

## CHAPTER 53

## AGRICULTURE LAW

E.R.N. 40 of  
1955, 32 of  
1958. L.E.N.  
1963 Cap. 8;  
E.N.L.N  
No 6 of 1964.

**A Law to make provision for regulating the planting and growing of Agricultural Crops, for the control of plant diseases and pests and for matters connected therewith.**

Commencement.

[1st April, 1956]

Citation. 1. This Law may be cited as the Agriculture Law.

Interpretation. 2. In this Law –

“the Board” means the Board of agriculture established under section 4;  
“examiner” means any officer of the Agriculture Division of the Ministry of Agriculture of the rank of officer and any person designated as an examiner under the provisions of this Law or of any regulations made hereunder;  
“noxious weed” means any weed harmful to man or beast or injurious to agricultural or horticultural crops;  
“pest” means any plant or parts of a plant such as cuttings, suckers, bulbs, tubers, roots, haulms and fruit; but does not include the manufactured or processed products of plants;  
“plant disease” means any disease caused by fungus, bacterium, virus, or any other organism injurious to agricultural or horticultural crops;  
“producer” includes any person engaged in the cultivation, collection or preparation of produce;  
“the Commissioner” means the Commissioner for the time being charged with responsibility for Agriculture.  
“Ministry of Agriculture” means the Ministry of Agriculture and Natural Resources.

Power to  
designate  
examiners.

3. The Commissioner may designate any officer in the public service of Abia State as an authorized officer for the purposes of this Law.

4. (1) There is hereby established for Abia State of Nigeria a Board of Agriculture to be composed as follows – Board of  
Agriculture
- (2) The Board shall consist of the following;
- (a) a Chairman to be appointed by the Commissioner from amongst persons appearing to him to be qualified as having had experience of agricultural matters;
  - (b) twelve unofficial members to be appointed by the Commissioner to represent agricultural and livestock producers;
  - (c) seven official members, namely;
    - (i) the Director of Agriculture or his representative;
    - (ii) the Vice Chancellor of Michael Okpara University of Agriculture, Umudike or his representative;
    - (iii) the Director of Conservator of Forests or his representative;
    - (iv) the Registrar of Co-operative Societies or his representative;
    - (v) the Director of Veterinary Services or his representative;
    - (vi) the Permanent Secretary Ministry of Finance or his representative;
    - (vii) the General Manager of the Abia State Agricultural Development Project or his representative.
5. (1) The duties of the Board of Agriculture are to advise the Commissioner – Duties of  
Board of  
Agriculture
- (a) all matters concerning Agriculture;
  - (b) the framing of regulations to be made under this Law;

Tenure and  
vacation of  
office by  
unofficial  
members

- (c) the carrying out of the provisions of this Law or of any regulations made hereunder;
    - (d) any matter concerning the general purposes of this Law;
    - (e) any matter referred to it by the Commissioner.
  - (2) The Commissioner shall consider any advice received from the Board but shall not be bound to accept it.
6. (1) A member of the Board other than an *ex officio* member (in this section referred to as an unofficial member) may, at any time, by a resignation under his hand addressed to the Chairman, resign his membership, but, save as aforesaid and subject to the provisions of this section, an unofficial member shall hold office for three years from the date of his appointment.
- (2) An unofficial member who has ceased to be a member shall be eligible for reappointment.
- (3) If the Commissioner be satisfied that an unofficial member –
  - (a) has been absent from two consecutive meetings of the Board without the permission of the Board;
  - (b) is incapacitated by physical or mental illness; or
  - (c) is otherwise unable or unfit to discharge the functions of a member
 the Commissioner may declare his office as a member of the Board vacant and shall notify the fact in such manner as he thinks fit, and thereupon the office shall become vacant.
- (4) Where an unofficial member is temporarily incapacitated by illness or is temporarily absent from Abia State of Nigeria the Commissioner may appoint any person (not being a public officer) to be temporarily a member of the Board during such incapacity or absence.

