

NIGERIA AGRICULTURAL QUARANTINE SERVICE (ESTABLISHMENT) ACT, 2018

EXPLANATORY MEMORANDUM

This Act establishes the Nigeria Agricultural Quarantine Service for the purposes of preventing the entry, establishment and spread of foreign pests and diseases of plant, animal and aquatic resources and products into the country and to promote sanitary and phytosanitary measures as it relates to import and export of agricultural products with a view to minimising the risk to agriculture, food safety and environment.

NIGERIA AGRICULTURAL QUARANTINE SERVICE (ESTABLISHMENT) ACT, 2018

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NIGERIA AGRICULTURAL QUARANTINE SERVICE (ESTABLISHMENT) ACT, 2018

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Act

To establish the Nigeria Agricultural Quarantine Service for the purposes of preventing the entry, establishment and spread of exotic pests and diseases of plants, animals and aquatic resources and their products into Nigeria; and for related matters.

{ } Commencement.

ENACTED by the National Assembly of the Federal Republic of Nigeria:

PART 1 - ESTABLISHMENT OF THE NIGERIA AGRICULTURAL QUARANTINE SERVICE AND THE GOVERNING BOARD

1. There is established the Nigeria Agricultural Quarantine Service (in this Act referred to as "the Service") which:
 - (a) shall be a body corporate with perpetual succession and a common seal; and
 - (b) may sue and be sued in its corporate name.

Establishment of Nigeria

Agricultural Quarantine Service.

2. (1) There is established for the Service, a Governing Board (in this Act referred to as "the Board") which shall consist of:
 - (a) a chairman;
 - (b) representative of the Federal Ministry of: (i) Agriculture and Rural Development, and (ii) Trade and Investment;
 - (c) Manufacturers Association of Nigeria;
 - (d) Comptroller-General, Nigeria Customs Service;
 - (e) the Director-General of the Service; and
 - (f) three persons to be appointed by the President on the recommendation of the Minister.

Establishment of the Governing Board.

- (2) Each member of the Board shall hold office for a term of four years and no more.

- (3) The supplementary provisions set out in the First Schedule to this Act shall have effect with respect to the proceedings of the Board and other matters contained in the Schedule.

First Schedule.

3. (1) A member ceases to be a member if:
- Cessation of membership.
- (a) he resigns as a member by notice in writing signed by him and addressed to the Minister which takes effect from the date specified in the notice or, if no date is specified, from the date of the receipt by the Minister of the notice;
 - (b) he is, without permission of the Board, absent for more than two consecutive meetings or, without such permission, is absent from the country for a period exceeding one year; or
 - (c) the Minister, subject to the approval of the President:
 - (i) is satisfied that it is not in the interest of the Service or the public for the person appointed to continue in office, and
 - (ii) notifies the member in writing to that effect.
- (2) If the Minister is satisfied that a member of the Board:
- (a) has become bankrupt,
 - (b) is incapacitated by physical or mental illness,
 - (c) holds any other office of profit under the Service,
 - (d) enters into contract with the Service or is engaged or he participates in the sharing of the profits of any contract with the Service,
 - (e) is guilty of serious misconduct in relation to his duties,
 - (f) has been convicted at any time by any court of law in Nigeria or elsewhere for an offence involving financial dishonesty, or
 - (g) is otherwise unable or unfit to perform the functions of a member, the Minister may declare his office as a member of the Board, to be vacant.
- (3) Where a member ceases to hold office for any reason before the expiration of his term of office, the President, after consulting the Minister, may appoint another person for the unexpired term.
4. Notwithstanding anything to the contrary in this Act, the Minister shall exercise the powers of the Board where:
- Powers of Minister in the absence of the Board.
- (a) the Board has not been constituted;
 - (b) the Board has been dissolved; and
 - (c) any action taken or decision reached in compliance with the provisions of this section shall be valid for all intent and purpose.
5. A member shall be paid such remuneration and allowances as the Federal Government may direct.
- Allowances of members.

