

CHAPTER 123
PRODUCE LAW
Arrangement of sections
PART I - PRELIMINARY

Section

1. Short title
2. Interpretation

PART II - ADULTERATION OF PRODUCE

3. Appointment of product examiners
4. Offences in relation to produce
5. Powers of an examiner
6. Detained produce may be released
7. Detention to be reported to a Magistrate
8. Forfeiture of detained produce
9. Appointment of produce experts
10. Power of court to direct different examination by a produce expert
11. Warrant on sale of produce

PART III - PRODUCE FOR EXPORT

12. Commencement and application of this Part
13. Interpretation
14. Establishment of Produce Inspection Board
15. Constitution and proceedings of the Board
16. Functions of the Board

PART IV - REGULATIONS

17. Power to make regulations

PART V - POWER IN RELATION TO INSPECTION OF PRODUCE

18. Inspection of produce
19. Power to re-examine produce
20. Duty to provide labor
21. Pest infestation
22. Power of entry and seizure

- 23. Detention of produce
- 24. Treatment of detained produce
- 25. Forfeiture of produce upon conviction
- 26. Forfeiture of produce upon complaint

PART VI - OFFENCES AND PROCEEDINGS

- 27. Offences in relation to adulterated produce
- 28. Unauthorized use of possession of seals, etc.
- 29. Miscellaneous offences
- 30. Wrongful grading
- 31. Offences in relation to samples
- 32. Failure to inspect
- 33. Penalties
- 34. Prosecution
- 35. Presumption as to intention to export
- 36. Effect of inspection, passing or grading
- 37. Produce exports
- 38. Power to sue for fees
- 39. Proceedings against officers

CHAPTER 123 PRODUCE LAW

A law to make provisions for the prohibition of adulteration of produce; for the inspection, grading, standards, and quality of produce for export; for the control of pests in such produce; and for matters incidental to the execution of the powers conferred by the law.

ANSL 107

[27th August 1991]

PART I - PRELIMINARY

- 1. This law may be cited as the Produce Law.

Short title.

- 2. In this law —

Interpretation.

"Adulterate" means to falsify, deteriorate, or increase the apparent bulk or weight

or conceal the inferior quality of produce by the combination, admixture, or addition therewith or thereto of some foreign, superfluous, or inferior substance, matter, or thing, whether deleterious or not, or by the use of artificial means, and includes abstracting from produce part of it so as to injuriously affect its nature, substance, or quality, or soaking or manipulating it so as to increase its bulk weight.

"Clean" means to free produce from any foreign, superfluous, or inferior matters, by picking, boiling, or other means, and includes to free produce from excessive moisture.

"Examiner" means a produce examiner appointed under section 3 and includes any person appointed to assist a produce examiner in the execution of his duties.

"Produce" includes raw produce and produce partly or wholly manufactured.

"Standard of purity" means the standard of purity and freedom from moisture prescribed by the regulations.

"State" means Enugu State of Nigeria.

PART II - ADULTERATION OF PRODUCE

3. The State Civil Service Commission may appoint produce examiners for the purpose of this Law.

Appointment
of produce
examiners.

4. Any person who shall —

- (a) adulterate or cause to be adulterated any produce intended for sale;
- (b) sell, or have in his possession for sale, or tender in satisfaction of any just claim or demand any adulterated produce;

Offences in
relation to
produce.

shall be liable to a fine of N50 or imprisonment for 3 months for a first offense and to a fine of N100 or imprisonment for 6 months for a second or any subsequent offense, and the produce together with the receptacles containing the same and any article or thing by means of which the offense was committed may be forfeited:

Provided that —

- (I) no person shall be liable to be punished for an offense under paragraph (b) above if he shall satisfy the court that he was not aware and could not with reasonable diligence have become aware that the produce was adulterated or did not comply with the prescribed standard of purity, as the case may be, and that he had taken all reasonable precautions against the commission of the offense, and that on demand made by the prosecutor, he gave all the information in his power with respect to the person or persons from whom he obtained the product;

- (II) where a person is charged under this Law who has not been previously convicted of an offense against this Law and it appears to the court that the produce is capable of being cleaned, the court may, if it should think fit, order the accused to clean the produce to the satisfaction of the court in lieu of imposing any other penalty.

5. An examiner may —

- (a) enter any building or premises in or on which there is or is believed to be any produce intended for sale or export or in the course of preparation for sale or export;
(b) stop any vehicle, boat, or canoe in which any produce is being conveyed;
(c) examine any produce and take samples thereof.

(d) seize and detain to be dealt with as hereinafter provided —

- (I) any adulterated produce and the receptacles containing the same.
(II) any vehicle, boat, or canoe in which any adulterated produce may be found.

6. When any produce shall have been seized and detained the examiner shall, if he is satisfied that the owner of the produce was not aware that the produce was adulterated or did not comply with the prescribed standard of purity, permit the owner to clean the same, and shall when the produce has been cleaned, release the same, and any receptacle, vehicle, boat, or canoe which may have been seized and detained in connection therewith.

Detained
produce may
be released.

7. Except as provided in section 6 an examiner shall forthwith report the seizure and detention of any produce, vehicle, boat, or canoe to the nearest Magistrate.

Detention to be
reported to a
magistrate.

8. When any produce has been seized and detained under the powers conferred by section 5 and the owner thereof is unknown or cannot be found, a complaint may be laid for the purpose only of enforcing forfeiture of such produce, and the Magistrate having jurisdiction in the place in which such produce is detained may cause notice to be given in such manner as he may think proper, stating that, unless cause be shown to the contrary at the time and place named in such notice, such produce will be forfeited; and at such time and place, the Magistrate, unless cause is shown to the contrary, may order the forfeiture of the produce and the receptacles containing the same.

Forfeiture of
detained
produce.

9. The Commissioner may prepare and publish a list of fit and proper persons to be produce experts for the purposes of section 10.

Appointment of produce experts.

10. In any proceeding for an offence against this Law, the court may, if it thinks fit, direct any produce expert to examine any produce or sample thereof and to report thereon to the court, and the report of such produce expert shall be sufficient evidence of the facts stated therein unless the person charged shall require such expert to be called as a witness.

Power of court to direct different examination by a produce expert.

11. On the sale or in the contract for the sale of any produce, the vendor shall be deemed to warrant that the produce is not adulterated unless the contrary be expressed in some writing signed by or on behalf of the vendor and delivered at the time of the sale or contract to, and accepted by the purchaser.

Warrant on sale of produce.

PART III — PRODUCE FOR EXPORT

12. (1) This Part of this Law applies to all produce listed in the First Schedule being produce intended for export, and the word "produce" shall be construed accordingly except where the context otherwise requires:

(2) The Commissioner may, by order published in the State Gazette, alter, amend, or vary the First Schedule.

Commencement and application of this part.

13. In this Part of this Law—

"Assistant Produce Officer" means an officer of that rank in the Produce Inspection Division;
"the Board" means the Enugu State Produce Inspection Board established under section 4;
"buy" includes to exchange or barter, whether for goods or services, and to agree or contract to buy, exchange, or barter;
"clean" means to free produce from any foreign, superfluous, or inferior matter by picking, boiling, or other means or extraction of excessive moisture;
"export" means to take or cause to be taken out of Nigeria, "exportable standard" means a standard which is not lower than that prescribed for produce under the Export of Nigerian Produce Act, 1958, or of any other law made or having effect as if made in accordance with the Constitution of the Federation;

Interpretation

"expose for sale" includes to place produce on premises on which produce is habitually bought by, or for eventual delivery to, an exporter of produce or licensed buying agent, whether or not the person so placing the produce states that he intends to offer it for sale;

"Federal Board" means the Produce Inspection Board established under section 4 of the Produce (Enforcement of Export Standards) Act.

"grade" means to grade according to grades prescribed under the Export of Nigerian Produce Act, 1958, or of any other law made or having effect as if made in accordance with the Constitution of the Federation;

"Inspector" means a Produce Inspector of the Produce Inspection Division and includes any person appointed as an inspector or examiner for the purpose of this Law;

"licensed buying agent" means a person or firm or a servant of a person or firm holding a license in that behalf issued by the licensing authority;

"licensing authority" means an authority empowered under this Law to grant a license;

"the Commissioner" means the Commissioner charged with responsibility for matters relating to produce inspection;

"pass" means to pass as being of exportable standard;

"pest" means any vermin, insect, parasite, fungus, bacterium, or disease harmful to produce;

"Produce Inspection Division" means the Produce Inspection Division of the Ministry of Agriculture and National Resources;

"Produce Officer" includes an officer of the Produce Inspection Division of or above the rank of Produce Officer;

"possess for sale" includes constructive possession of produce which is exposed for sale, or of produce which is found upon the premises of any store in respect of which there is in force a certificate of registration issued in accordance with any regulations made under this Law;

"sell" includes to exchange or barter, whether for goods or services, and to agree or contract to sell, exchange, or barter;

"State" means Enugu State of Nigeria.

14. (1) There shall be established the Enugu State Produce Inspection Board (hereinafter referred to as "Board") constituted as hereinafter mentioned.

(2) The Board shall be appointed by the Commissioner and shall consist of a Chairman and not less than seven other members.

(3) The Chairman shall be the Chief Produce Officer.

Establishment of
produce
inspection Board.

(4) The other members of the Board shall be—

(a) the Chief Agricultural Officer;

(b) the Permanent Secretary of the Ministry responsible for Trade and Cooperative matters, or his representative;

(c) the General Managers, or their representatives, of such commodity boards as operate in the State;

(d) the General Manager of the State Agricultural Development Corporation or his representative;

(e) the General Manager of the State Co-operative Wholesale Association Limited; and

(f) one representative each of —

(i) the State Licensed Buying Agents Association

(ii) the Middlemen Buyers,

(iii) Oil Palm Producers;

(iv) Cocoa Producers, and

(v) Grains Producers

(5) The Deputy Chief Produce Officer shall be the Secretary to the Board.

Constitution
and
proceedings
of the Board

15. (1) The provisions of the Second Schedule shall apply in relation to the proceedings of the Board.

(2) The Commissioner may by order published in the Enugu State Gazette alter, amend or vary the Second Schedule.

Functions
of the Board

16. The functions of the Board shall be as follows:

(a) to advise the Commissioner upon the making of regulations under section 7 and the amendment or revocation thereof, and upon the making of any order under subsection (2) of section 2;

(b) to advise the Commissioner upon any matter concerning the provisions of this Law or its application or concerning produce inspection generally or upon any matter referred to it by the Commissioner;

(c) to advise the Commissioner as to the appointment of places as inspection stations for produce.

PART IV. — REGULATIONS

17. (1) The Commissioner, after consultation with the Board and, if he considers it necessary, with the Federal Board, may make regulations prescribing or providing for—

Power to make regulations.

