmity of the mind or body or for any fraudulent act or
19 misconduct.
- 20 (7) (i) The Chairman or member may resign by a notice addressed
21 through the Minister to the President;
- 22 (ii) The notice of resignation shall become effective from the date of
23 acceptance of the resignation by the President.
- 24 (8) Upon the occurrence of any vacancy in the membership of the
25 Board, the Chairman shall immediately communicate this fact to the Minister
26 who shall ensure the vacancy is filled as contained in this section.
- 27 (9) The office of the Chairman or member shall become vacant if-
- 28 (a) he dies;
- 29 (b) he becomes insane or he is suffering from any permanent
30 disability;

1 (c) he is an undischarged bankrupt; or

2 (d) he is convicted of the commission of a crime relating to fraud or
3 gross misconduct.

4 (10) Without prejudice to the provisions of the Bill, where a
5 majority of the members of the Board are satisfied that the continued
6 presence on the Board of the Chairman or a member is not in the national
7 interest or the interest of the Council, the Board may recommend through
8 the Minister to the President for the removal of such Chairman or member.

9 (11) No decision of the Board shall be invalidated solely on the
10 reason that there exists a vacancy the number of members.

11 (12) In the absence of a duly constituted Board for the Council, the
12 Director-General of the Council shall, with the approval of the Minister
13 carry out such functions of the Board as may be required.

14 (13) The supplementary provisions set out in the schedule of this
15 Bill shall have effect with respect to the proceedings of the Board and the
16 other matters specified therein.

17 3. Notwithstanding anything to the contrary in this Bill, the **Dissolution**
18 Minister shall exercise all the powers of the Board where-

19 (a) the Board has not been constituted;

20 (b) the Board has been dissolved; and

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

23 PART II - FUNCTIONS OF THE COUNCIL

24 4. The Council shall-

**Functions of the
Council**

25 (1) (a) analyse and formulate programmes, policies and actions
26 regarding seed development and the seed industry in general, including
27 research on issues relating to seed testing, registration, ~~release~~, production,
28 marketing, distribution, certification, quality control, supply and use of
29 seeds in Nigeria, importation and exportation of seeds;

30 (b) design improved management system and procedure relating

- 1 to the administration of seed activity;
- 2 (c) advise the Federal Government on the organization, management
3 and financing of seed programmes;
- 4 (d) analyse the market and prices of seeds;
- 5 (e) advise the national research system on the changing pattern of
6 seed demand and farmers needs;
- 7 (f) plan, monitor and evaluate the achievements of the national seed
8 system and recommend improvement thereto;
- 9 (g) encourage the establishment in Nigeria of seed companies for the
10 purpose of carrying out research, production, processing and marketing of
11 seeds;
- 12 (h) regulate the Seed Industry in Nigeria; and
- 13 (i) perform such other related functions as may be required of the
14 Council, from time to time subject to the approval of the Minister.
- 15 (2) From the commencement of the Bill, every company incorporated
16 in Nigeria for the purposes specified in paragraph (g) of section 4 of this Bill,
17 shall enjoy such incentives as are granted by the Federal Government to an
18 agricultural and seed enterprises.
- 19 (3) The Crop Variety Registration and Release Committee shall have
20 responsibility for making recommendations to the Council on matters relating
21 to-
- 22 (a) the registration and release of any given crop variety;
- 23 (b) the declaration of a crop variety as a notified kind and for the
24 purposes of the Bill, different kinds or varieties of seed may be notified for
25 different areas;
- 26 (c) a crop kind variety intended to be registered under this section may
27 be required to undergo a minimum of two years of text to determine its
28 adaptability to a particular geo-political area.
- 29 5. The Board shall have powers to-
- 30 (a) manage and superintend the affairs of the Council;

1 (b) fix the terms and conditions of service including remuneration
2 of the employees of the Council;

3 (c) Subject to the provisions of this Bill, make, alter and revoke
4 rules and regulations
5 for carrying on the functions of the Council.