PART II- OBJECTIVES, STRUCTURE, FUNCTIONS OF THE SERVICE AND POWERS OF THE BOARD

6. (1) The objectives of the Service are to: Objectives of the Service.
- (a) prevent the introduction, establishment and spread of exotic pests and diseases of plants, animals and aquatic resources and their products into and outside the country, to safeguard the nation's agricultural economy;
 - (b) ensure the nation's indigenous agricultural pest and diseases are not exported, and promote sanitary and phytosanitary measures for agricultural export in international trade;
 - (c) control regional and international movement of plant, animal and aquatic resources in order to prevent the introduction and spread of diseases;
 - (d) ensure the protection of the nation's fisheries sector, ornamental fish species, ecosystems and meet the standard for fisheries and ornamental fish trade;
 - (e) boost the nation's agricultural productivity by contributing to wealth creation and employment generation to the critical agricultural subsector and rural development, to ensure food security and increase gross domestic product; and
 - (f) control the production and registration of agro pesticides and prevent pesticides or mycotoxin contamination of agricultural commodities.
7. (1) There shall be established for the Service: Structure of the Service.
- (a) the Department of:
 - (i) Plant Quarantine,
 - (ii) Animal Quarantine,
 - (iii) Aquatic Resources,
 - (iv) Laboratory Management,
 - (v) Planning, Research and Development,
 - (vi) Finance and Account; and,
 - (vii) Human Resource Management and
 - (b) such other departments, divisions or units as the Service, with the approval of the Board, may require for effective and efficient performance of its functions under this Act.
- (2) Each Department shall be headed by a Director.
- (3) The Service shall establish Zonal Quarantine Offices and Directorates in the performance of its functions.
- (4) For the purpose of carrying out or enforcing the provisions of this Act, all officers of the Service Involved in the enforcement of the provisions of this Act shall have the same powers, authority and privileges as are given by law to members of Nigeria Customs Service.

(5) The officers of the Service, for the purpose of enforcing the provisions of this Act, shall be ranked accordingly as expressly stated in the Second Schedule to this Act.

8. (1) The Service shall:

Functions of the Service.

- (a) enforce compliance with and make regulations on laws, guidelines, policies and standards on agricultural quarantine procedure;
- (b) coordinate and liaise with stakeholders within and outside Nigeria to ensure compliance with matters of agricultural quarantine standards, regulations and enforcement;
- (c) enforce compliance with and make regulations on the provisions of international agreements, protocols, conventions and treaties on agricultural quarantine, including forestry, endangered species, plants, plant products, animal, animal products, aquatic resources and its products, biologics, sanitation, marine, wildlife, and such other agricultural quarantine agreements as may come into force;
- (d) enforce compliance with and make regulations on any legislation on disposal of plants, plant products, animal, animal products, aquatic resources and Its products, biologics, and regulated articles at the ports of entry and Agricultural Quarantine Stations;
- (e) enforce compliance through monitoring the agricultural quarantine regulations and standards on plants, plant products, animal, animal products, aquatic resources and Its products;
- (f) enforce compliance with and make regulations on the importation and exportation of plants, plant products, animals, animal products, aquatic resources and Its products, biologics, wildlife, wild life trophies, and wood products;
- (g) ensure that agricultural quarantine projects funded by donor organisations and external support agencies are carried out in compliance with regulations in plant health, animal and public health;
- (h) ensure compliance with agricultural quarantine control measures using the registration, licensing, permits, inspection and certification systems;
- (i) conduct agricultural quarantine audit, pest surveys and disease surveillance, containment and eradication programmes of regulated quarantine pests and establish data bank on regulatory and enforcement mechanisms of agricultural quarantine standards;
- (j) prohibit the use of processes, equipment and materials that are capable of undermining public health, sanitation, and endangering the agricultural economy;
- (k) develop agricultural quarantine networks, compile and synthesise data on agricultural quarantine measures compliance from all sectors;
- (l) enter into agreement with public or private organisations and individuals to develop, utilise, coordinate and share monitoring programmes, research

works, data on the effect of various activities as they concern the mandate of the Service;