- (a) the precautions which shall be taken to prevent the occurrence and spread of pest infestation in produce, and the powers and duties of Produce Officers to pest control;
- (b) conditions under which the sale and purchase of produce may be carried out;
- (c) the inspection and grading of produce according to its quality and purity in relation to grades and standards prescribed under the Export of Nigerian Produce Act, or of any other law made or having effect as if made in accordance with the Constitution of the Federation and the prohibition or regulation of dealings with any produce which has not been so inspected and graded or which has been adulterated;
- (d) what shall be deemed to constitute adulteration in respect of any description of produce;
- (e) the type of containers to be used for produce and the packing, closing, marking or sealing of those containers;
- (f) the types of marking appliances, seals, presses, or punch dies to be used by Inspectors, and the designs or numbers to be placed on those marking appliances, seals, presses, or punch dies;
- (g) the powers and duties of Produce Officers, Assistant Produce Officers, and Inspectors in relation to the clearing of produce and the removal and destruction of any extraneous matter or sifting separated from produce;
- (h) the appointment of places as inspection stations at which produce may be inspected and graded;
- (i) the structural condition to which stores, buildings, and premises used or partly used for the inspection, grading, and storage of produce must conform, the registration, licensing, and numbering of those premises and the condition under which produce shall be stored;
- (j) the prohibition of the inspection or grading of produce on any premises which do not conform to the conditions prescribed by regulations under paragraph (i), or which have not been registered;
- (k) the enforcement of necessary precautions against fire in produce stores;
- (l) Licensing of persons having charge of any premises referred to in paragraph (i);
- (m) The form and place in which registers shall be kept by persons licensed under paragraph (1) and the inspection of such registers;

- (n) The appointment of licensing authorities for the purposes of regulations made hereunder, the grant, renewal from and duration of any licenses which may be prescribed and the conditions which may be attached.
- (o) The fees to be paid to a produce expert or to any other person including those for inspection or re-inspection or overtime;
- (p) A standard of purity (including the amount of moisture in produce of or a specified kind);
- (q) Conditions for the working of overtime by Assistant Produce Officers or Inspectors, and the officers who may issue permits for overtime work;
- (r) The manner in which examination and tests shall be conducted;
- (s) Generally for the better carrying into effect of this Law;
- (t) the penalties for offenses against any regulations made hereunder, not exceeding a fine of N400 and imprisonment for 6 months.

(2) In relation to the making of regulations, the Commissioner shall not be bound to accept the advice of the Board.

(3) The Commissioner may make regulations without the advice of the Board in any case in which the matter is, in his judgment, too urgent to admit of the Board giving its advice in the time within which it is necessary to make the regulations.

PART V. — POWERS IN RELATION TO INSPECTION OF PRODUCE

18. The inspection, passing, and grading of produce shall be carried out by officers of the Produce Inspection Division in accordance with regulations made under section 17.

Inspection of
produce.

19. (1) A Produce Officer, Assistant Produce Officer, or Inspector may re-examine any produce which has been inspected and passed, and for that purpose may take such steps, including the opening of packages, as he may deem necessary.

Power to re-
examine
produce.

(2) Where upon such a re-examination it is found that the produce has not been properly passed or graded, or has deteriorated to such an extent that it no longer conforms to the quality or grade assigned to it on its previous examination, it may be detained until it has been properly graded or passed.

(3) The Commissioner or any officer deputed by him in writing may, if satisfied that the produce has been damaged or has deteriorated without the fault of the owner, grant written permit authorizing the release of the produce upon such conditions and for such purposes as

may be specified in the permit.

(4) Where upon re-examination it is found that the produce has been adulterated or that any offence has been committed in respect of the produce, it shall be dealt with in accordance with sections 22, 23, and 24.

(5) Where upon re-examination it is found that the produce has been properly passed or graded, it shall be caused to be re-packed, sealed, and marked in accordance with any regulations made under this Law.

20. The person in charge of any produce which is to be examined or re-examined in accordance with this Law shall provide such labor as may be necessary for the purpose of the examination or re-examination.

Duty to
provide labour.

21. (1) Where any produce including for the purpose of this section —

Pest infestation.

(a) foreign produce in transit through the State; and

(b) local crops and commodities stored in the vicinity of any produce.

is found or suspected to be infested with any pest, a Produce Officer may make such order as he deems necessary for the treatment of that pest.

(2) Upon the failure of the owner or person in charge of the produce to comply with an order made under subsection (1), a Produce Officer or other person authorized by him in writing may enter upon any land or premises upon which the produce is placed and carry out at the expense of the owner such measure as he deems necessary to prevent the spread of the pest.

Power of entry
and seizure

22. For the purpose of carrying out his duties under this Law, a Produce Officer, Assistant Produce Officer, or Inspector in uniform has the power to:

(a) enter at all times that are reasonable, having regard to, among other things, the religious beliefs and social customs prevailing in the area concerned, any building or place in which he has reason to suppose that any produce is stored, and inspect and take samples of any produce stored therein, whether or not it has previously been inspected or graded;

(b) To stop any person carrying or believed to be carrying any produce and to examine the produce, and to stop and search any vehicle, boat, or canoe carrying or believed to be carrying produce and to call upon the person in charge of such a vehicle, boat, or canoe or, if he cannot be ascertained, the person appearing to be in charge of such a vehicle, boat, or canoe, and the person or persons in charge of the produce to unload it for examination;

(c) To seize and detain any produce which he reasonably suspects to have been adulterated, or in respect of which an offence against this Law appears to him to have been committed, together with any receptacle in which the produce is contained, and to seize and detain any article, register, or document believed to be connected with the offences;

- (d) To direct the person in charge of the vehicle, boat, or canoe, and the person or persons in charge of any produce seized under the provisions of paragraph (c), to proceed in or with the particular conveyance employed to the nearest suitable place for the purpose of depositing therein the seized produce and containers thereof;
- (e) where he is satisfied that the owner of any produce which has been seized and detained under paragraph (c) did not know that the produce was adulterated, to permit the owner to clean the produce and any receptacle in which the produce is contained; and
- (f) call upon any person to furnish him with any information he may reasonably require for the purpose of investigating an offence against this Law.

23. (1) Where any produce which has been seized and detained under section 22 is not already packed in receptacles, a Produce Officer, Assistant Produce Officer, or Inspector may order that it shall be so packed and the owner of the produce or the person in charge thereof at the time of seizures shall be responsible for the provision of suitable receptacles and the labor necessary to carry out the order.

(2) A Produce Officer may order that any produce which has been seized and detained in any premises shall be removed and kept under detention in other premises approved by him.

(3) Subject to subsections (4) and (5), any produce which has been seized and detained shall be sealed in receptacles to the satisfaction of a Produce Officer, Assistant Produce Officer, or Inspector, and shall not be removed or cleaned except upon the order or with the written permission of a Produce Officer until any charge or complaint in respect of the produce has been determined.

(4) Unless a charge or complaint under subsection (3) is made within three months of its being seized, the produce shall be released from detention.

(5) Notwithstanding anything contained in the Criminal Procedure Law, where a person charged with an offence against this Law in respect of any produce has been acquitted or discharged, the Court shall not order the release of the produce until 14 days have elapsed or until a Produce Officer has notified the court in writing of his intention not to institute further proceedings in respect of the produce, whichever date is the earlier.

(6) Where a Produce Officer notifies the Court in writing within the said period of 14 days of his intention to institute further proceedings in respect of the produce or to appeal against the judgment of acquittal or discharge, the Court shall not order the release of the produce pending the determination of such proceedings or appeal.

24. (1) Where the owner or person in charge of any produce which has been seized and detained considers that the condition of the produce is such that the storage thereof in

Treatment of
detained
produce.

Detention of
produce.

that condition will result in further damage or deterioration, he may apply in writing to a Produce Officer for permission to clean the produce.

(2) Upon application being made as provided in subsection (1), the Produce Officer may permit the owner or person in charge of the produce to clean it, and when the produce has been cleaned, it shall be dealt with in accordance with subsection (3) of section 23.

(3) Where a Produce Officer or Assistant Produce Officer considers that any produce which has been seized and detained is in such condition that its storage in that condition will result in further damage or deterioration, he may, whether or not an application under subsection (1) has been made, order the owner or person in charge of the produce to clean it, and may permit temporary release of the produce for that purpose.

(4) Before any produce is cleaned in pursuance of this section, there shall be prepared in the presence of the applicant and the Produce Officer or an officer deputed by him in that behalf, a document showing the net weight of the produce, the number of receptacles in which it is packed, and the gross weight of any samples taken. Such document, when signed by both the applicant and the Produce Officer or his deputy, shall be conclusive evidence of the particulars therein contained.

Forfeiture of
produce
upon
conviction.

25. Upon the conviction of any person for an offence under this Law in respect of any produce of which he is the beneficial owner, the court may order, in addition to any penalty which may be imposed, that the produce together with the receptacles in which it is contained shall be destroyed or forfeited, or that the produce shall be cleaned by the owner to the satisfaction of a Produce Officer, Assistant Produce Officer, or inspector, and shall thereafter be released for sale for export.

Forfeiture of
produce upon
complaint.

26. (1) Where any produce has been seized and detained under section 22 and:

- (a) the owner is unknown or cannot be found; or
- (b) the produce is adulterated or of such inferior quality that either:
 - (I) it cannot be cleaned to an exportation standard, or
 - (II) its retention is liable to endanger the quality of any other produce with which it may come in contact, or
 - (III) a produce expert considers that by reason of its inferiority it should be destroyed;

a complaint shall, as soon as may be after the expiration of 7 days from the date on which the produce was seized, be laid before the Magistrate having jurisdiction in the place where the produce is detained for the purposes only of enforcing forfeiture of the produce and of the

receptacles in which it is contained, and the Magistrate shall cause notice to be given, in such manner as he may think proper, stating that unless cause is shown to the contrary at the time and place stated in the notice the produce and receptacles may be forfeited.

(2) At the time and place stated in the notice, the Magistrate may, unless cause is shown to the contrary, order that the produce and receptacles shall be forfeited and disposed of in such manner as may be directed by the head of the Produce Inspection Division.

PART VI. — OFFENCES AND PROCEEDINGS

27. A person who adulterates, or causes to be adulterated, or by negligence or otherwise permits the adulteration of any produce is guilty of an offence.

(2) Subject to subsection (5), a person who —

(a) buys or receives; or

(b) sells or offers or exposes for sale; or

(c) tenders in satisfaction of a claim or demand; or

(d) possesses or has in his custody or under his control, whether for sale or for any other purpose, and whether for the use or benefit of himself or of any other person, and whether or not as an agent or servant of another person, any adulterated produce is guilty of an offence.

