

NATIONAL CROP VARIETIES AND LIVESTOCK BREEDS (REGISTRATION, ETC.) ACT

ARRANGEMENT OF SECTIONS

SECTION

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SCHEDULE

An Act to introduce a register for the certification, registration and release of national crop varieties and livestock breeds and other matters related thereto.

[1987 No. 33.]

[14th October, 1987]

[Commencement.]

1. Establishment of the National Crop Varieties and Livestock Breeds Register

There is hereby established for the purposes of this Act a register to be known as the National Register for Crop Varieties and Livestock Breeds (in this Act referred to as "the National Register") in which shall be inscribed in a permanent form the names of old and new crop varieties and livestock breeds in Nigeria.

2. Appointment of Registrar, etc.

(1) There shall for the purposes of this Act be appointed a Registrar and such other grades of assistants as the Registrar may consider necessary for the enforcement of the provisions of this Act.

(2) The Registrar referred to in subsection (1) of this section, shall be the head of the Genetic Resources Unit in the Federal Ministry of Science and Technology or his representative.

(3) The assistants shall each be appointed from the staff of the Federal Ministry of Science and Technology.

(4) Any act or thing required by this Act to be done by, to, or before the Registrar may be done by, to, or before any assistant authorised generally or specially in that behalf in writing by the Registrar.

3. Alteration of Register

(1) No person may insert, delete, alter, cause to be inserted, deleted or altered any particular in the Register relating to any registered crop variety or livestock breed unless he is authorised in writing to do so by the Registrar.

(2) Any person duly authorised by the Registrar to insert, delete or alter any particulars in the National Register shall forthwith make the insertion, deletion or alteration and shall notify the Registrar in writing when such insertion, deletion or alteration has been completed.

4. Custody of Register

(1) The Registrar shall secure the safety of the National Register maintained under this Act which shall be in his custody when not in use.

(2) The National Register shall be kept in such a way as the Registrar may from time to time direct.

5. Establishment of the National Crop Varieties Livestock Breeds Registration and Release Committee

(1) There is hereby established a committee to be known as the National Crop Varieties and Livestock Breeds Registration and Release Committee (in this Act referred to as "the Committee") which shall operate under the Genetic Resources Unit of the Department of Agricultural Science of the Federal Ministry of Science and Technology and shall be charged with the general responsibility for crop varieties and livestock breed validation, registration, naming and release in Nigeria.

(2) The Committee shall comprise the following members that is-

(a) a chairman who shall not be a person employed in the public service of the Federation or of a State to be appointed by the President;

(b) the Director, Federal Department of Agriculture;

(c) the Director of Agricultural Sciences, Federal Ministry of Science and Technology;

(d) the head of Genetic Resources Unit, Federal Ministry of Science and Technology;

(e) the Director, National Seed Service;

(f) the chairman, Committee of Deans of Faculties of Agriculture In Nigerian Universities;

(g) the President, Genetic Society of Nigeria;

(h) a representative of the Federal Agricultural Co-ordinating Unit;

(i) two experienced breeders appointed on their personal merit by the Minister;

(j) one large-scale crop farmer appointed on his personal merit by the Minister;

(k) two general managers representing two River Basin Development Authorities from different ecological areas in rotation appointed by the Minister.

(3) Subject to this Act, the Committee shall have power to regulate its own proceedings.

(4) The validity of the proceedings of the Committee shall not be affected by reason

of-

- (a) any vacancy in the membership of the Committee;
 - (b) any defect in the appointment of one or more members of the Committee; or
 - (c) a person not entitled to do so taking part in its proceedings.
- (5) The Committee may appoint such number of technical sub-committees as it thinks fit to consider and report on any matter with which the Committee is concerned.
- (6) The composition and functions of the technical sub-committee appointed under subsection (5) of this section are provided in the Schedule to this Act.