- (m) collect and make available, through publications and other appropriate means and in co-operation with public and private organisations, scientific data and other information pertaining to agricultural quarantine measures and standards;
- (n) charge User fees for tests, inspection, investigations, diagnosis, treatment, prevention, control and other services performed by the Service;
- (o) develop pest and animal diseases diagnostic and analytic capabilities, establish laboratories and quarantine stations at such places as may be deemed necessary, encourage and promote activities related to the functions of the Service with respect to plant, plant products, wild life, wild life trophies and wool products;
- (p) collaborate with relevant agencies in the conduct of public investigation on epidemic, public health and sanitation occasioned by the spread or outbreak of quarantine-able diseases or pests;
- (q) train and develop the staff of the Service and other relevant agencies (national and international) with the approval of the Minister, establish the programmes for setting standards and regulations for the prevention, reduction and elimination of quarantine-able diseases, pest and epidemics caused by these diseases or brought about by these pests;
- (r) enforce and ensure compliance with laws, regulations and schedules of inspection as well as import permits, sanitary and Phytosanitary certificates for importation of plants, animals and aquatic resources;
- (s) intercept and seize all illegal imports and exports of agricultural commodities and regulated materials;
- (t) ensure that any plant or plant products, animal or animal products, aquatic resources and its products meant for export or export processing, or producing facility that utilises raw or semi-processed agricultural products shall undergo quarantine inspection and certification before packaging and labeling;
- (u) ensure that any plant or plant products, animal or animal products, aquatic resources and its products intended for export must be declared to the Service at least 24 hours before the time of departure;
- (v) ensure that any international movement of wood packaging materials including dunnages, crates and pallets shall be subjected to quarantine inspection and certification;
- (w) ensure that any international movement of used vehicles, machinery and equipment must be subjected to Phytosanitary measures to prevent introduction of quarantine pest;
- (x) ensure that all imports and export of live animals must be subject to quarantine inspection and certification at designated quarantine stations, before release into the national herd or out of the country.

- (y) ensure that all plant pests and disease outbreaks, shall be reported to the Service for investigation, treatment, control, prevention and the Service shall inform the Minister for necessary action;
- (z) ensure compliance with acceptable levels of pesticides, mycotoxin, heavy metals, and other contaminants in agricultural produce meant for export;
- (aa) establish the programmes for setting standards and regulations for the prevention, reduction and elimination of quarantine-able diseases, pests and epidemics caused by these diseases or brought about by these pests;
- (ab) conduct national or international training and development of its staff in the relevant areas of competence either on its own or with other relevant agencies subject to the approval of the Board; and
- (ac) ensure that authorised officer shall board and inspect any aircraft, sea vessel, rail wagon, truck or any carriage container, carrying any agricultural product at any of the entry or exit point, such as land borders, interstate control post, airport or sea port.

(2) The Service shall collaborate and cooperate, to the full extent permissible under this Act or other relevant legislation, with Ministries, Departments or Agencies including the Ministry, Veterinary Service, Animal Production, Fisheries, Forestry, and the branches and agencies of these Departments or any agency of the Federal or State Government and international organisations or institutions with functions and responsibilities related to those of the Service.

(3) The Service may cause to be published such studies and reports, which shall include a review of medium and long-term economic prospects and problems, prepared for the use of the Service as it deems fit.

(4) The Board shall comply with any directive given by the Minister under this section.

9. (l) The Board shall have power to:

Powers of the Board.

- (a) manage and superintend the affairs of the Service;
- (b) subject to the provisions of this Act, make, alter and revoke rules and regulations for carrying out the functions of the Service;
- (c) fix the terms and conditions of service including remuneration, allowances and benefits of employees of the Service in conjunction with the office of the Head of Service of the Federation; and
- (d) maintain the efficiency and adequacy of the Service to ensure the efficient performance of its functions.

(2) In the absence of a duly constituted Board for the Service, the Director-General of the Service shall, with the approval of the Minister, carry out such functions of the Board as may be required.

(3) In the exercise of its functions and powers, the Board shall give effect to the policy of the Service in relation to those functions and powers as communicated to it, from time to time in writing, by the Minister.