(3) A person shall not be convicted of an offence under subsection (2) if he proves to the satisfaction of the court —

(a) that he did not know and could not with reasonable diligence have known that the produce was adulterated;

(b) that he had taken all reasonable precaution against the commission of the offence; and

(c) that on demand being made by a Produce Officer, Assistant Produce Officer, or Inspector he gave all the information in his knowledge with respect to the person from whom he obtained the produce and the person who conveyed or delivered the produce to him or any other person on his behalf.

28. A person who —

(a) makes unauthorized use of any prescribed type of seal, press, punch die or other sealing or marking appliance used for sealing produce or making containers, or of any apparatus for sampling or testing produce, or for extracting any of the contents of bags of produce; or

(b) without lawful excuse (the onus of proving which shall be upon him) is found in possession of any such appliance, or apparatus or of any articles so closely resembling such appliance or apparatus as reasonably to be mistaken thereof, is guilty of an offence.

29. (1) A person who without lawful excuse —

Offences in relation to adulterated produce.

Unauthorized use of possession of seals, etc.

- (a) hinders or molests a Produce Officer, Assistant Produce Officer, Inspector or other person charged with any duties or powers under this Law in the exercise of any of those duties or powers; or
- (b) fails to comply with any order lawfully given under the provisions of this Law; or
- (c) removes, cleans or in any way tampers with any produce or any receptacle which has been seized or detained by a Produce Officer, Assistant Produce Officer or Inspector in accordance with the provisions of this Law;
- (d) breaks or removes any seal or any twine, wire or other fastening placed upon a receptacle containing produce by a Produce Officer, Assistant Produce Officer or Inspector, whether after the grading of the produce contained therein or after the seizure and detention of the produce and receptacles in accordance with section 22; or
- (e) substitutes for any produce which has been inspected and passed or graded any other produce, or adds extraneous matter or any uninspected produce to any produce which has been inspected and passed or graded; or
- (f) fails to furnish any information 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; or
- (g) has in his possession or under his control, whether for sale or for any other purpose, and whether for the use or benefit of himself or of any other person, and whether as agent or servant of any other person —
 - (i) any produce which has been inspected and passed or graded, and of which the receptacles have been tampered with as described in this section, or
 - (ii) any produce which has been substituted for produce which has been passed or graded, or
- (h) consigns or attempts to consign from the State any produce which is not of exportable standard, is guilty of an offence.

(2) In any prosecution for an offence against this section, the onus of proving the existence of a lawful excuse lies on the person charged.

(3) A person shall not be convicted of an offence under paragraph (h) of subsection (1) if he proves to the satisfaction of the court —

- (a) that he did not know and could not with reasonable diligence have known that the produce or receptacles thereof had been tampered with or suffered substitution as aforesaid;
- (b) that he had taken all reasonable precautions against the commission of the offence;

- (c) that as soon as he discovered or became aware that an offence had been or was being committed, he made immediate report in writing to a Produce Officer; and
- (d) that on demand being made by a Produce Officer, Assistant Produce Officer, or Inspector, he gave all the information in his knowledge with respect to the produce and the receptacles thereof, the person from whom he obtained the produce, and the person who conveyed or delivered it to him, or any other person on his behalf.

30. (1) A Produce Officer, Assistant Produce Officer, or Inspector who knowingly passes or grades produce which is not of exportable standard is guilty of an offence.

Wrongful
grading.

(2) Where in any prosecution under this section the person charged alleges that without his consent, unauthorized use was made of any seal, press, punch die, or other sealing or marking appliance used for sealing produce or for marking containers, the onus of proving such unauthorized use shall be upon him.

(3) In any prosecution under this section, it shall be sufficient for the prosecution to prove the person charged to be a Produce Officer, Assistant Produce Officer, or Inspector, and that he passed or graded the produce in question for export and that such produce was not of exportable standard, and thereupon the onus of proving that he did not act knowingly shall be upon the person charged.

Offences in
relation to
samples.

31. A person authorized to take samples of produce under this Law who uses or disposes of those samples or any part thereof for his own gain or use or for any other unlawful purpose is guilty of an offence.

Failure to
inspect.

32. (1) Produce Officer, Assistant Produce Officer, or Inspector who, without lawful excuse, the onus of proving which shall be upon him, delays, detains, or refuses to inspect, pass, or grade any produce is guilty of an offence.

Penalties.

(2) Subsection (1) of section 34 shall not apply to a prosecution brought for an offence against this section.

33. A person who is guilty of an offence under this Law is liable on conviction to a fine of N400 or imprisonment for one year.

Prosecution

34. (1) A prosecution for an offence under this Law (other than an offence under section 32) shall not be commenced except with the consent of an officer of the Produce Inspection Division not below the rank of Produce Officer; but no such consent shall be necessary in the case of a prosecution instituted by or upon the instruction of the Director of Public Prosecutions.

(2) A prosecution for an offence under this Law may be brought in the name of the Head of the Produce Inspection Division and may be conducted by him or by a Produce Officer or Assistant Produce Officer, and any prosecution so instituted shall be deemed prima facie to have been commenced with due consent.

Presumption as
intention to
export.

35. In any proceedings against a person for an offence under this Law, it shall not be necessary to prove that the produce, the subject of the charge, was intended for export, and that produce shall be presumed to have been intended for export unless the contrary be proved.

Effect of
inspection,
passing or
grading.

36. In any action relating to the quality or purity of any produce inspected and passed or graded under this Law, the inspection, passing, or grading of that produce shall not be conclusive as to the quality or purity thereof.

Produce
exports.

37. (1) The Commissioner may, by notice in the Enugu State Gazette, declare suitably experienced persons to be produce experts in respect of any kind of produce.

(2) In any proceeding for an offence under this Law in which the quality or condition of any produce is a fact in issue, the court may, if it thinks fit, direct a produce expert to examine such produce or samples thereof and to report in writing on its quality or condition; and the written report of that produce expert shall be sufficient evidence of the facts stated therein unless the person charged requires the produce expert to be called as a witness.

38. Any fees due under this Law may be recovered as a civil debt by the Head of the Produce Inspection Division and shall be paid into the general revenue of the State.

Power to sue
for fees.

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

Proceedings
against
offences.

(2) No act or thing done by a public officer, if it was done bona fide for the purpose of executing this Law, shall subject him personally to any action, liability, claim, or demand whatsoever, but nothing herein contained shall exempt any person from any proceedings by way of mandamus, injunction, prohibition, or similar order.

FIRST SCHEDULE
(Section 12)

Produce to which the Law applies:

1. Benniseed
2. Capiscums
3. Cocoa
4. Copra
5. Groundnuts
6. Palm Kernels
7. Palm Oil
8. Rubber
9. Soya Beans

SECOND SCHEDULE

(Section 15)

PROCEEDINGS OF THE BOARD.

Tenure and
vacation of
office by
members.

1. (I) A member of the Board, other than a public officer, may by notice in writing to the chairman of the Board resign his membership, but save as aforesaid and subject to this paragraph, a member other than a public officer shall hold office for 3 years from the date of his appointment,

(2) Where the Commissioner is satisfied that a member other than a public officer—

(a) has been absent for two consecutive meetings of the Board without the Chairman's permission; or

(b) 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 seat vacant and shall notify the person by letter and publish the fact in the Enugu State *Gazette*, and thereupon the vacancy may be filled according to subsection (2 } of section 4.

Temporary members.

(3).Where a member is temporarily incapacitated or is temporarily absent from Enugu State, the Commissioner may appoint a person to be a temporary member of the Board during that incapacity or absence.

Status of the Board.

(4). A member of the Board other than a public officer shall not be deemed by virtue of being such a member to be the holder of an office of emolument under the State.

Meetings and proceedings of the Board.

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

(2) Meetings of the board shall be convened by the Chairman but any three 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 the notice, and, upon receipt of the notice, the Chairman shall convene a special meeting for those purposes at the earliest convenient date

(3) Where upon any special occasion the Board desires to obtain the advice of any person upon any matter, it may co-opt that person to be a member for such meeting or meetings as may be required, and any such person shall whilst 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, and the Chairman shall have an original vote and also, if upon any question the votes are equally divided, a casting vote.

(5) At any meeting of the Board the Chairman and 4 other members, 2 of whom are members other than public officers, shall form a quorum.

(6) The Board shall not be disqualified for transaction of business by reason only of any vacancy among the members, and in case of the absence of the Chairman from any meeting the Board may appoint a temporary Chairman from amongst the members present at the

meeting

SUBSIDIARY LEGISLATION

Produce Law

PRODUCE INSPECTION (GENERAL) REGULATIONS.

(made under section 17)

PART 1-PRELIMINARY

1. These regulations may be cited as the Produce Inspection (General) Regulations. Short title

2. In this regulations- interpretation
 “produce merchant” means an exporter of any produce or a licensed buying agent or person or firm authorized by a Commissioner to remove produce out of Enugu State
 "produce" means produce to which the Law applies;

“the Law” means The Produce Law;

“register” means a produce register provided in accordance with regulation 32:

registered produce store” means building or premises that have been registered in accordance with regulation 9;

“storekeeping” means the holder of a valid licence issued in accordance with regulation 20.

Produce
inspection
Station.

3.(1) A list of produce inspection stations approved by the Commissioner with the advice of the Enugu State of Nigeria Produce Inspection Board shall published annually in the Enugu state Gazette.

(2) No person shall inspect, pass or grade produce except at a produce inspection station approved in accordance with subsection (1).

Times of
inspection
and
production
materials
etc

4. (1) A Produce Officer shall appoint times during which inspectors shall attend at registered produce stores to inspect or re-inspect produce, Times of inspection and protection of materials etc. (2) A produce merchant presenting produce for inspection or grading shall provide and maintain in good condition, at his own expense, seals, weights, trays, tiers, tarpaulins, measures, shovels, sieves, tables and other apparatus or materials necessary for the purpose together with an adequate supply of containers.

Powers to
refuse
inspection.

(3) A Produce Officer may refuse to allow produce to be inspected, passed or graded until the provisions of subsection (2) have been complied with.

PART III — RE-INSPECTION OF PRODUCE

Re-inspection.

5. (1) A Produce Officer or Assistant Produce Officer may, upon written application by a produce merchant permit the re-inspection of produce which has already been inspected, passed or graded

(2) A fee of 40k per hour or pan thereof shall be charged for the services of an inspector for re inspecting produce in accordance with the resignation Fees for reinspection.

(3) In this regulation "hour" means 60 consecutive minutes or, where separate inspection by one inspector are made in one day, 60 minutes in the aggregate during the course of any one day,

(4) All fees collected in accordance with this regulation shall be paid into the general revenue of the State.

