

CHAPTER 11

AGRICULTURE LAW

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CHAPTER 11

AGRICULTURE LAW

E.R.N. 40 of 1955,
32 of 1958, L.E.N.
Cap. 8, 1963.

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.

(1st April, 1956).

Short title.

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

Interpretation.

2. In this Law:
 "Commissioner" means the Commissioner for the time being charged with responsibility for agriculture and food.
 "Board" means the Board of agriculture established under section 4;
 "Examiner" means any officer of the Agriculture Division of the Ministry of Agriculture and Food of the rank of agricultural Assistant and any person appointed 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 insect or other animal injurious to agricultural or horticultural crops;
 "Plant" means any plant or parts of a plant such as cuttings, suckers, bulbs, tubers, roots, haulms and fruits; but does not include the true seed unless this is expressly stated and 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;

Appointment of
examiners.

3. The Civil Service Commission may appoint fit persons to be examiners for the purposes of this Law.

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4. There shall be established a Board of Agriculture to be composed as follows:

- A Chairman to be appointed by the Commissioner from amongst persons appearing to him to be qualified as having had experience of agricultural matters;
- Four Members to be appointed by the Commissioner to represent producers of cash crops;
- Four Members to be appointed by the Commissioner to represent producers of food crops;
- The Chief Inspector of Agriculture or his representative;
- The Principal of the College of Agriculture;
- The Chief Conservator of Forests or his representative;
- The Registrar of Co-operative Societies or his representative;
- The Chief Veterinary Officer or his representative;
- The Permanent Secretary, Ministry of Finance and Economic Development or his representative;

5. (1) The duties of the Board of Agriculture are to advise the Commissioner upon:

Duties of Board of Agriculture.

- (a) all matters concerning Agriculture;
- (b) the framing of regulations to be made under this Law;
- (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 other provisions of this section, an unofficial member shall hold office for three years from the date of his appointment.

Tenure and vacation of office by unofficial members.

(2) An unofficial member who has ceased to be a member shall be eligible for reappointment.

Board of Agriculture.

- (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 Ebonyi 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.

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- (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:

Commissioner
empowered to
make regulations.

- (a) for the control of diseases, pests or weeds, prohibiting temporarily the growing or cultivation of any plant or crop during specified periods of the year, prohibiting the sowing or planting of any kind of plant specifying any particular kind of seed or plant as the only kind permitted to be used, or controlling the distribution of any kind of seed or planting material;
 - (b) for maintaining and improving the quality of agricultural or horticultural plants, fruit trees or crops, and for purposes incidental to such maintenance or improvement, including in the event of disease or pest infestation the destruction and the replacement of any plant or tree and the destruction of any crop or part thereof;
 - (c) prescribing the measures to be taken for conserving the soil and combating soil erosion including the regulation of bush burning;
 - (d) for prohibiting, restricting, or controlling the distribution and use of artificial fertilizers and for the marketing of chemical composition or quality thereof;
 - (e) prescribing penalties for offences against any regulation made hereunder not exceeding twenty thousand Naira or imprisonment for six months or both as the Commissioner may think fit;
 - (f) specifying charges, expenses or fees to be paid in respect of any matter or act for which provision is made in any regulation;
 - (g) generally for carrying into effect the provisions of this Law.
- (2) Nothing in this Law shall be construed so as to make it obligatory for the Commissioner to obtain or act on the advice of the Board before making regulations under subsection (1).

9. (1) Where plants, seeds, soil, containers, straw, and other packing materials or any other similar goods or things are found, or suspected, to be infected with any plant disease or pest, an officer of the Agriculture Division of the Ministry of Agriculture and Food not below the rank of Agricultural Officer may order them to be destroyed unless they can be treated to his satisfaction for the removal of the plant disease or pest. (2)
- (2) Where any plant or crop, whether growing or not, or any produce are found, or suspected, to be infected with any plant disease or pest, or where any noxious weed is found to be growing in any place: 12.
- (a) an officer of the Agriculture Area of the Ministry of Agriculture not below the rank of Deputy Chief Inspector of Agriculture may make such order as he may deem necessary for the treatment of such plant disease, pest or noxious weed; and
- (b) upon the failure of the owner of the plants or crops to comply with any such order, any officer who made the order or any person authorized by him in that behalf, may, if such officer deems it necessary in order to prevent the spread of the plant disease, pest or noxious weed, enter upon any land or premises and carry out such measures as may be necessary, at the owner's expense.
- Right of entry to take samples. 10. 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. 13.
- Furnishing of information. Disease. 11. (1) Any officer of the Agriculture Area of the Ministry of Agriculture and Food not below the rank of Assistant

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Agricultural Superintendent 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 Governor.

12. (1) Any person who:

- (a) hinders or molests any Agricultural Officer, or any other person charged with any duties or powers under this Law or any regulations made hereunder, in the exercise of any of his duties or powers;
- (b) without lawful excuse, fails to comply with any order lawfully given under the provisions of this Law or of any regulations made hereunder; and
- (c) without lawful excuse, fails to furnish any information lawfully demanded under the provisions of this Law or of any regulations made hereunder 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 forty thousand Naira or to imprisonment for one year or to both such fine and imprisonment.

Offences.

(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.

13. (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 Agricultural Superintendent.

Prosecutions.

(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 Food and may be conducted by an officer of the Agriculture Division of the Ministry of Agriculture and Food not below the rank of

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Agricultural Superintendent, and any prosecution so instituted shall be deemed *prima facie* to have been commenced with due consent.

Defence in civil and criminal proceedings.

14. 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.

15. Any expenses or fees due under the provisions of this Law or of any regulations made hereunder may be recovered by the Chief Inspector of Agriculture as a civil debt.

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CHAPTER 11
AGRICULTURE LAW
SUBSIDIARY LEGISLATION

Bud-Rot Regulations

1. These regulations may be cited as the Bud-Rot Regulations.
2. In these regulations:
"owner" in relation to a palm owned by a native community means the head of the community.
3. 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 Local Government Chairman of the same.

Citation

Penalty: a fine of two thousand Naira.

4. In any area in which bud-rot is prevalent no person shall tap any oil palm or coconut palm.

Penalty: a fine of two thousand Naira.

5. 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 two thousand Naira.

Swollen Shoot Regulations

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| Citation. | 1. | These regulations may be cited as the Swollen Shoot Regulations. |
| Interpretation. | 2. | <p>In these regulations:</p> <p>“Chief Inspector” means the Chief Inspector of Agriculture;</p> <p>“Owner” includes any person entitled to reap the fruits of a cocoa tree;</p> <p>“Representative” means any person detailed by the Chief Inspector, or any person duly authorized by him, to carry out the survey of cocoa trees and control swollen shoot disease for the purpose of these regulations,</p> <p>“Swollen shoot disease” means the virus disease of cocoa commonly known as swollen shoot, with all its recognized forms and variants,</p> |
| Power to enter cocoa farms, inspect and mark cocoa trees. | 3. | The Chief Inspector or his representative may enter and inspect any cocoa farm and may mark any cocoa tree for the purpose of controlling swollen shoot disease. |
| Power to destroy affected trees. | 4. | The Chief Inspector 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. | 5. | The Chief Inspector 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 Chief Inspector or his representative may exercise in his absence any of the powers conferred under these regulations. |

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