6 PART III -APPOINTMENT OF THE DIRECTOR-GENERAL, ETC

7 6.-(1) There shall be appointed by the President, on the
8 recommendation of the Minister, a Director-General for the Council who
9 shall be the Chief Executive Officer of the Council and is responsible for the
10 execution of the polices and day-to-day running of the affairs of the Council.

Appointment of
the Director-General

11 (2) The Director General shall possess professional qualifications
12 and cognate experience in seed science and technology.

13 (3)The Director General shall hold office-

14 (a) for a term of five years and no more; and

15 (b) on such other terms and conditions as may be specified in the
16 letter of appointment.

17 7.-(1) The Council may appoint such other members of staff as is
18 deemed necessary for the discharge of its functions under this Bill.

Appointment of
other Staff

19 (2) A person seconded under subsection (2) of this section may
20 elect to transfer his service to the Council in which case any previous service
21 shall be qualifying service as defined in the Pension Reform Act.

22 (3) The Council may make staff regulations relating generally to
23 the following-

24 (a) the appointment, promotion, termination, dismissal and
25 disciplinary control of the staff of the Council as contained in the scheme of
26 service of the Federal Civil Service;

27 (b) appeals by such staff against dismissal or other disciplinary
28 measures, shall be in line with the regulation of the Federal Civil Service,
29 any instrument relating to the conditions of service of the officers of the
30 Civil Service of the Federation shall be applicable, with such modifications

1 as may be necessary to the staff of the Council.

2 (4) Service in the Council is approved service for the purpose of the
3 Pension Reform Act.

Appointment of
Secretary/Legal
Adviser

4 8.-(1) The Board shall appoint for the Council, a Secretary/Legal
5 Adviser who shall be a legal practitioner and must have been so qualified for a
6 period of not less than 10 years.

7 (2) The Secretary/Legal Adviser shall-

8 (a) be Secretary to the Board;

9 (b) be responsible for keeping the books and proper records of
10 proceedings and correspondences of the Board and the upkeep of the records of
11 the Council;

12 (c) administer and discharge all legal obligations of the Council;

13 (d) administer and discharge all insurance requirements of the
14 Council;

15 (e) retain external legal services on behalf of the Council as he may
16 deem necessary or expedient; and

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

19 PART IV - APPOINTMENT OF SEED INSPECTORS

Appointment of
Seed Inspectors

20 9.-(1) The Council shall appoint seed inspectors and define the area
21 within which they can exercise jurisdiction.

22 (2) A Seed Inspector shall perform the following duties-

23 (a) take samples of any seed of any variety or hybrid from-

24 (i) any person selling such seed; or

25 (ii) any person who is the course of conveying, delivering or
26 preparing to deliver such seed to a purchaser or a consignee; or

27 (iii) a purchaser or a consignee after delivery of such seed to him.

28 (b) send such sample to the Seed analyst for the area within which
29 such sample was taken for analyses.

30 (c) enter and search any premises in which he has reason to believe

1 that an offence under this Bill has been or is being committed and order in
2 writing the person in possession of any seed in respect of which the offences
3 has been committed, not to dispose of any stock of such seed for a specific
4 period not exceeding thirty days;

5 (d) examine any record, register, document or any other material
6 object found in any premises pursuant to paragraph (c) of this subsection
7 and seize the same if he has reason to believe that it may furnish evidence of
8 the commission of an offence punishable under this Bill; and

9 (e) exercise such other duties as may be necessary for carrying out
10 the purpose of this Bill or any regulations made out there under.

11 (3) A Seed Inspector may break-open a container or premises in
12 which seed of any kind or variety is kept for sale provided that the power to
13 break -open the door of such premises shall be exercised only after the
14 owner or any other person occupying the premises, if he is present therein,
15 refuses to open the door on being called upon to do so.

16 (4) Where a Seed Inspector takes any action under paragraph (a) of
17 subsection (2) of this section, he shall, at the time when such action is being
18 taken and take their signatures on a memorandum to be prepared in the
19 prescribed form and manner.