PART IV. — PROVISIONS FOR OVERTIME WORK

Working hours

6. All days except Sunday and public holidays shall be working days for Assistant Produce Officers and Produce Inspectors, and shall consist of 5 hours on Saturdays and 7 ½ hours on other working days. Working hour

Provided that such working hours shall not, subject to the provisions of regulation 7 exceed 42 ½ hours per working week.

overtime

7. No overtime shall be done except with the permission of a Produce Officer or Assistant Produce Officer, Overtime

(2) Permits may be granted on written application to a Produce Officer or Assistant Produce Officer, to allow work on Sundays and public holidays and before or after working hours on any working day.

8. (1) Where overtime work is permitted in accordance with regulation there shall be payable the fees specified in the First Schedule. Fees for overtime. First Schedule.

(2) A produce merchant requiring the services of an Inspector as in subsection (1) shall, in addition to the fees for the service of such an Inspector, pay fees for such supervisory visits at the rate set out in the First Schedule as may be necessary to supervise the work of such an inspector:

Provided that supervisory visits on account of more than one produce merchant during the same period of time shall be paid by each produce merchant pro rate.

(3) hi this regulation "hour" means 60 consecutive minutes or, where separate inspections by one inspector are made in one day, 60 minutes in the aggregate during the course of any one day.

(4} All fees collected in accordance with this regulation shall he paid into the general revenue of the Government of the State.

(2) The Commissioner may by order published in the State *Gazette* alter, attend or vary the First Schedule;

PART V. — REGULATIONS OF PRODUCE STORES

Condition of
registration

9.(1) A produce merchant may apply in writing to a Produce Officer to register for the purpose of these regulations any specified building or premises within the area supervised by the Produce Officer as a registered produce store.

(2) No store shall be registered under this regulation unless-

- (a) the building is rainproof, well-ventilated, well-floored. clean, adequately supplied with suitable dunnage, free from undue insect and rodent infection and from normal risk of flooding by surface water, and suitable in all other respect for the inspection, passing, grading and storage of produce;
- (b) the registration or the building or premises is necessary having regard to the volume of produce which may be expected to be presented for the inspection and grading or which may be required to be stored there at any one time;

- (c) the portion of these premises on which bagged produce is inspected or graded is adequately fenced so as to prevent contamination of the produce or its containers by livestock.

10. Upon being satisfied as to the matters specified in subsection (2) a Produce Officer shall register the building or premises as a registered produce store for the inspection and storage of any type of produce and shall issue, without fee or charge a certificate of registration in the Form set out in the Second ScheduleThe storekeeper shall ensure that the certificate of registration is prominently and permanently displayed in the building to which it relates. Certificate to be displayed
11. Where a Produce Officer considers that a registered produce store is no longer suitable for the purpose for which it is registered, he shall give notice in writing to the produce merchant concerned setting out the defect of the building or premises and, after 30 days from the date of that notice, may cancel the certificate of registration of that registered produce store if those defects have not been remedied, and there upon the building or premises shall cease to be registered produce store. Cancellation of Certificate.
12. (1) Where a certificate or registration is concealed in accordance with either regulation 11 or regulation 13. the produce merchant who applied for it shall within 14 days from the date of its conciliation deliver up the certificate to the Produce Officer in charge of the area in which the registered produce store concerned is situated Return of cancelled certificates.
- (2) Where a produce merchant ceases to operate at a registered produce store for any reason other than the cancellation under regulation 11 or regulation 13 of the certificate of registration, he shall within 14 days deliver up the certificate to the Produce Officer in charge of the area in which the registered produce store is situated for cancellation and upon such cancellation the building or premises shall cease to be a registered produce store.

(3) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

(4) Where a Produce Officer is satisfied that subsection (2) has not been complied with, he may cancel the certificate of registration in respect of the registered produce store concerned, and upon such a cancellation, the building or premises shall cease to be a registered produce store.

13.(1) At all times a registered produce store shall be kept clean and tidy and once every year or as often as may be deemed necessary by a Produce Officer, its ceilings, internal structures, walls, floors and dunnage shall be thoroughly cleaned to the satisfaction of a Produce Officer, White-wash or such other material as a Produce Officer may approve shall be applied as he may consider necessary.

(2) if the provisions of subsection (1) are not complied with, a Produce Officer may cancel the certificate of registration after such notice as is provided in regulation 11.

Re-issue of
certificates.

14. Upon the cancellation of a certificate of registration no new certificate of registration shall be issued in respect of the same building or premises until a Produce Officer considers the registration of such building or premises justifiable having regard to the provisions of regulations 9 and 13.

Restriction on
use of store.

15. (1) Except with the permission of a Produce Officer no registered produce store shall be used for any purpose other than those connected with the sale, purchase, inspection, passing, grading or storage of that type of produce for which it is registered.

(2) No Produce Inspector shall pass or grade any produce except in a registered produce store registered for the inspection and storage of that type of produce.

(3) No person shall store in any building or premises, except those of a registered produce store registered for the inspection and storage of the type of produce, any produce which has been inspected, passed and sealed, But where owing to the breakdown of any

vehicle, canoe, boat or lighter carrying any produce, or to the accidental damage to a registered produce store, it becomes necessary to store produce temporarily elsewhere than in a registered produce store, the person in charge of the produce shall take all reasonable precautions to keep it in good condition and shall report to a produce officer within 48 hours of the incident.

- (4) In every registered produce store such materials as Produce Officer or Assistant Produce Officer may consider necessary for the elimination or control of insect pests and rodents shall be provided by the produce merchant concerned and shall be used by the storekeeper in such a manner and at such time as a Produce Officer or Assistant Produce Officer may direct.
- (5) The storekeeper shall take all necessary steps to prevent livestock from entering a registered produce store and to prevent any produce or its containers from becoming defiled or contaminated by livestock
- (6) A produce Officer or Assistant Produce Officer may order the cleaning of produce that has been defiled or contaminated by livestock and the placing of the cleaned produce in suitable containers

.A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence

Access to
stores

16. (1) The storekeeper shall ensure that access to, and entry upon, all parts of registered produce stores are readily available to authorized persons at all reasonable times; but this regulation shall not apply to a storekeeper who has given notice in writing to the Produce Officer, Assistant produce Officer or Inspector in charge of the station in which the store is situated of his intended absence.

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

Power to order
removal of
produce

17.A Produce Officer may order the removal of produce from a registered produce store

if he finds n necessary on account of fire, accident, contamination or insect and rodent infestation, and the removal shall be carried out by, and at the expense of, the produce merchant concerned.

PART VI. — LICENSING OF STOREKEEPERS

Licensing
authority

18. (1) The licensing authority for the issue of licences for an area shall be the Produce Officer in charge of that area.

(2) If the Produce Officer is absent on account of ili-health or other cause an officer of the Produce Inspection Division of or above the rank of Produce Officer may exercise the power of licensing authority during the absence of that Produce Officer.

Application
for license
third
Schedule

19. A produce merchant may apply to a licensing authority for licence in respect of any person whom he may desire to be licensed as the storekeeper in respect of any registered produce store and, unless the application is for a renewal, the application shall be made in the Form prescribed in the Third Schedule,

Issue of
Licences
Fourth
Schedule

20. (I) If the licensing authority is satisfied—

(a) that the application is made in respect of a person who genuinely intends to fulfil the normal functions of a storekeeper for the produce merchant concerned, and

(b) that such a person is a fit and proper person for the issued of a licence.
the authority shall issue a licence to that person and the licence shall be in the Form prescribed in the Fourth Schedule.

(2) The holder of that licence shall thereupon be the storekeeper of the registered produce store to which the licence relates,

Licence fee

21. (I) No fee or charge shall be payable in connection with the first issue or the annual renewal of a licence issued in accordance with regulations 20,
Refusal to grant licence (2) A fee of N2 shall be charged for a licence issued to

replace a defaced, destroyed or lost licence,

(3) All fees collected in accordance with this regulation shall be paid into the general revenue of the Government of Enugu State of Nigeria,

Refusal to
grant licence

22. (1) Where a person in respect of whom application for a licence is made-

(a) has been convicted of an offence against the Law or any regulation made thereunder; or

(b) has been convicted of an offence involving dishonesty; or

(c) is below 21 years of age; or

(d) is not literate.

the licensing authority may refuse to grant him a licence.

(2) A person to whom a licensing authority has refused to grant a licence may within 30 days appeal in writing to the Commissioner against the refusal and the Commissioner may, after consultation with the Enugu Produce Inspection Board, allow or dismiss such an appeal and, where he allows it, may direct that such conditions as he may deem fit shall be attached to the licence.

Validity of
Licence

23. A licence shall not be valid until the storekeeper has signed it with his usual signature in the space provided and until the signature has been duly witnessed as provided in the licence.

Period of
validity

24. A licence is valid for a period not exceeding 12 calendar months and shall in any case expire on the last day of June next following the date on which it takes effect, but the licensing authority may by endorsement on the licence extend its duration for a period not exceeding 6 months.

Conditions for
holding licenses

25. (1) No person shall be in possession at one time of more than one valid licence issued in accordance with these regulations and not more than one person shall be licensed at one time in one registered produce store in respect of the type of produce.

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

Transfer of
licence

26. A Storekeeper who is directed by the produce merchant concerned to transfer his activities to another registered produce store in the area of the licensing authority that issued the licence shall forthwith produce the licence to the licensing authority who shall endorse the licence accordingly and return it to the storekeeper.

(2) A storekeeper who is directed by the produce merchant concerned to transfer his activities to another registered produce store in the area supervised by different licensing authority shall hand over his licence to the licensing authority that issued it. and the authority shall forward it to the licensing authority of the area to which the storekeeper is being transferred for endorsement and return to the storekeeper.

(3) A person who contravenes or fails to comply with the provisions of this regulations is guilty of an offence.

Return of
licence

27. (1) A storekeeper who ceases to operate as such for the produce merchant w ho applied for the issue of his licence shall immediately return any valid licence that he may hold to the licensing authority of the area in which he last operated as a storekeeper, and the licensing authority shall forthwith cancel the licence.

(2) If a storekeeper dies or for any reason ceases to operate as such, the produce merchant concerned shall forthwith notify the fact to the licensing authority for that area.

(3) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

Death of
storekeeper.

28. On the death of a storekeeper the licensing authority shall cancel a licence possessed by him.

Restriction on
use of store.

29. (1) No person other than a storekeeper shall buy produce in a registered produce store, and the transaction of the storekeeper shall be limited to the purchase of produce on behalf of and for delivery to the produce merchant who applied for a licence under regulation 19 in respect of the storekeeper.

(2) Notwithstanding the provisions of subsection (1) a Produce Officer may, with the consent of the parties concerned, permit the passing for export of produce on behalf of one produce merchant at the registered produce store of another produce merchant if the produce merchant seeking the permission applies in writing to that effect to that Produce Officer.

(3) The Produce Officer may make such arrangements as are necessary to ensure the correct marking of the containers with the mark of the produce merchant on whose behalf the produce is being passed for export.

