

NATIONAL GINGER DEVELOPMENT BILL, 2021

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A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN GINGER COMMISSION BOARD AND TO
 PROVIDE FOR THE PROMOTION AND REGULATION OF GINGER INDUSTRY AND
 FOR RELATED MATTERS

Sponsored Hon. Gabriel, Salleh Zock

[] Commencement

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

1 PART I - NATIONAL GINGER DEVELOPMENT BOARD

2 1.-(1) There is hereby established a body to be known as the
 3 National Ginger Development Board (in this Bill referred to as the Board"

Establishment
 and membership
 of the Board

4 (2) The Board shall be:

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

6 and

7 (c) may sue or be sued in its corporate name.

8 (3)(a) The Board shall consist of a Chairman and six other members
 9 to be appointed by the President;

10 (b) The appointment of the six members shall be made from the six
 11 geo-political zones in the state;

12 (c) The following are ex officio members of the Board-

13 (i) the Minister responsible for agriculture or his representative
 14 who shall not be below the rank of a Director;

15 (ii) the Minister responsible for trade and/or industries or his
 16 representative who shall not be below the rank of a Director;

17 (iii) the Minister responsible for National planning or his
 18 representative who shall not be below the rank of a Director;

19 (iv) the Minister responsible for finance or his representative who
 20 shall not be below the rank of a Director;

1 (v) six representatives of ginger farmers, from the major ginger
2 producing state, which shall be determined by the board from time to time four
3 of whom shall be elected on a zonal basis to represent ginger farmers' co-
4 operative societies and two of whom shall be appointed by the commissioner to
5 represent ginger marketers who are not members of any ginger farmers' co-
6 operative society;

7 (vi) the managing director.

8 (4) Subject to subsection (5) of this section, a person appointed as a
9 member of the board shall hold office for 4 years and shall be eligible for re-
10 appointment for one further period of 4 years.

11 (5) The President, may upon ratification by a simple majority of the
12 National assembly, terminate the appointment of a member on grounds of
13 misbehaviour or inability to discharge the duties of his office by reason of
14 physical or mental incapacity.

15 (6) The supplementary provisions contained in the Schedule to this
16 Bill shall have effect with respect to the proceedings of the board and other
17 matters therein mentioned.

18 (7) Notwithstanding the provisions of subsection (5) of this Section, a
19 person shall cease to hold office as a member of the board on the occurrence of
20 any of the following-

21 (a) he becomes bankrupt, suspends payment or compounds with his
22 creditors;

23 (b) he is convicted of a felony or any offence involving dishonesty or
24 fraud;

25 (c) he becomes of unsound mind or is incapable of carrying out his
26 duties;

27 (d) he is guilty of a serious misconduct in relation to his duties; or

28 (e) he resigns his appointment by a letter addressed to the Chairman of
29 the board and in the case of the chairman's resignation he shall address to the
30 President.

1 (7) A member of the board shall not while holding office hold any
2 other office of emolument whether in the Federal or State public service.

3 2. Members of the board shall be paid such allowances and Allowances of
4 expenses as the Government may direct from time to time. members

5 3.-(1) The main object of the Board is to promote the ginger Functions of the
6 industry in Nigeria. Board

7 (2) The functions of the Board include carrying on activities and
8 doing things to further its main object and without prejudice to those general
9 functions, the particular functions of the Board are-

10 (a) to plan, monitor and regulate ginger growing and marketing;

11 (b) to maintain a register of ginger growers and persons dealing
12 with ginger;

13 (c) to regulate and carry out quality control of ginger;

14 (d) to regulate the ginger industry;

15 (e) to advise the government on the pricing of ginger;

16 (f) to regulate and control the quality and supply of ginger roots or
17 rhizomes;

18 (g) to carry out and promote research and development in ginger
19 production and processing technology;

20 (h) to provide training, either on payment or without charge, or co-
21 ordinate training for any sector of the ginger industry; and

22 (i) to render any service prescribed by regulations made by the
23 minister of Agriculture.

24 (3) The Board shall, if the minister of Agriculture so directs, be the
25 agent of the government for all matter concerning agreements made or to be
26 made in relation to ginger.