6. Functions of the Committee

The Committee shall-

- (a) receive and process applications for the registration, naming and release of old and new crop varieties and livestock breeds;
- (b) officially release the list of superior crop varieties and livestock breeds recommended by any sub-committee established for that purpose;
- (c) approve names for new crop varieties and breeds of livestock certified as new or distinct such that uniformity in nomenclature is ensured;
- (d) render essential information on the released varieties of crops and livestock breeds, their outstanding characteristics, areas of adaptation and the location of foundation of seeds or stocks of the released varieties and breeds;
- (e) monitor the effect of the importation of exotic plants and animals on local species in Nigeria;
- (f) ensure the maintenance of the National Register for all crop varieties and livestock breeds;
- (g) interact with national organisations and institutions concerned with large-scale seed and livestock production;
- (h) organise, in collaboration with the Genetic Resources Unit of the Federal Ministry of Science and Technology, the maintenance and storage of posterity and germplasm of the registered crop varieties and livestock breeds;
- (i) ensure that the importation of any crop variety or livestock breed into Nigeria which are required for general distribution and use shall pass through the process required by this Act in the same way as seeds of new crop varieties and livestock breeds from breeders; and
- (j) formulate policies on matters concerning the validation, registration, naming and release of new crop varieties and livestock breeds which are either introduced or developed in Nigeria.

7. Evidence

Any document or certificate signed by the Registrar or any officer authorised in that behalf certifying a copy or extract of any record kept by the Registrar under this Act shall, in all proceedings for an offence under this Act, be *prima facie* evidence of the facts stated therein, and shall unless the contrary is proved, be presumed to be signed by the Registrar or officer concerned without production of proof of such signature or, as the case may require, such authorisation.

8. Offences and penalties

(1) Any person who-

(a) wilfully obstructs the Registrar or any officer so authorised in the due execution of his duties; or

(b) names or releases a crop variety or livestock breed in Nigeria without the written authority of the Registrar to do so; or

(c) in giving any information for the purposes of this Act, knowingly or recklessly makes any statement which is false in any material particular, shall be guilty of an offence under this Act.

(2) Any person found guilty of an offence under this Act shall be liable on conviction to a fine of ₦200 or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(3) Where an offence under this Act is committed by a body corporate and is proved to have been committed with the connivance of or to be attributable to any neglect on the part of a director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and liable on conviction to a fine of ₦5,000.

9. Regulations

The Minister may, with the approval of the President, make regulations generally for the effective operation of this Act and the due administration thereof and without prejudice to the generality of the foregoing, he may by such regulations-

(a) provide for any alterations in the particulars recorded in the National Register; and

(b) provide for returns of particulars recorded by any authorised officer to the Registrar.

10. Interpretation

In this Act, unless the context otherwise requires-

"crop variety and livestock breed" means a kind of crop or livestock which because it possesses noticeable and stable characteristics becomes distinguishable from other kinds of the same crop or livestock;

"germplasm" means the hereditary materials contained in living plants and animals; the living plant or animal represents its germplasm;

"Minister" means the Minister charged with the responsibility for matters relating to science and technology;

"National register" means the National register maintained in pursuance of section 1 of this Act and **"registered"** shall be construed accordingly;

"Registrar" means the person appointed as Registrar under section 2 of this Act;

"validation" means the act of confirming after testing that the variety or breed is truly new and distinct.

11. Short title

This Act may be cited as the National Crop Varieties and Livestock Breeds (Registration, etc.) Act.

SCHEDULE

[Section 5 (6).]

1. The technical sub-committee referred to in subsection (6) of section 5 shall have as members-

(a) all co-ordinators of National Co-ordinated Research Projects, one of whom shall be appointed by the Minister as chairman for a period of four years;

(b) the head, Genetics Resources Unit of the Federal Ministry of Science and Technology;

(c) co-ordinators of National Accelerated Food Production Projects and Research Institute; and

(d) two experienced breeders appointed on their personal merit by the Minister for a period of four years.

2. The technical sub-committee shall be charged with the general function of-

(a) providing guidelines for the determination of superiority, homogeneity, distinctiveness and stability of materials to be released;

(b) determining guidelines for the testing of new crop varieties and for describing them;

(c) evolving a variety naming system and recommending names for new varieties to the National Crop Varieties and Livestock Breeds Registration and Release Committee;

(d) recommending new varieties for release by the National Crop Varieties and Livestock Breeds Registration and Release Committee for general cultivation in Nigeria; and

(e) nominating into the National Accelerated Food Production Project and Research Institute for field testing in order to develop production package for the variety.

SUBSIDIARY LEGISLATION

No Subsidiary Legislation