PART III -APPOINTMENT OF THE DIRECTOR-GENERAL AND OTHER STAFF

10. (1) The President shall appoint for the Service the Director-General on the recommendation of the Minister. Appointment of the Director - General.
- (2) The Director-General shall be a person with cognate and professional experience in agricultural quarantine activities and shall be a high-ranking Officer in the Service.
- (3) The Director-General shall be the Chief Executive and Accounting Officer of the Service and is responsible for the execution of the policies and the day-to-day administration of the Service.
- (4) The Director-General shall:
- (a) hold office for a term of five years which may be renewed for another term of five years and no more; and
 - (b) on such terms and conditions as are specified in his letter of appointment.
- (5) If, for any reason, the Director-General is unable to perform his functions or carry out his duties or there exists a vacancy in the office of the Director-General the Board may designate an employee of the Service who is next in rank to act as the Director-General during the period of his inability or vacancy until a Director-General is appointed in accordance with the provisions of this Act and the employee shall, while so acting, have all the powers and perform all the functions of the Director-General.
11. (1) The Board shall appoint for the Service a Secretary and Legal Adviser who shall be a legal Practitioner in the Service and shall have been so qualified for a period of at least 10 years. Appointment of Secretary and Legal Adviser.
- (2) The Secretary and Legal Adviser shall:
- (a) be Secretary to the Board;
 - (b) be responsible for keeping the books and proper records of proceedings and correspondences of the Board and the upkeep of the records of the Service;
 - (c) administer and discharge all legal obligations of the Service;
 - (d) administer and discharge all insurance requirements of the Service;
 - (e) retain external legal services on behalf of the Board as he may deem necessary or expedient; and
 - (f) perform such other functions as the Board or the Director-General may assign to him.
- (3) The Board may deploy or appoint other employees upon such terms and conditions as may be determined by the Board.

PART IV -FINANCIAL PROVISIONS

12. (1) The Service shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the Service. Fund of the Service.
- (2) There shall be paid and credited into the Fund:
- (a) such sum as may be appropriated to it by the National Assembly;
 - (b) 2% of the Agriculture Development Fund;

- (c) such sum as may be approved by the President from the National Resource Development Fund;
- (d) loans and grants-in-aid from national, bilateral and multilateral agencies;
- (e) all sums accruing to the Service by way of rents, fees, grants, fine, subsidies, subscriptions, interest, royalties and other internally generated revenues from services rendered by the Service;
- (f) all sums accruing to the Service by way of gifts, endowments, bequeaths or other voluntary contributions by persons and organisations but the Service shall not be obliged to accept a gift, endowment, bequeath, contribution or donation for a particular purpose unless it approves the terms and conditions attached to the gift;
- (g) any sum or property which may in any manner become payable to or vest in the Service in respect of the performance of its functions;
- (h) any sum derived from the sale of any property held by or on behalf of the Service;
- (i) any other sum and property lawfully received by the Service for the purposes of the Service; and
- (j) all accumulations of income derived from any such property or money.

13. The Service shall apply the funds at its disposal to:

Expenditure.

- (a) the cost of establishing and maintaining the Head Office of the Service located at the Federal Capital Territory, Abuja and its offices and stations in other places in Nigeria;
- (b) the cost of compliance, monitoring and enforcement activities, including provision of uniform materials or paraphernalia, and payment of rents for offices;
- (c) pay allowances and other benefits of members of the Board and of its committees;
- (d) pay the salaries and entitlements of the Director-General and other members of staff of the Service;
- (e) pay the pension, retirement benefits, overhead and other administrative costs incurred by the Service;
- (f) training and capacity building of staff of the Service;
- (g) develop and maintain any property vested in or owned by the Service including vehicles, facilities, laboratories, equipment and infrastructure;
- (h) pay for services and contracts entered into by the Service; and
- (i) undertake any other activity in connection with all or any of the functions of the Service.

14. (1) The Service shall every year cause to be prepared and shall adopt annual estimates of income and expenditure of the Service for the ensuing year and, if so directed by the Minister, for any other period and shall submit these estimates not later than such date as the Minister directs.