(4) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

30. A person who—

Licence
offences

(a) lends, borrows, transfers, alters, defaces, or forges a licence issued in accordance with the provisions of these regulations: or

(b) obtains or attempts to obtain a licence by any false pretences;

(c) being disqualified from holding a licence, does anything for which a licence is required;

(d) employs a person who is disqualified to do or assist in doing anything for which a licence is required knowing that, that person is disqualified (the onus of disproving such knowledge being upon him); or

(e) being disqualified from holding a licence, obtains or attempts to obtain a licence without disclosing the fact that he is so disqualified; or

(f) aids or abets another in obtaining or attempting to obtain a licence, knowing that the other person is so disqualified (the onus of disproving such knowledge being upon him), is guilty of an offence.

31. Where the holder of a licence is convicted of an offence against the Law or any regulations made thereunder, the licensing authority may cancel or suspend his licence for a stated period.
- Cancellation and suspension of licence

PART VII — PRODUCE REGISTERS

32. (1) Every produce merchant shall provide, and every storekeeper shall maintain, in respect of a registered produce store, registers in the forms prescribed in the Fifth Schedule, or as near I hereto as circumstances permit, in such manner as a Produce Officer may approve in writing, The registers shall be kept in the registered produce store to which they relate in the custody of the storekeeper who shall produce them for inspection upon demand made by a Produce Officer, Assistant Produce Officer or Inspector during working hours
- Registers, fifth schedule.

(2) The storekeeper shall cause the pages of a register to be numbered serially, with no omission, by the use of legible marking made with ink.

(3) The storekeeper shall make or cause to be made the appropriate entries in each register in regard to each transaction on the same day us the transaction takes place, whether it be a transaction connected with the receipt or dispatch of produce already inspected, passed, or graded and scaled or with the inspection, passing or grading of the produce in the registered produce store concerned. The responsibility for every entry requires to be made in accordance with this regulation shall be with the storekeeper.

(4) Where an entry in the register has been made in accordance with paragraph (3) in connection with the inspection, passing or grading of produce, the Produce Inspector who inspected, passed or graded the produce shall—

- (a) inspect the entry on the same day: and
- (b) where the entry is inaccurate, require the storekeeper or person duly authorized by him in that behalf to cancel the inaccurate entry and make a correct entry;

- (c) sign a correct entry: and
- (d) enter in the register the figure showing the result of the test on each parcel of produce inspected, passed or graded by him

The storekeeper or person authorized by him in that behalf shall thereupon sign the entries in the register

(5) A storekeeper or Produce Inspector who—

- (a) neglects to make or cause to be made an entry in the register in accordance with the provisions of this regulation; or
- (b) makes or causes to be made a false entry therein; or renders illegible or mutilates, or causes to be rendered illegible or mutilated, any entry therein.

is guilty of an offence.

(6). Where a storekeeper authorizes a person to sign on his behalf the register in which an entry has been made in accordance with the provisions of this regulation the responsibility for the entry shall, *prima facie*, be that of that storekeeper.

(7) A storekeeper shall not authorize a person under the age of twenty-one or a produce officer, Assistant Produce Officer or Inspector to sign the register on his behalf.

(8) In any prosecution for an offence under this regulation the onus of proving that the person charged has not-

- (a) neglected to make or cause to be made an entry in the register, or
- (b) made or cause to be made a false entry therein, or
- (c) rendered illegible or mutilated, or causes to be rendered illegible or mutilated any entry herein;

shall lie upon the person charged.

(9) Where a produce merchant ceases to operate at a registered produce store, he shall within 14 days deliver all registers which have been in use in respect of that store to the Produce Officer in charge of the area in which the store was situated for examination and

retention by the Produce Officer, but at any reasonable time thereafter the produce merchant shall be entitled to examine any of those registers.

(10) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence,

PART VIII— GENERAL PROVISION

33. (1) No person shall light a fire in such place or in such manner as to endanger a registered produce store or its contents, or permit the entry of smoke into the registered produce store:

Precaution
against fire.

Provided that this regulation shall not preclude the use of devices for pest control which are used with the approval of a Produce Officer or Assistant Produce Officer

(2) A person who contravenes or fails to comply with the provisions of this regulations is guilty of an offence.

34. (1) Where produce has been seized and detained under the provisions of section 22 (c) in a registered produce store, the storekeeper shall take adequate and effective precautions to prevent any person from acting contrary to the provisions of paragraphs (c), (d) and (e) of subsection (1) of section 29.

Storekeeper's
duty in relation
to seized
produce.

(2) A person who contravenes or fails to comply with the provisions of this regulations is guilty of an offence

35. (1) The person in charge of a boat, lighter or canoe used for the transport of bagged produce shall ensure that the vessel is fitted with adequate and suitable dunnage in such a way as to prevent the contact of the produce with any water in that vessel, and that adequate waterproof coverings are available and, where necessary, are used to protect the produce from water that may enter that vessel.

Protection of
produce in
transit from
water.

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

36. (1) The driver of a motor vehicle used for the transport of bagged produce shall ensure that adequate waterproof coverings are available and, where necessary, are used, and that all reasonable precautions are taken, to keep Such produce dry.

Provisions of
waterproof coverings
for motor vehicles.

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

Protection of
passed
produce.

37. (1) A person in charge of produce which has been inspected, passed and sealed. whether the produce is in store or in transit, who fails at any time to take adequate and effective precautions to protect the produce from contact with water or other substance which may have a deleterious effect on that produce or its containers, is guilty of an offence.

(2) Where the produce has become damaged as a result of an accident to a vehicle, canoe, boat, lighter or store arising from a cause beyond the control of the person in charge of the produce, that person shall within 48 hours report the damage to a Produce Officer, and if he fails to do so without reasonable excuse, proof of which shall lie upon him, he shall be guilty of an offence

(3) For the purpose of this regulation the person in charge of the produce shall be

deemed to be—

- (a) in the case of a registered produce store, the storekeeper thereof:
- (b) in the case of a vehicle, the driver thereof; and
- (c) in the case of a canoe, boat or lighter, the person having the control thereof.

Penalties

38.A person who is guilty of an offence under these regulations is liable on conviction to a fine of N400 or imprisonment for 6 months.

Prosecutions

39. No prosecution for an offence under these relations shall be commenced except in accordance with subsections (1) and (2) of section 34.

THIRD SCHEDULE

(Regulation 19}

**APPLICATION FOR A LICENCE TO BUY AND/OR STORE PRODUCE IN
A REGISTERED PRODUCE STORE OR STORES.**

- 1. Name of produce
Merchant.....

- 2. Address of
above.....
.....

(Please print in capital)

3. Name of proposed storekeeper in
full.....

4. Registered produce store(s) where proposed storekeeper will operate

.....
.....

5. Number and date of issue of previous licence (if any).....

I certify that to the best of my knowledge and belief the above proposed storekeeper is literate and not below twenty-one years of age and has not been convicted of an offence against the provision of the Produce (Enforcement of Export Standard) Law, or any regulation made thereunder or deemed to have been made thereunder, nor has he been convicted of an offence involving dishonesty

If the above certificate cannot be completed by reason of the fact that the person for whom the

application is made has been convicted as described, particulars of any such conviction must be stated overleaf and this Form forwarded under confidential cover as directed below. The

Produce Officer accepts no responsibility for any such Form not forwarded under confidential

cover,

DATED this day of20.....

Signed.....
.....

for produce merchant

.....Branch

Delete whichever is not applicable

Note - Tins Form should be sent to the produce officer supervising the area.

PALM PRODUCE INSPECTION REGULATIONS

(Made under section 17)

PART1.— PRELIMINARY

1. These regulations may be cited as the Palm Produce Inspection Regulation. Short title.

2. (1) in these regulations — interpretation.

“First quality” means-

- (a) in relation to palm oil, of "first quality" as defined under the provisions of the Commodity Decree of 1977;
- (b) in relation to palm kernels, palm kernels of "first quality" as defined under the provisions of the Commodity Decree of 1977;
- (c) in relation to palm produce, palm oil of first quality or palm kernel of first quality,

"Palm produce" means palm oil or palm kernels;

"rotten or decayed" in relation to palm kernel means palm kernel which, on being cut as equally as possible into two parts, shows that half or more than half of the cut surface is rotten or decayed, and, for the purposes of this definition, part of a palm kernel found in a sample shall be treated as if it were a whole palm kernel provided that once cut as equally as possible into two parts a palm kernel or part thereof, as the case may be shall not be sub-divided;

"the Commodity Board" means the Federal Government of Nigeria Commodity Board;

"the Law" means the Produce Law;

(2) For the purposes of paragraph (5) of regulation 5, "adulteration" in relation to palm produce means-

- (a) mixing or combining palm produce with other palm produce of first quality so that the resulting mixture or combination is not palm produce of first quality; or
- (b) injuriously affecting the quality of palm produce by mixing or combining with that palm produce any substance, matter or dung which is foreign or superfluous whether that substance, matter or thing is in itself harmful or not: or

- (c) mixing or combining husk, shell, pericarp, rancid, rotten or decayed palm produce with other palm produce so that the resulting mixture or combination is not palm produce of first quality: or
- (d) altering the composition of palm produce by such means as to injuriously affect the quality of the palm produce or alter its bulk or weightier
- (e) injuriously affecting the quality of any palm oil or alter its composition or constituent parts by abstracting from that palm oil any of the constituent parts thereof.

PART II. — INSPECTION OF PALM OIL

3. (1) No palm oil shall be passed and scaled for export or removed out of Enugu State except palm oil of first quality, and no palm oil of first quality shall be removed out of Enugu State for export unless it has been law fully passed and seated.

Conditions
of export or
removal out
of Enugu
State

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

4. (1) Receptacles containing palm oil shall be kept securely closed in transit between production centres or markets and the registered produce stores.

Palm oil
containers

(2) Every storekeeper shall ensure that all receptacles intended to contain palm oil which may be offered for inspection for export or removed out of Enugu State shall be thoroughly clean before palm oil is placed therein.

(3} A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

5. (1) For the purpose of inspection of palm oil a representative sample approximating to 3.408 litres shall be taken from a drum by means of sectional try-rod, and the sample shall be placed in a standard type of copper try-pan.

Testing of
palm oil

(2) The Inspector shall cause oil so obtained to be slowly heated and mixed by stirring and when the oil is sufficiently liquefied it shall be allowed to

(3) The Inspector shall then inspect the residue for the purpose of determining whether or not the palm oil is of first quality. If he is satisfied that the oil is of first quality he shall forthwith pass it.

(4) Subject to paragraph (6) of this regulation the Chief Produce Officer may, for the purpose of determining whether any palm oil is of first quality' or not, by previous instructions in writing to a Produce Officer, Assistant Produce Officer or Inspector, prescribe such alternative method of taking samples or of inspection of samples as shall in his opinion be no less reliable than that prescribed in the foregoing paragraphs of this regulation.