27 (4) In carrying out its functions, the Board shall comply with any
28 general or special directions which the minister may give to it in writing.

29 (5) Notwithstanding any other provisions of this Bill, the Board
30 may, during such period as may be determined by the minister, own and

Powers of the
Board

1 operate ginger farms and for that purpose may purchase ginger roots and sell
2 ginger as well as do all other things necessary for the effective operation of the
3 ginger industry.

4 4.-(1) The Board shall have the powers to-

5 (a) enter into contracts, arrangements or guarantees which are, in the
6 opinion of the Board, necessary or expedient for carrying out its functions;

7 (b) acquire, buy, sell, dispose off, rent or hire, pledge or mortgage any
8 movable or immovable property or interest therein;

9 (c) subject to the prior approval of the minister in consultation with
10 minister responsible for finance, borrow money;

11 (d) accept gifts and donations;

12 (e) make such investments of money as are allowed by law for the
13 investment of funds or as are approved by the Minister;

14 (f) fix such charges for its services under this Bill as it thinks fit;

15 (g) appoint and employ agents to perform any of its functions or
16 exercise any of its powers;

17 (h) appoint committees, whether of its own members or otherwise, to
18 carry out general or particular functions as specified by the Board;

19 (i) by resolution delegate to any member, officer or employee of the
20 Board, or to a committee appointed under paragraph (h), the performance of
21 any of its functions or the exercise of any of its powers, either generally or in
22 any particular case;

23 (j) do anything required under this or any other written law to be done
24 by the Board; and

25 (k) do anything incidental to any of its powers.

26 PART II - APPOINTMENT OF THE MANAGING DIRECTOR

27 AND OTHER STAFF

The Managing
Director

28 5.-(1) There shall be a Managing Director of the Board who shall be
29 appointed by the President.

30 (2) The Managing Director shall-

1 (a) be a person who has distinguished himself in the area of
2 agriculture and business management/administration;

3 (b) be subject to the supervision and control of the Board;

4 (c) be the Chief Executive and Accounting Officer of the Board;

5 (d) be responsible for the execution of the policies and the
6 administration of the board;

7 (e) be paid such remuneration as may be prescribed in his letter of
8 appointment; and

9 (f) ensure and perform any other function in compliance with the
10 provision of this Bill.

11 6. The Managing Director may resign his appointment by writing
12 under his hand and delivered to the President.

Resignation of
the Managing
Director

13 7. The Board shall have power to appoint or accept on transfer or
14 on secondment from any public service of the Federation, such other staff as
15 may be in the opinion of the Board, be required to assist the Managing
16 Director in the discharge of any of his functions under this Bill and shall
17 have power to pay persons so appointed such remunerations (including
18 allowances) as it may, from time to time, determine.

Staff of the
Board

19 8.-(1) The Board may, subject to the provisions of this Bill, make
20 regulations generally relating to the conditions of service of the staff of the
21 Board and without prejudice to the generality of the foregoing, such
22 regulations may provide for-

Staff Regulations

23 (a) appointment, promotion and discipline (including dismissal) of
24 staff;

25 (b) appeals by such staff against dismissal or other disciplinary
26 measures and until such regulations are made, any instrument relating to the
27 conditions of service of officers in the civil service of Nigeria shall be
28 applicable, with such modifications as may be necessary.

29 (2) Staff regulations made, under subsection (1) of this section
30 shall not have effect until approved by the Board and when so approved, the

1 Board shall cause them to be brought to the notice of all affected persons in
2 such manner as it may, from time to time, determine.

Service in the
Board

3 9.-(1) Service in the Board shall be the federal civil service for the
4 purpose of the Pensions Act and, accordingly, officers and other persons
5 employed in the Board shall in respect of their service in the Board, be entitled
6 to pensions, gratuities and other retirement benefits as prescribed under the
7 Pension Act.

8 (2) Nothing in this Bill shall prevent the appointment of a person to
9 any office on terms which may preclude the grant of a pension or gratuity in
10 respect of that office.