Annual account and estimates.

- (2) A copy of all annual estimates and supplementary estimates shall, upon their adoption by the Board, be sent to the Minister for approval.
- (3) Money shall not be expended by the Service other than in accordance with the estimates of expenditure approved by the Minister.
15. (1) The Service shall, as soon as practicable after each 30th day of December occurring after the commencement of this Act, prepare and furnish the Minister a report on the operation of the Service during the year ended on that date, together with financial statements in respect of that year in such form as the Auditor-General or the Federation approves. Annual report.
- (2) Before furnishing the financial statements to the Minister, the Service shall submit it to the Auditor-General for the Federation.
16. (1) The Service may accept any gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organisation making the gift. Power to accept gift.
- (2) The Service shall not accept any gift if the conditions attached by the person or organisation offering the gift are inconsistent with the functions and objectives of the service.
17. (1) The Service may borrow by way of overdraft or otherwise such sums as it may require for the performance of its functions under this Act. Power to borrow.
- (2) Where the sum to be borrowed is in foreign currency, the Service shall seek and obtain the approval of the Minister through the Board.
18. The committee of the Service or any person or body engaged by it, and notwithstanding anything in the terms of reference, shall not: Power to enter into contract.
- (a) carry on any activity on behalf of the Service unless the consent of the Board is obtained; and
- (b) enter into any contract with any other person or body, except with the consent of, or in accordance with the terms of any general authority given by, the Board.
19. (1) For the purpose of providing offices and premises necessary for the performance of its functions, the Service may, subject to the provisions of the Land Use Act: Power to acquire land. cap. L5, 2004.
- (a) purchase or take on lease any interest in land, building or property; and
- (b) build, equip and maintain offices and premises.
- (2) The Service may, subject to the provisions of the Land Use Act, sell or lease any office or premises held by it, which is no longer required for the performance of its functions under this Act. cap. L5, 2004.

PART V - MISCELLANEOUS PROVISIONS

20. An authorised officer shall have power to: Powers of an authorised officer.
- (a) inspect, examine and take samples of any plant, plant products, animal, animal products, aquatic resources and its products or regulated articles and subject such samples to further sanitary or phytosanitary action;
- (b) enter and search at all reasonable time and with such assistance, if any, as he considers necessary, any area or premises if he has a reason to believe that an offence under this Act has been, is being or is about to be committed or for the purpose of satisfying himself that the provisions of

- this Act are being complied with after identifying himself by making available the identity card issued to him by the Service;
- (c) request the consignee to produce an import permit, health certificate and any other documentation required under this Act.
 - (d) Inspect and certify agro-commodity processing facilities, warehouses, storage containers, slaughter camps for purposes of export and also restrict the movement of agro-commodities of quarantine importance within and outside Nigeria by air, sea or land.
 - (e) inspect, examine and make copies of the permits, health certificates or other documents or of the extracts from registers or records kept by the persons found on the premises and seize any permit, certificates or any other document if the authorised officer has reason to suspect that all or any of the documents may be useful as evidence in the prosecution of an offence under this Act;
 - (f) search any person, baggage, package, conveyance or any other regulated article upon entry into or exit from Nigeria;
 - (g) Ensure through reasonable means or by use of speed bumps/breakers to carry out inspection and certification of agro commodities at Quarantine Inspection Station/Control Posts within the country.
 - (h) make such examination and inquiries as he deems fit, in order to ascertain whether the provisions of this Act are being complied with and for that purpose stop any conveyance;
 - (i) stop the distribution, sale or use of any plant or plant products, animal and animal products, aquatic resources and its products, agro pesticides or regulated articles and seize same If he has reason to believe that they are being distributed, sold or used in contravention of the provisions of this Act;
 - (j) order at the owner's expense, the treatment or disposal including reshipment and confinement in quarantine sites for plants, plant products, animal and animal products, aquatic resources and its products or regulated articles imported into Nigeria, whether or not they are covered by import permits and health certificates, as well as the treatment of incoming conveyances as he may consider necessary for the prevention of the spread of any regulated pest or disease or contamination by pesticides, mycotoxins among others which he has reasonable grounds to believe is or are among such plants, plant products, animal and animal products, aquatic resources and its products or regulated articles;
 - (k) stop or prevent the arbitrary sale, distribution or slaughter of animals categorized as endangered species, wild life or regulated trade animals.
 - (l) be present when the official service seal on containers containing plant, plant products, animal, and animal products, aquatic resources and its products or regulated articles are being broken;
 - (m) be accompanied and assisted by armed police officers as the need arises in the performance of their functions under this section;