(5) The Chief Produce Officer may by previous instruction in writing in a Produce Officer. Assistant Produce Officer or Inspector, prescribe such method of testing palm oil as he may deem adequate to check adulteration in palm oil.

(6) Paragraph (4) of this regulation shall have effect only in respect of palm oil presented for inspection for export or removal out of Enugu State in tanks. (7) The Commissioner may, by order, vary the type of containers mentioned in paragraph (6) of this regulation.

6. Transfer of the ownership of palm oil used for sampling shall not be effected except upon payment in cash at the rates officially authorized for the purchase of palm oil.

Transfer of samples

7. (1) A storekeeper shall ensure that every receptacle containing palm oil which has been inspected and passed as first quality shall be securely closed so as to prevent entry of

Closing and sealing of containers
Schedule

water or other extraneous substance.

(2) The Inspector who inspected and passed the palm oil shall ensure that each receptacle is securely closed and shall seal the receptacle with one or more seals of the approved type each bearing the design as prescribed in the Schedule to these regulations, and all the numbers and letters, if any, of the hammer-press or steel seal press officially allotted to such Inspector, shall be legibly impressed.

(3) A Produce Officer may, subject to any instructions given to him by the Chief Produce Officer, approve the use of receptacles, other than drums, for palm oil. and thereupon the Inspector shall ensure that those receptacles containing palm oil which have been inspected and passed as first quality are securely closed and shall seal them in such manner as may be considered suitable by the Chief Produce Officer.

(4) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence

8.(1) Each receptacle containing palm oil which has been inspected and passed as first quality shall be marked according to instructions issued by the Commodity Board, or by the Chief Produce Officer where the palm oil is not purchased on behalf of the Commodity Board.

Marking of
containers

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

9. (1) A storekeeper shall ensure that receptacles containing palm oil which have been sealed and marked as in paragraph (1) of regulation 8 are stored apart from ungraded and unsealed stocks, with the bungs upwards, and slacked in such a manner that they can be easily counted or approached for check test purposes.

Storage of
containers

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

PART III. — INSPECTION OF PALM KERNELS

10. (1) No palm kernels shall be passed and sealed for export or removal out of Enugu State except palm kernels of first quality and no first quality palm kernels may be exported or removed out of Enugu State unless they have been lawfully passed and sealed.

Restriction
on exports or
removal out
of Enugu
State

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

11.(1) For the purpose of inspection, all palm kernels shall be spread on a tarpaulin of a clean, firm, cemented or wooden floor At an inspection not more than the contents of 200 bags shall be examined and they shall be so spread JS not to exceed to a depth of 305 millimetres.

Testing of
palm kernels

(2) The palm kernels shall be thoroughly mixed by hovelling to the satisfaction of the Inspector.

(3) The Inspector shall take indiscriminately from all parts of the parcel of the prescribed quantity an average representative sample and shall then- (a) draw a final sample of 704.15 grams from the average representative sample; and

(b) carefully separate all shell, fibre, rotten or decayed kernels and extraneous matter from the palm kernels contained in the final sample carrying out the separation on a clean surface and not on a sack or the ground; and

(c) weight the shell, fibre, rotten or decayed kernels and extraneous matter so separated.

(4) If as a result of the examination carried out in accordance with this

regulation the Inspector is satisfied that the palm kernels contained in the sample are of first quality, he shall forthwith pass the kernels contained in the parcel as first quality palm kernels.

(5) The Inspector shall complete the testing, passing, sewing and sealing of each separate parcel before commencing to examine another parcel.

(6) Subject to paragraph (7) the Chief Produce Officer may, for the purpose of determining whether any palm kernels are of first quality or not, by previous instructions in writing to a Produce Officer, Assistant Produce Officer or Inspector, prescribe such alternative method of taking or inspecting samples as shall in his opinion be no less reliable than that prescribed in the foregoing paragraphs of this regulation,

(7) Paragraph 6 of this regulation shall have effect only in respect such palm kernels as the Commissioner may, with the advice of the Palm Produce Board, approve.

12.(1) A storekeeper shall ensure that all palm kernels which have been inspected and passed as first quality are at once thoroughly riddled with a sieve having a mesh of not less than 7.9375 millimetres, and packed in sound, clean, dry bags having no holes and of the quality specified by the Palm Produce Board.

Sifting and
packing

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

13. (1) A bag containing the palm kernels duly packed shall be sewn up at once without lugs by means of lock stitches placed not more than 2.54 centimetres apart, the twine used shall be continuous with the ends so disposed that no knots are accessible and the ends can be securely sealed.

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

14. (1) A storekeeper shall ensure that all bags used for packing palm kernels inspected and passed for export shall be marked according to

instruction issued by the Palm Produce Board or where such palm kernels are not for export but for removal out of Enugu State of Nigeria, the bags shall be marked according to instructions issued by the Produce Inspection Division.

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

15. (1) The Inspector who inspected and passed the palm kernels shall ensure that each bag has been securely sewn and shall seal each bag with a seal or seals of the approved type, each bearing the design as prescribed in the Schedule to these regulations and all the numbers and letters, if any, of the hammer-press or steel press officially allotted to such Inspector shall be legibly impressed.

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

16. (1) A storekeeper shall ensure that all bags of palm kernels which have been sealed are forthwith stored on a wooden platform or on such dunnage as may be considered suitable and adequate by a Produce Officer, Assistant Produce Officer, or Inspector in such a manner that—

- (a) no part of a bag shall come in contact with the floor of the store; and
- (b) a space of at least .914 metres is left between the stacked bags or palm kernels and the walls of the store;
- (c) the bags of palm kernels are stacked in such a manner that they can be counted without difficulty.

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

17. (1) As soon as palm kernels have been inspected whether the palm kernels have been passed as first quality or not, the storekeeper shall ensure^{Destruction of sifting} that all shells, rotten or decayed kernels, sand and other extraneous matter removed in the course of inspection, cleaning, sampling and sifting are removed

from the registered produce store and destroyed.

(2) A person who contravenes or fails to comply with the provisions of this regulations is guilty of an offence.

PART IV.— INFERIOR QUALITYPALM PRODUCE

18. (1) No person shall buy or sell or offer for sale or possess for sale or receive or tender in satisfaction of any claim or demand any palm produce intended for export or removal out of Enugu State which is not of first quality

Restriction
on purchase
and sale.

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

(3) In any prosecution under this regulation if the person contends that such palm produce was not bought or sold or offered or exposed for sale or received or tendered in satisfaction of any claim or demand or intended for export or removal out of Enugu State as alleged, the onus of proving such contention shall be upon him.

19. (1) No person, other than a grower of palm produce on his own premises or other premises approved by a Produce Officer, shall have in his custody, possession or under his control whether for the use or benefit of himself or of any other person or whether as an agent, employee or servant of any other person, any palm produce intended for export or removal out of Enugu State which is not of first quality.

Restriction on
possession.

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

(4) In any prosecution under this regulation if the person charged contends that such palm produce is not Intended for export or removal out of Enugu State or that he comes within e exception, the onus of proving such contention shall be upon him.

20. (1) No person, other than a grower of palm produce transporting ^{Transport} his own raw palm produce from the land on which it was grown to his own premises or to other premises approved by a Produce Officer, shall transport or deliver or cause to be delivered for transport any palm produce intended for export or removal out of Enugu State that is not of first quality

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

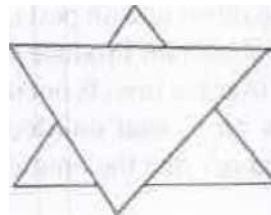
(3) In any prosecution under this regulation if the person charged contends that such palm produce is net intended for export or removal out of Enugu State or that he comes within the exception, the onus of proving such contention shall be upon him.

20. A person who is guilty of an offence under these regulation is liable on conviction to a fine of N400 or imprisonment for 6 months.

Penalty.

SCHEDULE

MISSDESIGN OF SEALS FOR CONTAINERS OF "FIRST QUALITY"
PALM OIL AND FOR BAGS OF FIRST QUALITY PALM KERNELS.



COCOA (INSPECTION FOR EXPORT) REGULATIONS

(Made under section 17)

PART I. — PRELIMINARY

L These regulations may be cited as (he Cocoa (Inspection for Export) Regulations

Short title.

2. In these regulations-

interpretations

"Adulteration" in relation to cocoa means-

(a) mixing or combining cocoa of a grade prescribed in the manner provided in regulation 4 with other cocoa so that the resulting mixture or combination is not cocoa of a grade so prescribed; or

(b) injuriously affecting the quality of cocoa by mixing or combining with cocoa any substance, matter or thing which is foreign or superfluous whether that substance, matter or thing is in itself harmful or not; or

(c) mixing or combining husk, shell, pericarp or defective bean with cocoa so that the resulting mixture or combination is not cocoa of a grade prescribed in the manner provided in regulation 4; or

(d) altering the composition of cocoa by such means as injuriously to affect its quality or flavour or to alter its bulk or weight;

"defective beans" include all mouldy, weevils, decayed germinated and flat cocoa beans;

"the Law" means the Produce Law;

PART II — INSPECTION AND GRADING OF COCOA

3. (1) No cocoa shall be passed and sealed for export or exported except cocoa of export table standard, and no cocoa of exportable standard shall be exported unless it has been lawfully passed and sealed

Conditions for
export

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

4. Cocoa shall be graded in accordance with the grades prescribed from time to time under the provisions of any written law in force in the State

Grading of
Cocoa

5. For the purpose of these regulations cocoa should be deemed to be free from velvety or black beans if after examination the velvety or black beans are found to be not more than 3 per 900 beans in any representative

Tolerance

sample; and free from stone if after examination the weight of stone does not exceed 14.18 grams in one bag.

6, (1) For the purpose of inspection a parcel of cocoa which shall not exceed the contents of 100 bags shall be spread on a clean tarpaulin or in a, cemented surface, but not on the ground, so that the beans can be inspected and representative samples taken without difficulty.

Inspection of
cocoa.

(2) The parcel shall be thoroughly mixed with wooden shovels to the satisfaction of an Inspector.

(3) From the parcel the Inspector shall take indiscriminately a representative average sample from which he shall draw a further sample of 567 grains and from this a final sample of 300 beans. All germinated beans in this final sample shall be counted, after which all the beans shall each be cut in half and examined. If the result of the examination shows that the cocoa contained in the same sample can be graded as provided in regulation 4 the parcel shall forthwith be graded and passed.

(3) The Inspector shall complete the testing, passing, sewing and sealing of each separate parcel before commencing to test another.