11 PART III - FINANCIAL PROVISIONS ETC.

Financial
Provisions

12 10.-(1) The Board shall establish and maintain a fund which shall be
13 applied towards the promotion of the object specified in this Bill.

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

16 (a) such sums as may be provided in each financial year to the Board
17 by the Federal Government;

18 (b) fees charged for services rendered by the Board; and

19 (c) subject to section 11(2) of this Bill, all sums accruing to the Board
20 by way of gifts testamentary disposition, endowment or contributions from
21 philanthropic persons or organizations or otherwise howsoever.

Power to accept
gifts

22 11.-(1) The Board may accept gifts of any land, money, loan, building,
23 or other property connected with its functions under or pursuant to this Bill
24 upon such Boards and conditions, if any, as may be specified by the person or
25 organization making the gift.

26 (2) The Board shall not accept any gift if the conditions attached by
27 the person or organization making the gift to the acceptance thereof are
28 inconsistent with the functions of the Board.

Power to borrow

29 12.-(1) The Board may, with the consent of the minister or in
30 accordance with any general authority given in that behalf by the Federal

1 Government, borrow by way of loan or overdraft from any source any sums
2 required by the Board for meeting its obligations and discharging its
3 functions under this Bill.

4 (2) The Board may, subject to the provisions of the Bill and the
5 conditions of any Board created in respect of any property, invest all or any
6 of its funds with the like consent or general authority.

7 (3) The Board may invest any surplus funds of the Board in such
8 specified as may be approved by the Commissioner.

9 13.-(1) The Board shall cause to be prepared not later than 3pt
10 December in each year, an estimate of the expenditure and income of the
11 Board during the next seceding financial year and when so prepared, it shall
12 be submitted to the commissioner for approval.

Accounts and
records

13 (2) The Board shall cause to be kept proper accounts of the Board
14 and proper records in relation thereto and when certified by the proper
15 records in relation thereto and when certified by the Board such accounts
16 shall be audited as provided in subsection (3) of this section.

17 (3) The accounts of the Board shall be audited after end of each
18 financial year by auditors appointed by the Board with the approval of the
19 Federal Executive Council and the fees of the auditors and the expenses of
20 the audit generally shall be paid from the funds of the Board.

21 (4) Before appointing auditors as provided in subsection (3) of this
22 section, the Board shall consult the minister charged with the responsibility
23 of Finance;

24 14. The Board shall, not later than six months after the end of each
25 year submit, through the minister, to the President and the National
26 Assembly a report on the activities of the Board, during the immediately
27 preceding year and shall include in such report the audited accounts of
28 Board and the auditor's comments thereon

Annual Reports

29 PART IV - REGISTRATION OF EXPORTERS, PROCESSORS ETC

30 15.-(1) Subject to this Bill, no person shall-

Restriction on
export and sale
of ginger

1 (a) sell ginger or ginger roots to any person unless such person has
2 been registered by the Board in respect of ginger or ginger roots to the extent
3 and subject to the conditions considered necessary by the Board; or

4 (b) carry out the marketing of ginger unless he holds a certificate of
5 registration under section 19.

6 (2) The minister may from time to time, after consultation with the
7 Board, fix prices at which purchasers of ginger of ginger roots or rhizomes may
8 buy.

9 (3) Any person who contravenes subsection (1) shall be guilty of an
10 offence and liable to a fine not exceeding N100,000.00 thousand naira or to
11 imprisonment for a term not exceeding two years or to both.

Board may
register buyers,
processors and
exporters

12 16.-(1) The Board may, on application, register a person as a buyer,
13 processor or exporter of ginger.

14 (2) Registration under Subsection (1)-

15 (a) may be subject to such conditions and restrictions as the Board
16 thinks fit;

17 (b) shall remain in force, unless cancelled in accordance with this Bill,
18 for such period (not exceeding three years) as is determined by the Board; and

19 (c) may be renewed for such period (not exceeding three years) as is
20 determined by the Board.

Application for
Registration

21 17.-(1) A person may apply to the Board for registration as a buyer,
22 processor or exporter of ginger.