- (n) order that plants, plant products and other regulated articles imported, if found or suspected to be infected with any regulated pest or disease or contamination by pesticides, mycotoxins among others be destroyed or re-shipped to the country of origin or direct that plant products, animal, and animal products, aquatic resources and Its products or regulated articles not be granted entry into Nigeria unless treated in accordance with the existing sanitary and phytosanitary regulations of the Service;
- (o) refuse to issue phytosanitary certificate for plants, plant products, health certificates for animal and fish products and other regulated articles on exportation where request for sanitary and phytosanitary certificates are found or suspected not to be in compliance with sanitary requirements of the importing country until they have been treated;
- (p) conduct inspection and animal diseases surveillance of trade animals which shall be accompanied with veterinary movement and loading permit at the inter-state veterinary control posts; and
- (q) exercise such other powers as the Service may delegate to the authorised officer for carrying out the provisions of this Act.

21. It is an offence to:

Offences.

- (a) grow, rear, possess, sell, offer for sale, transport or distribute in any manner any plant, plant product, animal, animal product, fish, fish product or regulated article knowing them to be imported into Nigeria contrary to this Act;
- (b) slaughter, store, transport or distribute such animals, animal products that are categorized as regulated articles, endangered species or wildlife.
- (c) assault, resist, threaten or willfully obstruct any authorised officer from exercising his lawful function under this Act;
- (d) fail to comply with any order or directive lawfully made or given under this Act;
- (e) import any plant, plant product, animal, animal product, fish, fish product or regulated articles contrary to any requirements prescribed under this Act;
- (f) fail to allow a search or inspection authorised under this Act;
- (g) knowingly or recklessly provide information which is false for the purpose of obtaining any document under this Act; or
- (h) alter, forge, deface or destroy any document issued under this Act.

22. (1) Any person who commits an offence under section 21 of this Act is: Penalties.
- (a) on a first conviction, liable to a term of imprisonment for one year or a fine of 100% of the market value of the plants, plant products, animal and animal products, aquatic resources and its products or regulated articles or to both fine and imprisonment; and
 - (b) on a second conviction, liable to a term of imprisonment for a term of two years or a fine of 200% of the market value of the plants, plant products, animal and animal products, aquatic resources and its products or regulated articles or to both fine and Imprisonment.
- (2) In addition, in the case of a second summary conviction, the Service may suspend the rights of the person temporarily to import as well as to carry on any activity accredited by the Service.
- (3) In all cases, all plants, plant products, animal and animal products, aquatic resources and its products or regulated articles imported into Nigeria in contravention of this Act, rules, orders or regulations made under this Act shall be subject to reshipment, confiscation and destruction at owner's cost.
- (4) The Service may without prejudice to a conviction by a competent court of law order the payment of a fine of 50% market value of the plant, plant products, animal, animal products, or regulated articles, processing facility, storage house/container, slaughter slap or camp as punishment for a first offender.

PART VI - LEGAL PROCEEDINGS

23. A member, the Director-General or any employee of the Service shall be indemnified out of the Indemnity. asset of the Service against any liability incurred by him in defending any proceeding, whether civil or criminal, if such proceeding is brought against him in his capacity as a member, Director General or employee of the Service.
24. (1) All deeds, instruments, contracts and other documents shall be duly executed by or on behalf of the Service if sealed with the seal of the Service and signed by the Director-General or any other person not below the rank of a Director appointed by the board for that purpose. Execution of deeds.
- (2) A deed, instrument, contract or other document executed in accordance with subsection (1) shall, subject to any objection that may be taken thereto on any ground other than that of competence of the party executing the same on behalf of the Service, be effectual in law to bind the Service and its successors and may be varied or discharged in like manner as that in which it was executed.
25. (1) No suit shall be instituted against the Service or its employees unless it is commenced: Limitation of

- (a) within three months after the act, neglect or default complained of; and
- (b) in the case of continuation of damage or injury, within six months after the damage or injury ceases.

suits against the Service.