7, (1) Before the cocoa is placed in bags the storekeeper shall ensure that—

Sifting of
Cocoa

(a) cocoa, other than light cocoa, which has been graded is at once thoroughly riddled with a sieve having a mesh of 11.11 millimetres; and

(b) light cocoa which has been graded is at once thoroughly riddled with a sieve having a mesh not less than 7.94 milligrams.

(2) A person who contravenes or fails to comply with the provisions of this regulations is guilty of an offence.

8. (1) Cocoa which has been inspected, graded and riddled shall at once be bagged in sound, clean, dry bags having no holes and of the quality specified by the Cocoa Board.

Packing of
cocoa

(2) Subject to paragraph (3), a bag containing cocoa packed as in paragraph (1) shall be sewn tight at once without lugs by means of lock stitches placed not more than 2.54 centimetres apart. The twine used shall be strong and continuous with ends so disposed that no knots are accessible and that the ends can be securely sealed.

(3) The Chief Produce Officer in his discretion may approve an alternative method of sewing the bags by machine.

(4) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence

9. (1) All bags used for packing cocoa graded for export shall be marked according to the instruction issued by the Cocoa Board except that the dimensions and placing of week and parcel numbers and of the letters "L.C " in the case of light cocoa shall accord with the First Schedule to these regulations.

Marking of
bags. First
Schedule

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

10. (1) The inspector who graded the cocoa shall ensure that each bag is securely sewn and shall seal each bag with a seal or seals each bearing the design as provided in the Second Schedule, and all the numbers and letters, if any, of the steel seal press officially allotted to the Inspector, legibly impressed.

Sealing of
bags. Second
Schedule.

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

11. The storekeeper shall ensure that bags of cocoa which have been properly sealed and marked are forthwith stored on a wooden platform or such dunnage as may be considered suitable and adequate by a produce officer, assistant produce officer or inspector, and stacked in such manner that—

Storage of
cocoa

(a) no part of a bag shall come in contact with the floor of the store; and

(b) a space of at least 91 centimetres is left between the stacked bags of cocoa and walls of the store; and

(c) a person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

12. (1) As soon as cocoa has been inspected, the storekeeper shall, whether the cocoa has been graded or not, ensure that all cut, smoky, velvety, black and defective beans and all other extraneous matter collected in the course of inspection, sampling, cutting and sifting are removed from the registered produce store and destroyed.

Destruction of
siftings etc

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

PART III — INFERIOR QUALITY COCOA

13. (1) No person shall buy or sell or offer or expose for sale in possession for sale or receive or tender in satisfaction of any claim or demand or have in his custody, possession or under his control, whether or not as an agent, employee or servant of any other person, any cocoa intended for export which contains 15 *per centum* or more by count of defective beans unless a Produce Officer is satisfied that the content of defective beans is the result of deterioration which occurred after receipt of such cocoa into a registered produce store and that the storekeeper used all reasonable means to avoid or minimize deterioration.

Restriction
on buying
and selling
etc.

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

(3) In a prosecution under this regulation if the person charged contends that the cocoa was not bought or sold or offered or exposed for sale or received or tendered in satisfaction of any claim or demand or intended for export as alleged, the onus of proving such contention shall be upon the person.

14. (1) No person, other than the grower of the cocoa at his own premises shall have in his custody, possession or control, whether or not as an agent, employee or servant of any other person, any cocoa intended for export which is not thoroughly dry or which contains velvety beans.

Restriction
of
possession
of cocoa

(2) No person shall have in his custody, possession or control whether or

not as an agent, employee or servant or any other person, any cocoa intended for export which contains smoky beans.

(3) A person who contravenes or fails to comply with the provisions of this regulation is guilty of offence.

(4) In a prosecution under this regulation if the person charged claims to come within the exception mentioned in subsection (1) or contends that the cocoa was not intended for export, the onus of proving such a claim or contention shall be upon the person.

15. (1) No person, other than a grower of cocoa transporting or causing to be transported his own raw or wet cocoa beans from the land on which it was grown to his premises shall deliver or cause to be delivered for transport cocoa intended for export which is not thoroughly dry or which contains smoky or velvety beans or which contains 15 *per centum* or more by count of defective beans.

Transport of
cocoa

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

(4) In a prosecution under this regulation if the person charged claims to come within the exception or contends that the cocoa was not intended for export, the onus of proving such a claim or contention shall be upon the person.

16. (1) Where an Assistant Produce Officer or Inspector finds any cocoa containing smoky beans or beans tainted by tar or other substance injurious to cocoa or its flavour he shall seize and detain the cocoa and report the fact to the Produce Officer in charge of the area within 48 hours.

Tainted or
smoky cocoa

(2) If a Produce Officer considers that the cocoa cannot for any reason be made free from such taint, he shall apply to a Magistrate for an order for forfeiture, and the Magistrate may order that the cocoa be forfeited and destroyed in such manner as the Chief Produce Officer may approve

17. (1) If a parcel of cocoa is tested and found not to be of grade prescribed in accordance with regulation 14 but to contain less than fifteen *pet centum* by count of defective beans, such cocoa shall not be removed from the store in which it was found except with the written permission of a Produce Officer or Assistant Produce Officer.

Detention
and bleeding
of cocoa.

(2) A Produce Officer or Assistant Produce Officer may permit the storekeeper in writing to pick and blend with cocoa of exportable standard any cocoa which has been detained in accordance with paragraph (1) for the purpose of raising the quality of such cocoa to exportable standard.

(3) A person who contravenes or fails to comply with the provisions of paragraph (1) is guilty of an offence.

PARI IV— PEST CONTROL IN COCOA

18. (1) Where a parcel of cocoa is being subjected to a process of fumigation, an unauthorized person who—

Prohibition of
interference

(a) approaches the place of fumigation in such manner, or in such proximity as to endanger himself or the person operating the part used for the fumigation, or in any other way interferes with the operation; and

(b) refuses or fails to remove himself or stop the interference on the order of a Produce Officer or an Inspector or other officer authorised by a Produce Officer.

is guilty of an offence.

(2) In a prosecution under this regulation, if the person charged contends that he was an authorized person at the time the alleged offence was committed, the onus of proving the contention shall be upon such 3 person.

19. A Produce Officer or an officer authorized by him in writing may—

Safety
precaution

(a) require a building used for the fumigation of cocoa to be provided with such materials as will make fumigation effective and safe; or

(b) require a stack which is being fumigated in site to be adequately covered with suitable material in order to prevent foe escape of the fumigant and to make fumigation effective and safe; or

(c) require a person operating any machine or plant used for fumigating cocoa to take such precautions as are necessary in the opinion of the Produce Officer or other officer authorized by him in writing for the

safety of the public or for the care and maintenance of the machine or plant.

20. (1) It shall be the duty of produce merchants and storekeepers to take all reasonable precautions to prevent cocoa from becoming infested with pests while the cocoa is under their control

Duties in connection with pests

(2) A person who contravenes or fails TO comply with the provisions of this regulation is guilty of an offence.

21. A person who—

(a) having discovered that cocoa in his possession or under his control has become infested with pests, fails to report the fact to a Product Officer, Assistant Produce Officer or Inspector; or

Offences in relation to pests

(b) places or attempts to place insects or cocoa already known to be infested with pests on or near uninfected cocoa or uninfected slacks in such a manner that the uninfected cocoa or stack may become infested.

is guilty of an offence

22. A person who is guilty of an offence under these regulations is liable,

Penalty

on conviction, to a fine of N400 or imprisonment for 6 months.

FIRST SCHEDULE

DESIGN OF STAMPS FOR BAGS OF GRADED COCOA

Regulation 9

A number denoting the week of grading enclosed in a circle of 127mm Diameter

Each bag of cocoa, in addition to being sealed, shall be stamped on the side of the bag with marks according to the grade of cocoa contained therein, as follows-

Grade I.....one stamp mark, as above.

Grade II.....two stamp marks, as above

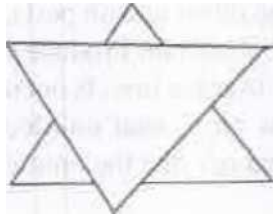
Each parcel of cocoa passed and graded shall be numbered serially and

consecutively commencing with number one or the Friday of each week. Such serial number shall be known as the parcel number and shall be clearly stenciled on the side of the bag with marks immediately beneath the marks. The parcel number shall be not less than 76.2mm and not more than 101.6mm high and the lettering of each digit shall not be less than 12.7mm, wide. Bags in which light cocoa is contained shall bear the letters "L.C." in addition to the marks denoting the grade, and these letters shall be at least 12.7mm high and shall be stenciled immediately beneath the parcel number

SECOND SCHEDULE

DESIGN ON SEALS FOR BAGS OF GRADED COCOA AS FOLLOWS-

Regulation 10



RUBBER (INSPECTION FOR EXPORT) REGULATIONS

(made under section 17)

PART 1 — PRELIMINARY

1. These regulations may be cited as the Rubber (Inspection for Export) Regulations

2. These regulations shall not apply—

Exemptions

- (a) to crepe rubber prepared by machine processes:
- (b) to paste rubber of all kinds.

3. In these regulations—
"adulteration" means

Interpretation

(a) when used in relation to rubber, the admixture or combination together of a quality of rubber of exportable standard with either—

- (i) liquidity of rubber of exportable standard, or
- (ii) any rubber which is not derived from the tree *Havea Brasiliensis* or
- (iii) any rubber which may have been of exportable standard but has since deteriorated and become not of exportable standard, whether it has been passed and graded or not, or
- (iv) any substance other than paranitrophenol or a prescribed coagulant which is foreign or superfluous; and

(c) when used in relation to latex, the admixture or combination together of a quantity of latex derived solely from the tree *Haven Brasilliensis* with either —

- (i) a quantity of latex not derived or not wholly derived from the tree *Havea Brasilliensis*, or
- (ii) a coagulant other than a prescribed coagulant, or
- (iii) a preservative other than paranitrophenol. or
- (iv) any substance which is foreign or superfluous excepting paranitrophenol or a prescribed coagulant;

"exportable standard" in relation to rubber means a preparation for export from latex derived from the tree *Haven Brasilianis*, coagulated by a prescribed coagulant in the case of sheets and cutting smoke-cured or shade-dried, and which conforms to the grades and standards prescribed under Export Produce (Federal Powers) Act. 1961:

"prescribed coagulant" means acid or citric acid or pure lime juice.

"Law" means Produce Law

PART II . — INSPECTION AND GRADING OF REBBER

4. (1) No rubber to which these regulations apply shall be graded and sealed for export except it is rubber of exportable standard, and no person shall export or attempt to export such rubber unless it has been lawfully graded and sealed.

Conditions of
exports

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

5. All rubber to which these regulations apply shall be examined by a Produce Officer, Assistant Produce Officer or Produce Inspector and if found to be of exportable standard shall be graded, passed and scaled by him with a seal or seals of the proved types, each healing the design as prescribed in the First Schedules.