20 **10.-(1) Any person who-**

Offences

21 (a) contravenes the provisions of section 9 of this Bill or any
22 regulations made there under;

23 (b) prevents a Seed Inspector from taking sample under this Bill; or

24 (c) prevents a Seed Inspector from exercising any other power
25 conferred on him under this Bill;

26 (d) contravenes any other provisions of this Bill, commits an
27 offence.

28 (2) The following shall constitute breaches of the provisions of this
29 Bill and its enabling regulations-

30 (a) production of seeds without Professional Card;

- 1 **(b) marketing of seeds without accreditation;**
- 2 **(c) misleading information on seed labeling, willful modification or**
3 **alteration of labeling and the use of any trickery to mislead third parties as to**
4 **the quality of the seeds;**
- 5 **(d) distribution, for animal or human consumption, of seeds treated**
6 **with substances dangerous to human or animal health and, thus, unfit for**
7 **consumption;**
- 8 **(e) failure to keep proper ledger as laid down in paragraph (d),**
9 **subsection (2) of section 9;**
- 10 **(f) import or export of conventional and genetically modified crop**
11 **seeds in violation or applicable declaration;**
- 12 **(g) obstruction of official inspection or control activities;**
- 13 **(h) non-compliance with the conditions of admission for control; and**
- 14 **(i) fraud or attempted fraud in the utilization or marketing of seeds.**
- 15 **(3) A person who commits an offence under subsection (1) of this**
16 **section shall on conviction be liable-**
- 17 **(a) as a first offender, to a term of imprisonment for six months or to a**
18 **fine not exceeding fifty thousand naira; and**
- 19 **(b) in the event of such person having been previously convicted**
20 **under this section he shall be liable to a fine of one hundred thousand naira, or**
21 **to imprisonment for a term not exceeding two years or both.**
- 22 **(4) Where a person has been convicted under this Bill, the seed In**
23 **respect of which the contravention occurred may be forfeited to the Federal**
24 **Government.**
- 25 **(5) Where an offence under this Bill has been committed by a**
26 **company, any officer who at the time the offence was committed was in charge**
27 **of the conduct of the business of the company, as well as the company, is**
28 **deemed guilty and shall be liable:**
- 29 **Provided that nothing contained in this subsection shall render any such person**
30 **liable to any punishment under this Bill if he proves that the offence was**

1 committed without his knowledge or that he exercised all due diligence to
2 prevent the commission of such offence.

3 (6) Where an offence under this Bill has been committed by a
4 company and such offence was committed with the consent or connivance
5 of, or is attributable to any neglect on the part of any director, manager,
6 secretary or officer of the company, such director, manager, secretary or
7 officer shall be deemed to have committed such offence and therefore liable.

8 (7) Nothing in this Bill shall apply to any seed of any variety or
9 hybrid grown by a person and delivered by him on his own premises direct
10 to another person without any monetary consideration for being used by that
11 person for the purpose of sowing or planting.

12 PART V - ESTABLISHMENT OF DEPARTMENTS AND ZONES

13 11.-(1) There are established for the Council, the following
14 Departments that is-

Establishment of
Department and
Zones

15 (a) the Seed Industry Development, Technical Support and
16 Commercial Services Department;

17 (b) the Foundation Seed Production and Management
18 Department;

19 (c) the Certification, Quality Control, Crops Seed Registration and
20 Release Department;

21 (d) the Planning, Training and Information, Data Management,
22 and Capacity Building Department;

23 (e) the Administration and Finance Department;

24 (f) such other departments or bodies as the Board may from time to
25 time deem expedient for effective discharge of the functions of the Council
26 under this Bill.

27 (2) Each of the Department referred to under subsection (1) of this
28 section shall be headed by an officer of the rank of Director.

29 *Schedule*

30 12.-(1) The Council shall have six Operating Zones and six Zonal

Zonal offices

1 offices as listed in second schedule of this Bill.

2 (2) Each Zonal Office shall be headed by a Deputy Director and such
3 number of professional staff the Council deem necessary.