(2) No suit shall commence against the Board, Director-General or any employee of the Service before the expiration of a period of one month, after written notice of intention to commence the suit shall have been served on the Service by the intending plaintiff or his agent.

(3) The notice referred to in subsection (2) shall clearly state the:

- (a) cause of action;
- (b) particulars of the claim; (c) name and place of abode of the intending plaintiff; and
- (d) the relief which he claims.

26. The notice or other documents required or authorised to be served on the Service under this Act or of any other law may be served by: Service documents.

- (a) delivering the same to the office of the Director-General; or
- (b) sending it by registered post addressed to the Director-General at the Head Office of the Service.

27. In this Act: Interpretation.

"agricultural economy" means the relationship between agricultural production, trade and the derivable revenue for the benefit of the country;

"authorised officer" means a quarantine inspector in the pre-entry and post-entry, border post, and Quarantine Station of the Service.

"Board" means the Governing Board of the Service established by section 2 (1) of this Act;

"Chairman" means the Chairman of the Board;

"Director-General" means the Comptroller General and Chief Executive of the Service and Chairman of the Management Committee;

"Functions" includes powers and duties;

"Fund" means the account established under section 12 (1) of this Act;

"International Conventions, Agreements and International Organisations" under this Act includes the World Animal Health Organisation, International Plant Protection Convention, Codex Alimentations, Sanitary and Phytosanitary, International Office of Epizootics and the World Trade Organisation;

"member" means an individual representing an organisation or institution in the Board and includes the Chairman and Director-General;

"Minister" means the Minister charged with responsibility for matters relating to agriculture;

"phytosanitary measures" means all actions taken towards ensuring good health and pest/disease free status of the plants/plant products and these include inspection and treatment where necessary;

"regulated articles" means articles whose importation or exportation, sale, distribution, transportation, slaughter or storage into a territory or outside are controlled and guided by law and policy guidelines of government; and

"Service" means the Service established under section 1 (l) of this Act.

28. This Act may be cited as the Nigeria Agricultural Quarantine Service (Establishment) Act, 2018. Citation

SCHEDULES

First Schedule

Section 2 (3)

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board.

1. (1) The Board shall meet and deliberate on the affairs of the Service at least twice in a year.
(2) At any meeting of the Board:
 - (a) six members shall form a quorum, but in determining whether a quorum has been constituted, the presence of any person invited to offer opinion or tender documents shall not be considered;
 - (b) the Chairman, or in his absence, the member elected by the members present to act as Chairman shall preside;
 - (c) where the Board wishes to obtain the advice of any person on any particular matter, the Board may invite that person as it deems fit, but the person who is invited by virtue of this subparagraph is not entitled to vote at any meeting of the Board and shall not count towards a quorum; and
 - (d) the Chairman or a member presiding has a deliberative vote and, in the event of equality of votes, also has a casting vote.
2. The Board may, if it deems fit, transact any of the businesses by the circulation of papers and resolution in writing approved by a majority of the members and this shall be as valid and effectual as if it had been passed at a meeting of the Board by the votes of the members approving the resolution.
3. (1) If a member has any beneficial interest in any land or building situate in an area comprised in any project of the Service, or has any beneficial interest in any company or undertaking with which the Service proposes to make any contract, or has an interest in any such contract, he shall disclose to the Board the fact and the nature of such interest, and such disclosure shall be recorded in the minutes of the Board, and the member shall take no further part in any deliberation or decision of the Board relating to such project or contract.
(2) A member disclosing an interest in any project, company or undertaking in which the Service proposes to make any contract shall be disregarded for the purposes of constituting a quorum of the Board for any such deliberation or decision.
(3) For the purposes of subparagraph (1), a general notice given at a meeting of the Board by a member to the effect that he is a member of a specified company or firm and is to be regarded as interested in any transaction or project of the Service concerning the company or firm, shall be regarded as a sufficient disclosure of his interest in relation to that transaction or project.
(4) A member need not attend in person at a meeting of the Board in order to make any disclosure which he is required to make under this section if he takes reasonable steps to ensure that the disclosure is made by notice which is brought up and read at the meeting.
4. (1) The Board may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the Service and without prejudice to the generality of this Schedule, such regulations may provide for:

