

CHAPTER 155
VEGETABLE OIL REFINING LAW (LICENSING AND CONTROL)
LAW

Arrangement of sections

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CHAPTER 155
VEGETABLE OIL REFINING (LICENSING AND CONTROL) LAW

A Law for the licensing and control of vegetable oil refining and for matters connected therewith.

[27th August 1991]

1. This Law may be cited as the Vegetable Oil Refining (Licensing and Control) Law.

Short title

2. In this Law—

"Commissioner " means the Commissioner for the time being charged with responsibility for industry;

"inspector" means an Inspector, other officer or employee each of whom has been appointed under section 8;

"oil" means vegetable oil:

"oil refining" with its grammatical variations refers to any chemical treatment or process in which all or part of the free fatty acid is neutralized with the result that the oil has finally a

reduced free fatty acid content or in which all or part of the natural glyceride of the oil ate hydrolyzed.

Interpretation

3. (1) Save as is hereafter provided, no person shall refine any oil unless he holds a licence granted by the Commissioner

Licensing of oil refining: offence and penalty.

(2) Any person engaged in or carrying on the trade or business of the refining of oil at the date of the commencement of this Law shall before the expiry of one month from such commencement and every other person shall before commencing to refine any oil apply in writing under this section to the Commissioner for a licence in respect of such oil refining.

(3) Any person who refines any oil without being licensed in accordance with this section shall be guilty of an offence and shall be liable to a fine not exceeding one thousand naira or imprisonment for a term not exceeding two years.

Condition attached on licence

4. Any licence granted under the provisions of section 3 shall contain a condition that the person to whom such licence is granted shall ensure that any oil refined by him shall be totally hydrolyzed or saponified and that no residual oil remains after such refining for disposal:

Provided that the Commissioner may grant a special licence without such condition where it appears proper to do so.

Offence

5. Any person to whom a licence has been granted under section 3 who fails to comply with any condition contained in such licence shall be guilty of an offence and shall he liable to a fine not exceeding one thousand naira or to imprisonment for a term not exceeding two years.

Licenses

6. (1) Subject to the provisions of subsection (2), a licence issued under section 3 shall remain in force for one year.

(2) An application for a licence may be made at any time, and any subsequent application for a licence shall be made in the month of January.

Minister may cancel licence

7. The Commissioner may, in his discretion, cancel any licence granted under section 3 where it appears to him that the processing of any oil in respect of which such licence has been issued is not being conducted in accordance with the conditions of a licence granted under the provisions of section 3, with the provisions of this Law or of any regulations made thereunder.

Inspectors and other officers

8. For the purpose of this Law, the Civil Service Commission may appoint such Inspectors and such other officers as may be consider necessary.

Powers of Inspectors

9. (1) For the purposes of this Law, an Inspector may at all reasonable times, by day and night, and without giving previous notice but so as not to interrupt the refining of any oil--

- (a) inspect the refining of any oil;
- (b) examine and take samples of any oil, by-products or waste products of any oil, or any substances used in connexion with the refining of oil; and
- (c) apply any tests and make any experiments and generally make all such enquiries as seem to him to be necessary.

(2) The person refining oil and his agent shall render to every Inspector all necessary facilities for inspection, examination, the taking of samples, any testing and the making of experiments in pursuance of this Law.

(3) Every person refining oil who does not afford to an Inspector facilities as required by this Law, or who obstructs an Inspector or his agent in the execution of his powers under this Law, shall be guilty of an offence and liable to a fine not exceeding two thousand naira or to imprisonment for six months.

10. The Commissioner may make regulations—

- (a) prohibiting or regulating the sale or possession of any refined oil or the by-products or waste products of oil;
- (b) empowering any Inspector to seize and detain any oil or by-products or waste products of oil or substance or any receptacle, container or article used in connexion with the refining of oil;
- (c) requiring a person to whom a licence has been given under the provisions of section 3 to keep such record books and accounts as the Commissioner considers to be adequate for the purposes of this Law and providing for the form in which such record books and accounts shall be kept and for the inspection thereof;
- (b) empowering a Magistrate's Court or the High Court upon conviction of an offence under the provisions of this Law to order the destruction of any oil, by-product, waste product, or any substance seized and detained by an Inspector acting under and in accordance with the provisions of this Law;
- (e) prescribing the conditions (subject to the provisions of section (4) of any licence issued under the provisions of this Law; and
- (f) generally, for giving effect to the objects of this Law and, in particular, prescribing penalties for any contravention of the regulations,

(2) Any person who seizes and detains any oil substance or any other thing under sub-regulation (1) shall within twenty-four-hour report that fact to the nearest Magistrate.