Register

4 **13.** The Council shall maintain a register of persons licensed to
5 engage in seed production and marketing under the following classification,
6 namely-

7 (a) seed production company;

8 (b) seed enterprises production on contract for seed company;

9 (c) breeder seed production agency including research institutes (both
10 public and private);

11 (d) foundation seed grower (research institutes and private);

12 (e) enterprise seed processor;

13 (f) seed dealer whether as wholesaler or not.

14 **PART VI - SEED CERTIFICATION, IMPORT, EXPORT, PACKAGING**

Issuance of
certification

15 **14.-(1)** Any person who sells, keeps for sale, offers for sale, barter or
16 otherwise supplies any seed of any variety or hybrid shall apply to the Council
17 for grant of certification for the purpose.

18 (2) Every application under subsection (1) of this section shall be in
19 such form and contain such particulars and fees as may be prescribed by the
20 Council.

21 (3) On the receipt of an application for the grant of certification, the
22 Council may, after making such enquiry as it thinks fit and after satisfying itself
23 that the seed to which the application relates is a progeny of a pedigree seed and
24 conforms to the field and seed standard for that seed under this Bill, grant a
25 certificate in such form and on such conditions as may be prescribed.

Revocation of
certificates

26 **15.-(1)** The Council may revoke any certification granted under this
27 Bill if it is satisfied that the certification was obtained by misrepresentation or
28 that the holder of the certification has contravened any of the provisions of this
29 Bill or any regulations made thereunder.

30 (2) The Council shall, before revoking any certification give due

1 notice to the person likely to be affected by such a revocation.

2 (3) A person who is aggrieved by a decision of the Council under
3 subsection (1) of this section may appeal to the Minister within 30 days from
4 the date on which the decision was communicated to him:

5 Provided that the Minister may entertain an appeal at the expiry of the period
6 of thirty days if it is satisfied that the appellant was prevented by sufficient
7 cause from filing the appeal in time.

8 (4) On receipt of an appeal under subsection (3) of this section, the
9 Minister shall after giving the appellant an opportunity of being heard,
10 dispose of the appeal as expeditiously as possible.

11 **16.-(1)** Every certification shall specify that the genetic identity of Genetic identity
12 the released variety is preserved through the various stages of multiplication
13 of the seed.

14 (2) The following categories of seeds of released varieties and
15 hybrids shall be subject to certification, namely-

16 (a) foundation seed of Inbred-line, conventional or genetically
17 modified crop seeds;

18 (b) certified seed of hybrid, conventional or genetically modified
19 crop seeds; and

20 (c) for breeder seed, joint crop seed field inspection visits to
21 breeder seed multiplication plots shall be conducted.

22 **17.** The Minister may, on the advice of the Council recognize any Seed certification
23 seed certification agency established in any foreign country and such
24 recognition shall be published in the gazette.

25 **18.-(1)** No person shall for the purpose of sowing or planting by Condition for
26 any person (including himself) export or import or cause to be exported or export, etc.
27 imported any seed or hybrid without permission from the Council, provided
28 that-

29 (a) any seed for import shall meet the minimum standards of the
30 Council;

1 (b) any seed for export shall be certified;

2 (c) apart from ECOWAS members States, any imported seed for
3 marketing in Nigeria must be officially released by the Crop Variety
4 Registration and Release Committee.

5 (2) Any person, institution or body who wishes to import, export,
6 transit or otherwise carry out a confirmed field trials or commercial release of a
7 genetically modified crop seed shall apply to the Council, and the National
8 Biosafety Agency not less than 270 days prior to the date of import, export,
9 transit or the commencement of such activity.

Application for
export, etc.

10 **19.-(1)** An application to export or import seeds of variety or hybrid
11 shall be made to the Council and a copy of such application shall be forwarded
12 to the Nigerian Agricultural Quarantine Service.

13 (2) Seed samples meant for research purposes and seeds intended for
14 export from or import into Nigeria shall carry the necessary phytosanitary
15 certificates and viability test results.

16 (3) No seed shall be exported unless certified by the official seed-
17 certifying agency of the exporting country.