23 (2) An application under Subsection (1) shall-

24 (a) be in the prescribed form;

25 (b) contain particulars of the applicant's financial position and of his
26 proposals relating to the facilities or organization for the storage, control of
27 quality, handling and marketing of ginger;

28 (c) contain such other particulars as are prescribed; and

29 (d) be accompanied by the prescribed fee.

1 18.-(1) Where an application is made to the Board under Section
2 17, the Board shall consider the application and may, in its discretion-

Board to consider
Application, etc.

3 (a) grant the application and register the applicant as a buyer,
4 processor or exporter of ginger subject to such conditions and restrictions (if
5 any) as the Board thinks fit; or

6 (b) refuse the application.

7 (2) Without prejudice to or limiting the Board's discretion under
8 Subsection (1), the Board may refuse an application where, in the opinion of
9 the Board, the applicant has no adequate finance, facilities or organization
10 for the storage, control of quality, handling or marketing of ginger.

11 19. Where the Board registers a person under Section 18(1)(a) it
12 shall issue to him a certificate of registration in the prescribed form and shall
13 endorse on the certificate of registration any conditions referred to in
14 Section 17(1)(a).

Certificate of
Registration

15 20. The Board may cancel the registration of a person as a
16 registered buyer, processor or exporter under Subsection (1) if the Board is
17 satisfied that-

Cancellation of
Registration

18 (a) registration was obtained by-

19 (i) means of a false or misleading statement; or

20 (ii) partly by means of a false or misleading statement; or

21 (iii) fraud; or

22 (iv) by other improper means; or

23 (b) the person has been convicted of an offence under this Act; or

24 (c) the person has not, in the Board's opinion, adequate finance,
25 facilities or organisation for the storage, control of quality, handling or
26 marketing of ginger.

27 21.-(1) For the purpose of appeals under Section 22 there is
28 established an Appeal Committee.

Appeal Committee

29 (2) The Appeal Committee shall consist of-

1 (a) an officer nominated by the minister, who shall be Chairman; and
2 (b) two other persons, other than officers of the Public Service, who
3 shall be representatives of the ginger industry, appointed by the minister by
4 notice in the Gazette.

5 (3) The Chairman of the Appeal Committee shall determine-

6 (a) the time and place of; and
7 (b) subject to Section 22(3), the procedure to be followed at meetings
8 of the Appeal Committee.

Appeals

9 22.-(1) A person, aggrieved by a decision of the Board-

10 (a) to refuse under Section 18(1)(b) to grant his application; or
11 (b) in relation to any conditions or limitations to which his registration
12 is made subject; or

13 (c) to cancel his registration under Section 20, may appeal in writing
14 to the Appeal Committee.

15 (2) As soon as practicable after receipt of an appeal under Subsection
16 (t), the Appeal Committee shall meet and consider the appeal.

17 (3) The procedure during the consideration of an appeal shall be
18 informal but regard shall be had at all times to natural justice.

19 (4) The decision of the Appeal Committee is final and shall be
20 implemented as if it were a decision of the Board.

21 PART V - ENFORCEMENT PROVISIONS

Appointment
and functions of
inspectors

22 23.-(1) For the purposes of this Bill, the Board may, by notice in the
23 Gazette, appoint such number of inspectors as it may consider necessary.

24 (2) The functions of an inspector shall be-

25 (a) to monitor ginger growing and marketing;
26 (b) to inspect ginger plants for disease and pests;
27 (c) to carry out quality control of planting growing and marketing;
28 (d) to take samples and grade raw ginger, ginger roots or rhizomes;

29 and

(e) to certify weights and qualities of raw ginger, ginger root or rhizomes.

24.-(1) For the purposes of this Bill, where an inspector has Powers of entry reasonable grounds for doing so he may at any reasonable time enter upon any land, premises or vehicle and may take with him such persons and things as he considers necessary for those purposes and may-

(a) exercise his functions under section 23 (2);

(b) search for ginger roots or rhizomes, or ginger varieties;

(c) make enquiries or carry out a search to ascertain if this Bill is being complied with;

(d) demand the production by a certificate holder of such certificate for examination;

(e) seize and remove any ginger roots or ginger or any other article or thing in respect of which he has reasonable grounds for believing that an offence under this Bill is being or has been committed; or

(f) do any other thing authorized under this Bill.

