

AGRICULTURE (CONTROL OF IMPORTATION) (AMENDMENT) BILL, 2016

ARRANGEMENT OF SECTIONS

Clauses:

1. Authorized Officers
2. Minister May Make Regulations
3. Regulations to be laid before the National Assembly
4. Diseases and Pests
5. Furnishing of Information
6. Offences
7. Prosecution.
8. Defence in Civil and Criminal Proceedings
9. Power to Sue for Fees, etc.
10. Transitional Provisions
11. Interpretation
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A BILL

FOR

AN ACT TO AMEND THE AGRICULTURE (CONTROL OF IMPORTATION) ACT
CAP. C231964, AND FOR RELATED MATTERS

Sponsored by Hon. Owoidighe Ime Ekpoattai

[] Commencement

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

1 1.-(1) Agriculture (Control of Importation) Act, herein referred to
2 as "the Principal Act" is amended as set out hereunder.

3 2. Section 2 item 6 under interpretation is hereby amended by
4 inserting the words "seed, etc" as follows- Amendment of
Section 2 item
6 "Plant"

5 "Plant" means any plant or parts of a plant such as cuttings,
6 suckers, bulbs, tubers, roots, haulms, and fruits, seeds, etc; but does not
7 include the manufactured or processed products of plants."

8 3. Section 4(2) (a) of the Principal Act is hereby amended as by
9 substituting the existing amount "N200" with the amount "N500,000.00"
10 and the Words "Six Months" with the words "Twelve Months" respectively
11 as follows-

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

15 Provided that, the penalties provided in respect of any such offence
16 shall not exceed a fine of N500,000.00 and imprisonment for a term of
17 Twelve Months."

18 4. Section 6 of the Principal Act is amended in by inserting the
19 word "her" immediately after the word "his" as follows: Amendment of
Section 6

20 "Where plants, seeds, soil, containers, straw or other packing
21 materials or any other similar goods or things are on importation found or Diseases and
Pests

1 suspected to be infected with any plant disease or pest, an authorized officer
 2 may order them to be destroyed or may direct that they shall not be imported
 3 until they have been treated to his/her satisfaction for the removal of the plant
 4 disease or pest.”

Amendment of
 Section 8 (c)

5 5. Section 8 (c) of the Principal Act is amended in by substituting the
 6 existing amount "W400" with the amount "N1,000,000.00" and the word "One
 7 Year" with the words "Two years" accordingly as follows:

Offences

8 “(c) without lawful excuse, fails to furnish any information lawfully
 9 demanded under this Act or furnishes information which he knows to be false
 10 in a material particular or does not believe to be true, shall be guilty of an
 11 offence and liable on conviction to a fine of N1, 000,000.00 and imprisonment
 12 for a term of Two years.”

Amendment of
 Section 9 (1)

13 6. Section 9 (1) of the Principal Act is amended in by substituting the
 14 words "Director of the Federal Department of Research" with the words "the
 15 Honourable Minister of the Federal Ministry of Agriculture" as follows:

Prosecution

16 “(1) No prosecution for an offence against this Act shall be
 17 commenced except with the consent of the Honourable Minister of the Federal
 18 Ministry of Agriculture.”

Interpretation

19 7. In this Bill unless the context otherwise requires-
 20 "Minister" Honourable Minister of the Federal Ministry of Agriculture;

Short Title t

21 8. This Bill may be cited as the Plants, etc (Control of Importation)
 22 (Amendment) Bill, 2016.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Agriculture (Control of Importation) Act, to strengthen the Regulations, Offences and give Powers to Prosecute to the Honourable Minister of the Federal Ministry of Agriculture other than the Director of the Federal Department of Agricultural Research. This Amendment is necessitated to meet International Best Practice.