Prohibition of
sales of seeds
variety

18 **20.** The Council shall-

19 (1) Grant an exclusive right to impede orders to freely exploit an
20 invention or creation.

21 (2) Provide protection to new Crop Varieties that have not been
22 previously commercialized, that are distinct from existing varieties, uniform in
23 their main characteristics and stable over the years for those characteristics.

24 (3) Reward creativity and promote innovations for holders of rights to
25 recoup the investment in research required to develop the innovation, and

26 (4) In the field of Biotechnology the intellectual property rights
27 system to provide a way of ensuring the financial revenues required to make the
28 technology profitable.

Processing of
seeds for
production

29 **21.-(1)** No person other than a person registered under this Bill shall
30 produce or be engaged in the processing of seeds for production, processing or

1 marketing for commercial purposes.

2 (2) The provisions of this section shall not apply to a person
3 growing and delivering seeds of any variety direct to another person without
4 monetary consideration for use by that other person for sowing on the
5 latter's own farm.

6 22. There shall be a Central Seed Testing Laboratory (in this Bill
7 referred to as "Seed Laboratory") to be designated by the Minister on the
8 recommendation of the Council.

Central seed
testing laboratory

9 23.-(1) A suit shall not be commenced against the Council before
10 the expiration of a period of one month, after written notice of intention to
11 commence the suit shall have been served on the Council by the intending
12 plaintiff or his representative and the notice shall clearly state the-

Suit

13 (a) cause of action;

14 (b) particulars of the claim;

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

16 (d) relief which he claims.

17 (2) The notice referred to in subsection (1) of this section and any
18 summons, notice or other document required or authorized to be served on
19 the Council under the provisions of this Bill or any other enactment or law
20 may be served by-

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

22 (b) sending it by registered post addressed to the Director-General
23 at the Head Office of the Council.

24 PART VII - POWER TO PROSECUTE

25 24. Subject to the provisions of Section 174 of the Constitution the
26 Council may with the consent of the Attorney General of the Federation,
27 conduct criminal proceedings in respect of offences under this Bill.

Power to prosecute

28 PART VIII - FINANCIAL PROVISIONS

29 25.-(1) There shall be established by the Council, a Fund from
30 which shall be defrayed all expenditure incurred by the Council.

Fund of the
Council

1 (2) There shall be paid and credited to the Fund established pursuant
2 to subsection (1) of this section-

3 (a) initial take-off grant by the Government;

4 (b) such moneys as may be provided to the Council by the yearly
5 budgetary allocation approved by the National Assembly;

6 (c) such monies as may from time to time be granted or received from-

7 (i) Organized private sector;

8 (ii) International donor organizations and non-governmental;

9 (d) such sum as may be approved by the President from Agricultural
10 Development Fund;

11 (e) such monies as may from time to time be granted to the Council by
12 the Federal Government or a State or Local Government Council;

13 (f) all interests receipt in respect of monies invested by the council
14 including revenue earned from its various activities; and

15 (g) all other assets, from time to time, accruing to the Council.

16 (3) The Council shall make rules for the management of the Fund
17 under subsection (1) of this section and such rules shall in particular contain
18 provisions-

19 (a) specifying the manner in which the assets of the Fund are to be
20 held, and regulating the making of payments into and out of the Fund;

21 (b) requiring the keeping of proper accounts and records for the
22 purposes of the Fund in such form as may be specified in the rules;

23 (c) for ensuring that the accounts are audited periodically by Auditor
24 appointed from a list and in accordance with guidelines supplied by the
25 Auditor-General of the Federation.

26 (d) requiring copies of the accounts and of the Auditor's report thereon
27 to be furnished to the Minister.

Annual report

28 **26.** The Council may from time borrow by way of overdraft or
29 otherwise such sums as it may require for the performance of its functions
30 under this Bill.