(2) The owner or occupier of or any person on land or in premises or a vehicle which is entered under subsection (1) shall render such reasonable assistance as may be required of him by the inspector.

(3) A person who refuses or delays or fails to comply with a requirement under subsection (2) shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding fifty thousand naira or to both.

25.-(1) No person shall prevent, hinder or obstruct an inspector in performance of his functions, powers or duties under this Bill. Obstruction of inspectors

(2) A person who contravenes subsection (1) shall be guilty of an offence and liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding fifty thousand naira or to both.

26. Where a body corporate is guilty of an offence under this Bill, Offences by bodies corporate every person who at the time of the offence was a director or officer or was

1 concerned in the management of the body corporate, or was acting, or
 2 purporting to act, in such a capacity, shall also be guilty of an offence unless he
 3 proves-

4 (a) that, through no act or omission on his part, he did not know that
 5 the contravention was intended or about to take place or was taking place; or

6 (b) that he took all reasonable steps to prevent the contravention take
 7 place.

Cognizable
 offences

8 27. Offences under this Bill are cognizable offences.

Forfeiture

9 28. In any conviction for an offence under this Bill, the Court may, in
 10 addition to or instead of any other penalty, order that any ginger root or ginger,
 11 implement, machine, vehicle or other thing in respect of which the offence was
 12 committed shall be forfeited to the Government.

13 PART VI - MISCELLANEOUS PROVISIONS

Infected areas

14 29.-(1) The minister may, after consultation with the Board, by order
 15 published in the Gazette-

16 (a) declare an area, ginger farm or processing company which is
 17 infected with ginger disease or pest to be an infected area;

18 (b) prohibit the use of an infected area for planting, growing,
 19 collecting, storing, processing or other dealing with planting seed, raw cotton,
 20 cotton lint or cotton seed or for any purpose connected with those activities;

21 (c) for the purpose of preventing cotton disease or pest or the spread of
 22 cotton disease or pest, either in the crop or otherwise, prohibit the movement of
 23 ginger roots or rhizomes or ginger from, to, through or within an infected area
 24 or another specified area(s);

25 (d) extend, diminish or otherwise alter an infected area; and

26 (e) where it is no longer infected with ginger disease or pest, revoke
 27 the declaration of an infected area.

28 (2) The minister may by regulations make further provisions for the
 29 control of infected areas.

1 30. The minister may, after consultation with the Board, make Regulations
2 regulations generally for the better carrying out of the objects and purposes
3 of this Bill, including-

4 (a) prescribing the kind and quality of ginger root or rhizomes and
5 prohibiting the use of any other kind and quality of root or rhizomes for
6 growing ginger;

7 (b) regulating the method of purchase, collection, transport,
8 movement, storage, processing, or otherwise preparing, sale or disposal of
9 any particular kind or quality of ginger roots or rhizomes or ginger;

10 (c) regulating the distribution of ginger roots or rhizomes to
11 persons requiring it for planting;

12 (d) providing for the requisition of ginger roots or rhizomes;

13 (e) regulating and controlling the method, time and place of
14 planting and growing ginger and the acreage which may be planted by any
15 person;

16 (f) providing for the inspection of ginger roots or rhizomes or
17 ginger plantations, stores and processing companies and prescribing the
18 class and standard of premises which may be used in the processing and
19 storage of ginger;

20 (g) prescribing either or both maximum or minimum prices to be
21 paid to growers of ginger in any area; and different prices may be prescribed
22 for different types of grades of ginger;

23 (h) limiting the number of certificates to be issued in any area and
24 prescribing the procedure to be followed in cases where there are more
25 applicants than one for a certificate for any particular area;

26 (i) providing for the establishment, organization and
27 administration of ginger buying centres;

28 (j) providing for the controlling of the weighing, sales and
29 purchase of ginger or ginger roots; and for their classification and for the
30 provision to the Board free of charge of samples for classification;