SUBSIDIARY LEGISLATION

Vegetable Oil Refining (Licensing and control) Law

VEGETABLE OIL REFINING REGULATIONS

(made under section 10.)

1. These regulations may be cited as the Vegetable Oil Refining Regulations,

Short title

2. In these regulations—

Interpretation

“Inspector” means in Inspector appointed under section X of the Law;

“the Law” means the Vegetable oil Refining (Licensing and Control) Law

“licence” means a licence granted by the Minister under section 3 of the Law;

“Licensing Authority” means a person authorized by the Minister to sign licences on his behalf,

“Licensed premises” means premises including land on which oil may be refined by the holder of a licence.

Application
for licence
First Schedule

3. An application for a licence shall be in the form prescribed in the First Schedule

4. (1) A licence shall be in the form prescribed in the Second Schedule and shall be signed by a Licensing Authority and the licensee whose signature shall be witnessed by an Inspector.

Licence
Second
schedule

(2) A licence shall be free.

5. The holder of a licence who fails to produce it for inspection at the request of an Inspector at the premises to which it relates or at some other place specified by the Inspector shall be guilty of an offence and liable upon summary conviction to a fine not exceeding fifty naira or to a term of imprisonment not exceeding two months.

Licence to be
shown to
inspector

6. Any person who—

(a) lends, borrows, transfers, alters, defaces or forges a licences; or

(b) obtains or attempts to obtain a licence by any false pretense or improper means;

shall be guilty of an offence and liable upon summary conviction to a fine not exceeding four hundred naira or to a term of imprisonment not exceeding twelve months.

Offences

7. (1) A licensee who ceases to refine oil shall return his licence to the Licensing Authority immediately, who shall cancel such licence.

Return of
licence

(2) Any person contravening the provisions of sub-regulation (1) shall be guilty of an offence and liable upon summary conviction to a fine not exceeding fifty naira or to a term of imprisonment not exceeding two months.

8. Any person (other than the holder of a valid licence, his agents and servants) who—

(a) buys or receives: or

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

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

(d) is in possession of or has under his control or custody whether for sale or for any other purpose and whether for the use or benefit of himself or of any other person any refined oil or the waste products of oil arising out of the refining of oil.

shall be guilty of an offence and liable upon summary conviction to a fine not exceeding four hundred naira or to a term of imprisonment not exceeding twelve months

Selling, etc.
refined oil,
etc. offence
and penalty

9. Any person other than the holder of valid licence or his agent or servant who transports or delivers or causes to be delivered for transport any refined oil or waste products of oil arising out

Transport of
refined oil,
etc. offence
and penalty

of the refining of Oil shall be guilty of an offence and liable upon summary conviction to a fine not exceeding two hundred naira or to a term imprisonment not exceeding six months.

10. (1) For the purposes of carrying out his duties an Inspector shall have power—

- (a) to stop any person carrying or whom he reasonably believes to be carrying any refined oil or waste products of oil and to stop and search any vehicles, boat, canoe or animal carrying or which he reasonably believes to be carrying such substances and to call upon the person in charge of such vehicle, boat, canoe or animal or, if he cannot be ascertained, the person appearing to be in charge of such vehicle, boat, canoe or animal and the person in charge of such substances to unload any such substances for examination.
- (b) to direct the person in charge of any vehicle, boat, canoe or animal oil or products or waste products of oil to proceed in or with the particular vehicle, boat, canoe or animal to the nearest suitable place for the purpose of there depositing any such refined oil or the waste products of oil;
- (c) to seize and detain any oil or waste products of oil or substance or any receptacle, container or article used in connexion with the refining of oil in respect of which he has reasonable grounds to believe that an offence has been committed against the law or these regulations.
- (d) to direct that the person in charge or in possession of any oil, substance or other thing sized and detained under the provisions of the paragraph (c) to proceed to the nearest suitable place for the purpose of depositing such oil, substance or other thing.

Powers of
inspector

(2) Any person who seizes and detains any oil, substance or any other thing under sub-regulation (1) shall within twenty-four-hour report that fact to the nearest Magistrate.