1 PART IX - MISCELLANEOUS

- 2 27. The "Council" may make regulations to carry out the purposes Power to make
3 of this Bill and in particular such regulations may provide for- regulations
- 4 (a) the functions of the Central Seed Testing Laboratory;
- 5 (b) the certification of seeds;
- 6 (c) the manner of marking or labeling the container of seed of any
7 notified kind, hybrid or variety under section 20 of this Bill;
- 8 (d) the requirements which may be complied with by persons
9 carrying on the business referred to in sections 20 and 21 of this Bill;
- 10 (e) the form of application for the grant of the certificates under
11 sections 17,18, 19,20,21 of this Bill, the particulars it may contain, the fees
12 which may accompany it, the form of the certificate and the conditions for
13 granting the certificate;
- 14 (f) the form and manner in which the fee on payment of which an
15 appeal may be preferred under section 15 subsection (3) of this Bill and the
16 procedure to be followed by the Minister in disposing of the appeal;
- 17 (g) the qualifications and duties of Seed Analyst and Seed
18 Inspectors;
- 19 (h) the manner in which samples may be taken by the Seed
20 Inspector, the procedure for sending such samples to the Seed Analyst or the
21 central seed testing laboratory and the manner of analyzing such samples;
- 22 (i) the form of report of the result of the laboratory analysis and the
23 fees payable in respect of such report;
- 24 (j) establishment of Intellectual Property Rights Policy and
25 Guidelines;
- 26 (k) formulation of policy, regulation and guidelines on Genetically
27 Modified Crop Seeds introduction, domestication, confirmation and use.
- 28 (2) Any regulations made pursuant to subsection 1 of this section
29 shall be published in the official gazette of the Federal Republic of Nigeria.

Repeal	1	28. The National Agricultural Seeds Act 1992 is repealed.
Savings	2	29. -(1) Any approval granted under the repealed Act shall continue to
	3	be enforced notwithstanding the repeal thereof.
	4	(2) The Council shall be subject to all obligations and liabilities to
	5	which it was' subject immediately before the commencement of this Bill and all
	6	other persons shall, as from the commencement of this Bill, have the same
	7	powers rights and remedies as they had under the repealed Act.
Interpretation	8	30. In this Bill, unless the context otherwise requires-
	9	"agricultural seeds" includes cereals, legumes, oil seed, grass, fiber, root, tuber,
	10	tree or any other kind of crop seed or seedling commonly recognized within
	11	Nigeria as agricultural seed, lawn seed, vegetable seed, forestry seed and
	12	seedlings, conventional or genetically modified seeds, horticultural seeds and
	13	seedlings, ornamental seeds, seed mixtures and all planting materials as the
	14	Minister may designate from time to time;
	15	"seed laboratory" means a central seed laboratory designated as such under
	16	section 26 of this Bill;
	17	"certified seed" means any prescribed seed that is certified under the provisions
	18	of this Bill;
	19	"container" means a box, casket, tin, barrel, tank, receptacle sack, bag, wrapper
	20	or other thing in which any article or thing is placed or packed;
	21	"Council" means the National Agricultural Seeds Council established by
	22	section! of this Bill;
	23	"labeling" means any label or other written, printed or graphical
	24	representation, in any form, accompanying and pertaining to seed, whether in
	25	bulk or in container;
	26	"Minister" means the Minister charged with the responsibility for Agricultural
	27	Development and other related matters;
	28	"export" means taking out of Nigeria to a place outside Nigeria;
	29	"import" means bringing into Nigeria from a place outside Nigeria;
	30	"notified kind or variety" in relation to any seed or variety thereof notified

- 1 under this Bill;
- 2 "seed importer" means any person who, either exclusively or in conjunction
3 with any other trade or business, imports seeds into Nigeria for resale;
- 4 "seed inspector" means the person appointed as seed inspector pursuant to
5 section 6 of this Bill;
- 6 "seed producer" means any person who either exclusively or in conjunction
7 with any other trade or business, produces seeds for sale;
- 8 "seed seller" means any person who, either exclusively or in conjunction
9 with any other person, trade or business, sells seeds for growing to Nigerian
10 farmers;
- 11 "sell" includes to exchange or to offer, advertise, keep, expose, transmit,
12 convey or deliver in pursuance of a sale, exchange or barter;
- 13 "Departments" means the Department established by section 8 of this Bill;
- 14 "variety" means a sub-division of any crop species which can be
15 differentiated from other sub-division of that kind of growth, plant, fruit or
16 other characteristics and any uniform group which can be a first generation
17 hybrid or a plant population reconstituted on each occasion by crossing two
18 or more breeding stock maintained by inbreeding or population maintained;
- 19 "Government" means the Federal Government of Nigeria;
- 20 "weed seed" includes the seed of all plants included as weeds in the Seed
21 Regulations or commonly recognized as weeds in Nigeria.

