

# LIVE FISH (CONTROL OF IMPORTATION) ACT

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## ARRANGEMENT OF SECTIONS

### SECTION

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## LIVE FISH (CONTROL OF IMPORTATION) ACT

**An Act to regulate the importation of live fish; and for purposes connected therewith.**

[1962 No. 27.]

[1st February, 1965]

[Commencement.]

### 1. Control of import of live fish

No person shall import any live fish into Nigeria except-

(a) in accordance with the terms of a licence under this Act granted to him by the Minister; or

(b) on giving an undertaking to the Minister to remove the fish from Nigeria within the prescribed period (unless it is previously disposed of in the prescribed manner) and, while it remains in Nigeria, to observe the prescribed conditions in relation to the fish; or

(c) in such other circumstances (if any) as may be prescribed.

### 2. Licences

(1) The Minister may, on an application made in the prescribed manner and on payment of the prescribed fee, grant to the applicant a licence under this Act.

(2) A licence may be granted either unconditionally or subject to such conditions (including, without prejudice to the generality of this subsection, conditions relating to the fish when dead) as the Minister considers expedient for the purpose of avoiding the

incidence or spread of disease or parasitic states among live fish in waters from which he considers that fish may be caught for consumption in Nigeria.

(3) A licence shall not be transferable and may at any time be revoked, suspended or have its suspension removed by the Minister in the prescribed manner; but the revocation or suspension of a licence shall not affect the application of any conditions of the licence to any fish previously imported in accordance with the licence.

### 3. Enforcement

(1) Any person who-

(a) imports any live fish into Nigeria otherwise than in accordance with this Act; or

(b) contravenes the conditions of a licence granted under this Act; or

(c) fails to comply with an undertaking given by him in pursuance of paragraph (b) of section 1 of this Act,

shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding forty naira or, in the case of a second or subsequent conviction under this section, to a fine of an amount not exceeding two hundred naira or imprisonment for a term not exceeding six months or both.

(2) On convicting a person of an offence under this section relating to any fish, the court shall adjudge the fish or any substance into which the fish has been converted to be forfeited or, where the fish or the substance aforesaid has been destroyed, declare that but for its destruction the court would have adjudged it to be forfeited.

(3) Any superior police officer or any officer of the Nigerian Custom Service not below the rank of Collector may, if he has reason to believe that an offence under this section has been committed with respect to any fish, seize and detain the fish with a view to instituting proceedings in respect of the offence; and any fish seized and detained in pursuance of this subsection shall be dealt with in the prescribed manner.

#### 1. Compensation

(1) A person who suffers damage by reason of the seizure or detention of any fish or the dealing with it in the prescribed manner shall, unless the fish or the substance into which it has been converted is, or but for its destruction would have been, forfeited in pursuance of this Act, be entitled to receive adequate compensation from the Minister in respect of the damage; but except as provided by this subsection no compensation or damages shall be recoverable by such a person in consequence of the exercise of any power conferred by this Act.

(2) Any person who claims compensation under subsection (1) of this section in respect of any fish shall be entitled, if he so desires, to have any question as to his interest in the fish or the amount of the compensation determined by the High Court of the State (within the meaning of the Constitution of the Federal Republic of Nigeria, 1999) in which the fish was seized.

[Cap. C23.]

(3) Any sums required by the Minister for the purpose of paying compensation under this section shall be defrayed out of moneys provided by the National Assembly.

#### 2. Interpretation and saving, etc.

(1) In this Act, unless the context otherwise requires-

**"fish"** does not include any fish which lives only in the sea, but includes any creature which usually lives in fresh water;

**"Minister"** means the Minister charged with responsibility for fish;

**"prescribed"** means prescribed by regulations made by the Minister and any such regulations may make different provision for different circumstances.

(2) Nothing in this Act shall be construed as derogating from any provision made by or under any other enactment relating to the importation of commodities.

3. **Short title**

This Act may be cited as Live Fish (Control of Importation) Act.

LIVE FISH (CONTROL OF IMPORTATION) ACT

SUBSIDIARY LEGISLATION

*No Subsidiary Legislation*