Grading .First
Schedule

6. (1) As soon as rubber has been inspected, graded and passed, the storekeeper shall ensure that it is forthwith packed into bales to the satisfaction of a Produce Officer, Assistant Produce Officer or Inspector.

Packing and
making of
rubber

(2) Each grade of rubber shall be packed separately in bales of one or two hundred weights net, and the covering shall be sown up in such a way as to enable the outer ends of the sewing twine to be scaled.

Second
schedule

(3) The storekeeper shall ensure that each bale of rubber which has been graded and sealed in accordance with regulation 5 is clearly marked with the appropriate grade mark as contained in the Second Schedule

7. (1) The Produce Officer, Assistant Produce Officer or Inspector who grades the rubber shall—

- (a) ensure that such bale has been securely sewn;
- (b) seal each bale with a seal or seals each bearing the design as prescribed in the First Schedule, making sure at the time that the hammer press or steel seal press number officially allotted to him is legibly impressed; and
- (c) ensure that each bale is marked correctly according to the grade of the rubber therein contained as provided in the First Schedule.

(2) Every storekeeper shall ensure that all bales of rubber which have been sealed and marked are forthwith stored on a wooden platform or on such dunage as may be considered suitable and adequate by a Produce Officer, Assistant Produce Officer or Inspector in such a manner that no part of any bale shall come into contact with the floor and the wall of the store and that the bales can be counted without difficulty.

(3) Every storekeeper shall ensure that all bales of rubber which have been sealed and marked by a Produce Officer, Assistant Produce Officer or Inspector are stored apart from any rubber which has not been graded and sealed.

(4) Every storekeeper shall ensure that all bales of any one grade of rubber are stored apart from all bales of any other grade of rubber.

(5) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

Destructing of rejects etc

8.(1) As soon as rubber has been graded the storekeeper shall—

(a) ensure that all rejected, ungraded or unexportable rubber is removed forthwith from the registered produce store unless the rubber has been seized and detained by a Produce Officer, Assistant Produce Officer, or Inspector; and

(b) ensure that all barks, extraneous matters or inferior pieces cut out from the rubber are removed forthwith from the store and at once destroyed to the

satisfaction of a Produce Officer, Assistant Produce Officer, or Inspector

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

9, (1) No person shall, upon the premises of a registered produce store, buy or sell or receive or tender in satisfaction of any claim or demand, or have in his custody or possession or under his control whether as an agent, employee or servant of any other person, any rubber intended for export which is not of exportable standard. Restrictions on sales,

(2) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

(3) In a prosecution under this regulation if the person charged contends that such rubber was not intended for export or was not bought or sold or received or tendered in satisfaction of any claim or demand as alleged, the onus of proving such contention shall lie upon the person.

10, (1) No person shall deliver or cause to be delivered to a registered produce store any rubber not of exportable standard;

Restriction on delivery

(2) A person who contravenes this regulation is guilty of an offence.

11, (1) For inspection and grading services a fee of one naira per ton or part thereof shall be paid to the Board of Customs and Excise at the time of export on all rubber to which these regulations apply. Inspection fee

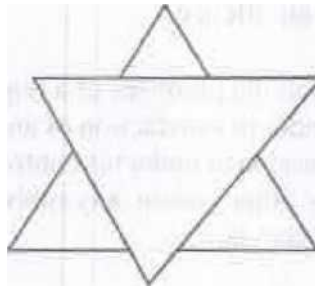
(2) All such fees shall be paid into Government Revenue.

12. A person who is guilty of an offence under these regulations is liable on conviction to a fine of N400 or imprisonment for six months. Penalty

FIRST SCHEDULE

(Regulation 6(1))

Design on Seals for Bales and Bugs of Graded Rubber, as below-



SECOND SCHEDULE

(Regulation 6(3))

Grade	Mark
A1	A. S. N. A1
A2	A. S. N. A2
A3	A.S.N.A3
B1	A.S.N. B1
B2.....	
	A.S.N H. B2
B2.....	A.S.N. B2
C1.....	A. S. N.C1

GROUNDNUTS (INSPECTION FOR EXPORT) REGULATIONS

(made under section 17)

PART I. — PRELIMINARY

1. These regulations may be cited as the Groundnuts (Inspection for Export) Regulations

Short title

2. For the purposes of these regulations "adulteration" when used in relation to groundnuts means—

Interpretation

(a) mixing or combining any groundnuts with groundnuts of exportable standard so that the resulting mixture or combination is not groundnuts of exportable standard; or

(a) injuriously affecting the quality of any groundnuts by mixing or combining with them any substance, mailer, or thing of any kind whatsoever which is foreign or superfluous, whether such matter or thing is in itself harmful or not; or

(b) mixing or combining any husk, shell pericarp, or rotten, decayed or rancid groundnuts with any other groundnuts so that the

resulting mixture or combination is not groundnuts of exportable standard; or

- (c) altering the composition or content of any groundnuts by any means whatsoever so as injuriously to affect the quality of the groundnuts, or alter their bulk or weight;

“Commodity Board” means the Enugu State of Nigeria Commodity Board.

PART II. — INSPECTION OF GROUNDNUTS

3. (1) No groundnuts shall be passed and sealed for export or exported except groundnuts of exportable standard, and no groundnuts of exportable standard shall be exported unless they have been lawfully passed and sealed.

Condition of exports

(2) A person who contravenes or fails to comply with the provisions of this regulations is guilty of an offence.

4. No person other than a grower on his own premises shall have in his possession. groundnuts intended for export which are not of exportable

Restriction on possession.

Control of groundnuts

5. A person receiving at a registered produce store groundnuts intended for export shall submit such groundnuts for inspection and passing within a period specified by a Produce Officer, and shall not remove such groundnuts from the registered produce store until they have been inspected standard.

Method of testing

6. (1) For the purpose of inspection, groundnuts shall be spread on a tarpaulin or on a clean and done cemented or wooden floor. At an inspection not more than the contents of 100 bags shall be examined and they shall be so spread as not to exceed a depth of 30.48 centimetres.

(2)The groundnuts shall be thoroughly mixed by shovelling with a wooden shovel to the satisfaction of a Produce Officer. Assistant Produce Officer or Inspector.

(3) The Inspector shall then take indiscriminately from all parts of the parcel of the prescribed quantity, a representative sample and shall then-

- (a) Draw a final sample of 0.91 kilogram from the representative sample; and
- (b) Carefully separate broken nuts and extract the total impurities divided into 2 groups, namely-
 - (i) mineral impurities, and
 - (ii) non-mineral impurities.

(4) If as a result of the examination carried out in accordance with this regulation the Inspector is satisfied that the groundnuts contained in the sample are of exportable standard, he shall forthwith pass the groundnuts contained in the parcel.

Packing
sewing and
sealing.

4. (1) A storekeeper shall ensure that all groundnuts which have been inspected and passed are packed in new, sound, clean, dry bags of a standard and size prescribed by the Marketing Board, which shall be sewn up at once without lugs by means of lock-stitches placed with the ends so disposed that no knots are accessible and the ends can be securely sealed.

(2) The Inspector who inspected and passed the groundnuts shall ensure that each has been securely sewn, and shall then seal it with seal or seals of the approved type, each bearing the design as prescribed in the Schedule to these regulations and numbers and letters, if any, of the hammer press or

(3) A person who contravenes or fails to comply with the provisions of this regulation is guilty of an offence.

5. A storekeeper shall ensure that all bags for packing groundnuts inspected and passed for export are marked according to instruction issued by the Marketing Board.

Marketing

6. The storekeeper shall ensure that all bags of groundnuts which have been sealed are forthwith stored on a wooden platform or on such dunnage as may be considered suitable and adequate by a Produce Officer. Assistant Produce Officer or Inspector in such a manner that-

Storage.

- (a) no pan of a bag shall come in contact with the floor of the store; (b) a space of at least 91 centimetres is left between the stacked bags of groundnuts and the wall of the store; and
- (c) The bags of groundnuts are stacked in a manner that they can be counted without difficulty.

PART III. — PEST CONTROL

7. (1) A storekeeper shall-

- (a) Take all reasonable precautions to prevent groundnuts under his control from becoming infested with pests; Infestation.
- (b) Upon discovering that such groundnuts have become infested with pests report the fact to a Produce Officer, or Assistant Produce Officer

(2) No person shall introduce into or near any groundnuts any pest or groundnuts infested with pests so as to cause danger of further infestation

11. (I) A Produce Officer may order—

- (a) that any building or place for the fumigation of groundnuts be provided with such material as will make fumigation effective and safe; Control
measures
- (b) that the stack which is being fumigated be adequately covered with suitable material in order to prevent the escape of the fumigant and to make fumigation effective and safe;

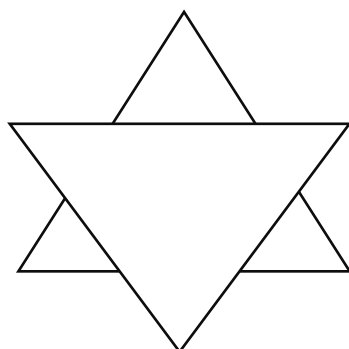
(c) that any person operating any machine or plant used for fumigating groundnuts shall take such precautions as are necessary, in the opinion of the Produce Officer, for the safety of the public and of the operators and for the care and maintenance of any machine or plant.

(2) Where under subsection (1) of section 11 of the Law, a Produce Officer orders that any groundnuts shall be fumigated or shall have any other pest control measures applied to them the person in charge of such groundnuts shall not remove them without the permission of a Produce Officer until such pest control measures have been applied.

Penalty) 12. A person who is guilty of an offence under these regulations is liable to a fine of four hundred naira or imprisonment for 6 months.

**SCHEDULE
(Regulation 7)**

**DESIGN ON SEALS FOR CONTAINERS OF EXPORTABLE
STANDARD GROUNDNUTS**



THIRD SCHEDULE - continued

FOR USE OF LICENSING AUTHORITY ONLY

No of Licence Issued	Date of Issue	File Reference	Remarks

FOURTH SCHEDULE

**LICENCE TO BUY AND/OR STORE PRODUCE IN A REGISTERED
PRODUCE STORE OR STORES.**

Licence No

Date of Issue

Licence is hereby issued to
of employed by to *buy and/or store at (Registered
Produce Stores) known as No(s) at in Local
Government Area.....

This licence expires on the 30th day of June, 20 and is valid only at the *gazetted*
inspection station stated above.

Signed.....

*Licensing Authority Produce Officer
Supervising of the*

..... Area

.....
Signature of Licensee

.....
Witness to Signature of Licencee

*Delete whichever is not applicable

NOTE - The witness must be a member of the Staff of the Produce inspection Division who
can identify the licensee.

MADE at this day of 20.....