

PEST CONTROL OF PRODUCE (SPECIAL POWERS) ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Special powers of pest control inspectors of produce.
2. Offences.
3. Regulations, etc.
4. Short title, application and interpretation.

An Act to provide for the inspection of produce for pests before export at all sea and airports in Nigeria and other matters ancillary thereto.

[1968 No. 30.]

[29th May, 1968]

[Commencement.]

1. **Special powers of pest control inspectors of produce**

(1) Any person specially authorised by the Minister of Commerce (in this Act referred to as "the Minister") as a pest control inspector of produce may, in the performance of his duties at all reasonable times on production of his authority, enter buildings of any description and vehicles within a port area, or board while it is in port or within port approaches, any ship for the purpose of inspecting the condition of the holds thereof or the produce stored therein.

(2) The power of entry conferred by subsection (1) of this section shall include the power to fumigate for the purpose of eradicating or controlling pest infestation of produce; and in the exercise of his powers, an inspector may condemn produce if he is of opinion that no other means of control are suitable to the case, and thereafter the provisions of section 9 of the Produce (Enforcement of Export Standards) Act (which relates to export of damaged produce) shall have effect in a proper case, or if the Minister thinks fit a destruction certificate may be issued.

[Cap. P32.]

2. **Offences**

It shall be an offence against this Act for any person-

(a) who fails to comply with any requirement of an inspector in the lawful exercise of his authority; or

(b) who interferes with or otherwise hinders an inspector in the execution of his duty, and in respect of any such offence it shall, in the case of a first offence, be punishable by a fine of not less than ₦ 200 or more than ₦ 1,000 or by imprisonment for a term not less than twelve months, and in respect of any subsequent conviction by imprisonment without the option of a fine for a term of not less than two years or more than five years; and where the offence is a continuing one by a penalty of ₦20 for every day during which the offence continues.

3. **Regulations, etc.**

(1) The Minister may, after consultation with the Produce Inspection Board if he thinks it necessary, make regulations generally for the purposes of this Act, and by the

same or any other regulations may prescribe fees for inspection of produce under this Act.

(2) The Minister may by order published in the Federal *Gazette* declare "port areas" for the purposes of produce inspection under this Act.

4. **Short title, application and interpretation**

(1) This Act may be cited as the Pest Control of Produce (Special Powers) Act.

(2) Powers under this Act shall be exercisable in addition to the powers conferred by the Produce (Enforcement of Export Standards) Act so however that any provisions of the Act aforesaid inconsistent with the corresponding provisions of this Act shall be read subject to this Act.

[Cap. P32.]

(3) This Act shall apply to all ports in Nigeria and, in respect of territorial waters, to port approaches.

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

"port" means any port of shipment for produce in Nigeria and includes any international airport and port areas and shall likewise include any such airport;

"produce" has the meaning assigned by section 3 of the Produce (Enforcement of Export Standards) Act whether intended for export from or import into Nigeria.

[Cap. P32.]

SUBSIDIARY LEGISLATION

No Subsidiary