(k) providing for the destruction or removal, in either case with or without compensation, of any soil, ginger root, ginger plant, rhizomes or ginger residues;

(l) controlling diseases and pests in ginger plants and ginger roots;

(m) requiring ginger growers to supply to the Board free of charge samples of ginger for experimental purposes or scientific investigation;

(n) prohibiting or otherwise controlling the use of ginger sales centres for purposes other than the processing and buying of ginger;

(o) providing for the exhibition of certificates issued under this Bill;

(p) prescribing the books, accounts, vouchers and records to be kept by certificate holders under this Bill;

(q) prescribing fees or charges to be paid for anything done under this Bill;

(r) regulating and prescribing the charges, if any, for services rendered under the Bill including handling and processing commissions;

(s) providing for the enforcement, method of payment and regulation of levies imposed by the Board;

(t) prescribing any matter or thing which is to be or may be prescribed under this Bill;

(u) prescribing any forms to be used in connection with this Bill;

(v) prescribing the manner in which representatives of ginger growing co-operative societies for the purposes of this Bill may be elected;

Interpretation

32. In this Bill, unless the context otherwise requires-

"application" means an application for the first issue of a certificate or for the renewal of or variation of a certificate, as the case may be;

"Board" means the National Ginger Development Board established under section 1;

"Minister" means commissioner charged with the responsibility of agriculture;

"co-operative society" means a co-operative society registered or deemed to be registered under the co-operative societies laws;

"ginger root" means ginger planting portion produced from raw ginger;

"infected area" means an area, declared to be an infected area under section

30 (1);

"inspector" means a person appointed as an inspector in terms of section 23

(1);

"managing director" means the person for the time being appointed as

managing director under section 5 (1);

"premises" includes any building or structure;

"raw ginger" includes unprocessed ginger or ginger root;

"rhizomes" means group of stems or roots for or intended for use for

growing ginger;

"staff" means the managing director, secretary, officers and employees of

the Board.

33. This Bill may be cited as the National Ginger Development Bill, 2021. Short title

SCHEDULE

[Section 1 (6).]

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

1. Subject to this Bill and Section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Board and any of its ad-hoc committees.

2. A meeting of the Board shall be presided over by the chairman or if the chairman is unable to attend a particular meeting, the deputy chairman or the members present at the meeting, shall elect one of their number to preside at that meeting.

3. The quorum at a meeting of the Board shall consist of the chairman (or, in an appropriate case, the person presiding at the meeting

1 pursuant to paragraph 2 of this Schedule), the Managing Director and five other
2 members.

3 4. Where on a special occasion, the Board desires to obtain the advice
4 of a person on a particular matter, the Board may co-opt that person to be a
5 member for as many meeting as may be necessary, and that person while so co-
6 opted, shall have all the rights and privileges of a member, except that he shall
7 not be entitled to vote or count towards a quorum.

8 *Ad-hoc and Special Committees*

9 5.-(1) Subject to its standing order, the Board may appoint such
10 number of ad-hoc and special committees as it thinks fit to consider and report
11 on any matter with which the Committee is concerned.

12 (2) Every committee appointed under the provisions of sub-
13 paragraph (1) of this paragraph, shall be presided over by a member of the
14 Board and shall be made up of such number of persons, not necessarily
15 members of the Board, as the Board may determine in each case.

16 6. The decision of a committee shall be of no effect, until it is
17 confirmed by the Board.

18 *Miscellaneous*

19 7. The validity of proceedings of the Board or of its committee shall
20 not be adversely affected by-

21 (a) Vacancy in the membership of the Board; or

22 (b) by a defect in the appointment of a member of the Board or
23 committee; or

24 (c) by reason that a person not entitled to do so, took part in the
25 proceedings.

26 8. A member of the Board or of its committee, who has a personal
27 interest in any arrangement or agreement entered into or proposed to be
28 considered by the Committee or committee, shall forthwith disclose his
29 interest to the Board or committee and shall not vote on any question relating to
30 the arrangement or agreement.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigerian Ginger Commission Board and to provide for the promotion and regulation of Ginger industry in Nigeria.