Meetings  
and  
proceedings  
of the  
Board.

7. (1) Subject to the provisions of this section, the Board may make standing orders providing for the proper conduct of its business.

- (2) Meetings of the Board shall be convened by the Chairman with the approval of the Commissioner, but any six members may by notice in writing signed by them request the Chairman to convene a special meeting of the Board for the purposes specified in such notice, and, upon receipt of such notice, the Chairman shall at the earliest convenient date convene a special meeting for such purposes.
  - (3) Where, upon any special occasion, the Board desires to obtain the advice of any person upon any particular matter, the Board may co-opt such person to be a member for such meeting or meetings as may be required; and any such person shall, while so co-opted, have all the rights and privileges of a member of the Board, save that he shall not be entitled to vote on any question.
  - (4) All questions proposed for decision shall be determined by the majority of the votes of the members present and voting.
  - (5) The Chairman shall have an original vote and also, if upon any question the votes are equally divided, a casting vote.
  - (6) At a meeting of the Board six members and the Chairman shall form a quorum.
  - (7) The Board shall not be disqualified from the transaction of business by reason only of any vacancy among its members.
8. (1) The Commissioner may make regulations –
    - (a) for the prevention and control of plant diseases, pests and noxious weeds;
    - (b) for prohibiting temporarily the growth or cultivation of any plant or crop during specified periods of the year;
    - (c) for prohibiting the sowing or planting of any kind of plant;
    - (d) for specifying any particular kind of seed or plant as the only kind permitted to be used;
    - (e) for controlling the distribution of any kind of seed or planting material;

Power to  
make  
regulations

- (f) for maintaining and improving the quality of agricultural or horticultural plants, fruit, trees or crops;
  - (g) for improving, including in the event of disease or pest infestation, the destruction and replacement of any plant or tree and destruction of any crop or part thereof;
  - (h) for prescribing the measures to be taken for conserving the soil and combating soil erosion including the regulation of bush burning;
  - (i) for prohibiting, restricting, or controlling the distribution and use of artificial fertilizers;
  - (j) for charging fees in respect of matters to which the regulations relate;
  - (k) generally for carrying into effect the provisions of this Law.
- (2) Regulations made under this section may provide that a contravention of any specified regulation shall provide penalties in respect thereof;

Provided that the penalties provided in respect of any such offence shall not exceed a fine of one thousand five hundred naira or imprisonment for six months.

Right of  
entry to  
make  
samples.

9. For the purpose of carrying out his duties under this Law or any regulations made hereunder, any examiner shall have power at all times which are reasonable having regard among other things to the religious beliefs and social customs prevailing in the areas in question, to enter any building or place in which he has reasons to suppose that any fertilizers, plants, crops or parts thereof which are subject to regulations made under this Law are stored or grown and to take samples of such fertilizers or produce.

Furnishing  
of informa-  
tion

10. (1) Any examiner may call upon any person to furnish him with any information he may reasonably require for the purpose of investigating any offence against this Law or any regulation made hereunder.

- (2) No person who obtains any information by virtue of this section shall, otherwise than in the execution of his duties under this Law, disclose that information except with the permission of the Commissioner.
11. (1) Any person who – Offences.
- (a) hinders or molests any examiner in the execution of any of his duties or powers under this Law; or
  - (b) without lawful excuse, fails to comply with any order lawfully demanded under the provisions of this Law or furnishes information which he knows to be false in a material particular, or does not believe to be true;
- shall be guilty of an offence and shall be liable on summary conviction to a fine of three thousand naira or to imprisonment for one year or to both such fine and imprisonment.
- (2) In any prosecution for an offence against this section, the onus of proving existence of a lawful excuse shall lie on the person charged.
12. (1) No prosecution for an offence against this Law or any regulations made hereunder shall be commenced except with the consent of an officer not below the rank of Chief Agricultural Extension Services Officer. Prosecution
- (2) A prosecution for an offence against this Law or any regulations made hereunder shall be brought in the name of the Commissioner of Agriculture and may be conducted by an officer of the Agricultural Division of the Ministry of Agriculture not below the rank of agricultural Officer, and any prosecution so instituted shall be deemed *prima facie* to have been commenced with due consent.
  - (3) Nothing in this section shall prevent the institution of proceedings for an offence against this Law by or in the name of the Attorney-General of Abia State in any case in which he thinks it proper that proceedings should be so instituted.