- (a) the appointment, promotion, termination, dismissal or other disciplinary control of the staff of the Service;
- (b) appeals or petitions by such staff against dismissal or other disciplinary measures, and until such regulations are made, any instrument relating to the conditions of service of officers in the public service of the Federation shall be applicable, with such modifications as may be necessary; and
- (c) the policy guidelines for the Service.

(2) The Board may make regulations with respect to:

- (a) the quorum, proceedings and meetings of the Board and the determination of the Board; and
- (b) the execution of instruments and the mode of entering into contracts by or on behalf of the Board, and the proof of documents purporting to be executed, issued or signed by the Board, or an officer or servant of the Service

(3) Until such regulation is made, relevant sections of this Act shall apply to regulate the quorum, proceedings, meetings and determination of the Board.

(4) The Board may, by resolution, appoint, constitute, discharge, alter, continue or reconstitute any committee to advise the Board on such matters concerning the functions of the Service as It deems fit.

(5) Any person may be appointed to be a member of a committee notwithstanding that he is a member of the Board.

(6) Subject to any direction given by the Board, every committee may regulate its own procedure.

NIGERIA AGRICULTURAL QUARANTINE SERVICE (NAQS)

PARA-MILITARY RANKING

1. Inspector of Quarantine GL05
2. Inspector of Quarantine II GL06
3. Inspector of Quarantine I GL07
4. Assistant Superintendent of Quarantine (ASQ II) GL08
5. Assistant Superintendent of Quarantine (ASQ I) GL08
6. Deputy Superintendent of Quarantine (DSQ) GL09
7. Superintendent of Quarantine (SQ) GLI 0
8. Chief Superintendent of Quarantine (CSQ) GL12
9. Assistant Comptroller of Quarantine (ACQ) GL 13
10. Deputy Comptroller of Quarantine (DCQ) GL 14
11. Comptroller of Quarantine (CQ) GL15
12. Assistant Comptroller-General of Quarantine (ACGQ) GL16
13. Deputy Comptroller-General of Quarantine (DCGQ) GLI 7
14. Director General/Comptroller-General of Quarantine (DG/CGQ)

OTHER RANKS

- I. Drivers/Motor Mechanic
2. Cleaners
3. Clerical Staff GLOI - GL04
4. Security

Schedule to the Nigeria Agricultural Quarantine Service (Establishment) Bill, 2017

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVES
Nigeria Agricultural Quarantine Service (Establishment) Bill, 2017	An Act to establish Nigeria Agricultural Quarantine Service for the purposes of preventing the entry, establishment and spread of exotic pests and disease of plants, animals and aquatic resources and their product into Nigeria; and for related matters.	This Bill establishes the Nigeria Agricultural Quarantine Service for the purposes of preventing the entry, establishment and spread of foreign pests and diseases of plant, animal and aquatic resources products into the country and to promote sanitary and phytosanitary measures as it relates to import and export of agricultural products with a view to minimising the risk to agriculture, food safety and the environment.	10 th November, 2016	26 th April, 2016

I certify that this Bill has been carefully compared by me with the decision reach by the National Assembly and found by me to be true and correct decision of the Houses and in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federal Government of Nigeria, 2004.

MOHAMMED ATABA SANI-OMOLORI
Clerk to the National Assembly
Day of November, 2017

I ASSENT

MUHAMMADU BUHARI, GCFR
President of the Federal Republic of Nigeria
Day of November, 2017