22 31. This Bill may be cited as the National Agricultural Seeds Citation
23 Council Bill, 2016.

1 SCHEDULES

2 FIRST SCHEDULE

3 *Section 2(4)*

4 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL

5 *Proceedings of the Board*

6 1. Subject to this Bill and section 27 of the Interpretation Act, the
7 Board may make standing orders regulating its proceedings or those of any of
8 its committees.

9 2. The quorum of the Board shall be seven and the quorum of any
10 committee of the Board shall be determined by the Board.

11 3. At any time while the office of the Chairman is vacant or the
12 Chairman in the opinion of the Board is temporarily or permanently unable to
13 perform the functions of his office, the vice Chairman shall perform the
14 functions of the Chairman.

15 4-(1) Subject to the provisions of any applicable standing orders, the
16 Board shall meet quarterly and whenever summoned by the Chairman as
17 dictated to him by not less than six other members, he shall summon a meeting
18 of the Board to be held within twenty-one days from the date on which the
19 notice is given.

20 (2) Where the Board wishes to obtain the advice of any person on a
21 particular matter, the Board may co-opt him as a member for such period as it
22 deems fit but a person who is a member by virtue of this sub paragraph shall not
23 be entitled to vote in such meeting and shall not count towards a quorum.

24 *Committees of the Board*

25 5-(1) The Board may appoint one or more committees to carry out, on
26 behalf of the Board, such of its functions as the Board may determine.

27 (2) A committee appointed under this paragraph shall consist of the
28 number of persons determined by the Board and not more than one-third of
29 those person may be persons who are not members of the Board, and a person
30 other than a member of the Board shall hold office on the committee in

1 accordance with the terms of the instrument by which he is appointed.

2 (3) A decision of a committee of the Board shall be of no effect until
3 the Board ratifies it.

4 6.-(1) The fixing of the seal of the Board shall be authenticated by
5 the signature of the Chairman or of some other member authorized
6 generally or specifically by the Board to act for that purpose.

7 (2) Any contract or instrument which if made or executed by a
8 person not being a body corporate, would not be required to be under seal
9 may be made or executed on behalf of the Board by any person generally or
10 specifically authorized to act for that purpose by contract.

11 SECOND SCHEDULE

12 *Operating Zones*

13 1. North-Central Zone-Comprising the Federal Capital Territory
14 Abuja, Benue, Kwara, Nassarawa, Kogi, Niger and Plateau States with the
15 Secretariat in Jos, Plateau State.

16 2. North-Eastern Zone-Comprising Adamawa, Bauchi, Gombe,
17 Borno, Taraba and Yobe State with Secretariat in Gombe, Gombe State.

18 3. South-Eastern Zone-Comprising Abia, Ebonyi, Anambra,
19 Enugu, Imo and with Secretariat in Umudike, Abia State.

20 4. South-Western Zone- Comprising Lagos, Ekiti, Ogun, Ondo,
21 Osun and Oyo States with Secretariat in Ibadan, Oyo State.

22 5. North-Western Zone -Comprising Jigawa, Kaduna, Zamfara,
23 Katsina, Kebbi, Kano and Sokoto States with Secretariat in Zaria, Kaduna
24 State.

25 6. South-South Zone-Comprising Akwa Ibom, Bayelsa, Cross
26 River, Delta, Edo, Rivers State with secretariat in Asaba, Delta State.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal and re-enact the National Agricultural Seeds Council Act, No.72 of 1992 and for related matters.