Defence in  
civil and  
criminal  
proceedings

13. Where any proceedings, whether civil or criminal, are brought against any public officer in respect of any act done in pursuance of any of the provisions of this Law or of any regulations made hereunder, it shall be a good defence to show that there was a reasonable and probable cause for the act in respect of which such proceedings are brought.

Power to  
sue for fees.

14. Any expenses or fees due under this Law may be recovered by the Chief Inspector of Agriculture as a civil debt.

Transitional  
provisional  
F & L 1958  
Cap 7.

15. Any regulations made under the Agriculture Act relating to matters in respect of which the State Commissioner has power to make regulations under this Law and in force immediately before the commencement of this Law shall remain in force as if made under this Law until replaced by regulations made under this Law.

## CHAPTER 53

## AGRICULTURE LAW

## SUBSIDIARY LEGISLATION

## REGULATIONS

1. In these regulations, unless the context otherwise requires "owner" in relation to a palm owned by a native community means the head of the community.
2. The owner of an oil palm or coconut palm which is attacked by "bud-rot" shall forthwith cause the palm to be cut down and totally destroyed by fire, and shall notify the Chairman of the Local Government of his area.
3. In any area in which bud-rot is prevalent no person shall tap any oil palm or coconut palm.  
Penalty: a fine of one thousand naira.
4. The tapping of oil palms by the process generally known as "cabbage tapping" is prohibited. "cabbage tapping" is the method by which wine (sap) is made to exude from the palm by cutting away the plant tissue immediately below the growing point or bud.  
Penalty: a fine of one thousand naira.

Regulations 59  
of 1918.

## Swollen Shoot Regulations

1. These regulations may be cited as the Swollen Shoot Regulations.
2. In these regulations, unless the context otherwise requires "Director" means the Director of Agricultural Extension Services; "owner" includes any person entitled to reap the fruits of a cocoa tree; "representative" means any person detailed by the Director, or any person duly authorized by him, to carry the survey of cocoa trees and control swollen shoot disease for the purpose of these regulations.

Citation.

Interpretation.

"swollen shoot disease" means the virus disease of cocoa commonly known as swollen shoot, with all its recognized forms and variants.

Power to enter  
cocoa farms,  
inspect and  
mark cocoa  
trees.

3. The Director or his representative may enter and inspect any cocoa farm and mark any cocoa tree for the purpose of controlling swollen shoot disease.

Power to  
destroy  
affected  
trees.

4. The Director or his representative may destroy or otherwise treat any cocoa tree or any other tree or plant, which in his opinion is infected with swollen shoot disease.

Notice of  
intention to  
mark and  
treat trees.  
P.N. 182 of  
1950

5. The Director or his representative shall, by public announcement in the neighbourhood not less than twenty-one days before the date of such marking and treating, give notice of intention to mark or treat cocoa trees with such information as to the time and place of the proposed operations as is reasonable for the purpose of affording the owners of the trees an opportunity to be present when their trees are marked or treated.

Powers may  
be exercised in  
absence of  
owner.

6. Where notice has been given under regulation 5 and the owner or agent fails to attend, the Director or his representative may exercise in his absence any of the powers conferred under these regulations.

## CHAPTER 54

### APPLICABLE LAWS (MISCELLANEOUS PROVISIONS) LAW

#### Arrangement of Sections

#### Section

1. Citation.
2. Interpretation.
3. Application of common law and doctrines of equity.
4. Imperial Acts not to be applicable.
5. Saving as to Islamic Law, Customary Law, Area Courts and Customary Courts.