11. (1) Where any oil, substance or other thing which has been seized and detained is not already packed in suitable receptacles an inspector may order that it shall be so packed and the owner or person in charge thereof shall be responsible for the provision of suitable receptacles and the labour necessary to carry out the order.

Further
Powers of
Inspectors

(2) Any oil, substance or other thing which has been seized and detained by an Inspector shall be sealed in receptacles to the satisfaction of the Inspector and shall not be moved except with the written permission of an Inspector.

12. any person who---

- (a) without lawful excuse removes, cleans, or in any way tampers with any oil, or waste products of oil or any substance, receptacle or article seized or detained by an Inspector;
- (b) without lawful excuse breaks or removes any seal or any twine, wire, or other means of securing such seal placed upon a receptacle containing oil, or waste products of oil or substance, or upon any article seized and detained by an Inspector.

Offences in
respect of
seized oil,
etc

- (c) without lawful excuse, substitutes for any oil or waste product of oil or substance or receptacle or article seized and detained by an Inspector any other substance or thing or adds extraneous matter thereto;
- (d) without lawful excuse, being a person in whose custody an Inspector places any oil, substance or article seized and detained by him causes or by neglect or otherwise permits any of the actions set forth in paragraph (a), (b) or (c) of this regulation to occur;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding four hundred naira or to a term of imprisonment not exceeding twelve months.

13. (1) Any person to whom a licence is issued under the Law shall provide and maintain, in respect of the premises named in such licence, record books in the forms prescribed in the Third Schedule. Such record books will be kept in the premises to which they relate and must be available for scrutiny on demand by an Inspector at all reasonable times.

(2) The licensee shall cause all of the pages of the record books to be numbered consecutively, by the use of legible markings made with ink.

(3) The licensee shall record or cause to be recorded the appropriate entries in each record book upon the day on which each transaction is effected.

(4) A licensee who neglects to make an entry in the record book or neglects to cause an entry to be made as required under the provisions of these regulations or who renders or causes to be rendered any entry therein illegible or who mutilates or causes to be mutilated the record books or any page thereof shall be guilty of an offence.

(5) Any record book kept by a licensee as required by the provisions of this regulation shall be deemed to be an article used in connexion with the refining of oil for the purposes of regulation 12.

(6) A licensee shall keep and maintain an accurate record of accounts in respect of the refining of oil and such accounts shall be available for inspection by any Inspector appointed by the Commissioner in this behalf at all reasonable times

(7) Any person guilty of an offence under this regulation shall be liable on summary conviction to a fine not exceeding two hundred naira or to a term of imprisonment not exceeding six months.

14. Upon the conviction of any person for an offence against the Law or these regulations the High Court or the Magistrate's Court may, in addition to any sentence which may be imposed, make such order as it thinks fit for the destruction of any oil, waste product, or any substance seized and detained by an Inspector regarding which any offence appears to have been committed or which has been used for the commission of any offence.

Special
order of
court

FIRST SCHEDULE

VEGETABLE OIL REFINING REGULATION'S
APPLICATION FOR LICENCE TO REFINO OIL

Name of applicant
Address of applicant.....
Address at which it is proposed to refine oil.....
.....

Kind of oil to be refined.....
Estimated average monthly quantity of oil to be refined.....
Name of authorized agent if any.....
No and date of issue of previous licence if any.....

I hereby certify that to the best of my knowledge and belief the foregoing particulars are correct in all respects and that it is my intention that all oil refined by me or by any person acting on my behalf will be totally hydrolyzed or saponified and that no residual oil will remain after such refining.

.....
Signature of Applicant
.....20.....

SECOND SCHEDULE
VEGETABLE OIL REFINING REGULATIONS
LICENCE TO REFINO OIL

Licence NoDate of issue.....20
Licence is hereby licence issued to.....
Residing at.....to refine oil at.....
.....
This licence expires on the.....day of..... 20

and is valid only at the premises mentioned herein.

The person authorized by this licence to refine must ensure that all oil refined by him or by any person acting on his behalf is totally hydrolyzed or saponified and that no residual oil remain after refining. Failure to comply with this condition is an offence punishable under section 4 of the Vegetable Oil Refining (Licensing and Control) Law.

.....
Signature of Licensing Authority

Witness to signature or the
thumb-print or License

THIRD SCHEDULE

(Regulation 13)

Page No..... Licensee`s representative if authorised to sign record books

[illegible]

RECORD BOOK "B"

[illegible]