

CHAPTER M6 - MOVEMENT OF UNGRADED PRODUCE (PROHIBITION) LAW

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SCHEDULE

MOVEMENT OF UNGRADED PRODUCE (PROHIBITION) LAW

A Law to control the grading and movement of farm produce in and out of the State.

[KWS No. 10 of 1990, No. 5 of 2003, No. 4 of 2006.]

[Date of commencement: *2nd August*, 1990]

1. Short title

This Law may be cited as the Movement of Ungraded Produce (Prohibition) Law.

2. Interpretation

In this Law, unless the context otherwise requires—

"**appropriate authority**" means the Produce Division of the State Ministry of Agriculture and Natural Resources;

"**cocoa**" includes cocoa beans in any form and cocoa pods;

"**coffee**" includes coffee fruits and seeds;

"**Commissioner**" means the State Commissioner for the time being charged with the responsibility for matters relating to Agriculture;

"**Director-General**" means the Director-General of the State Ministry of Agriculture and Natural Resources;

"**graded produce**" means produce which has been graded in the State by any produce officer in accordance with the Produce Inspection Law and Regulations for the time being in force;

"police officer" means a member of the Nigeria Police Force;

"produce" includes cocoa, coffee, cashew nuts, shea nuts, soya beans, palmkernels, seed-cotton, and groundnuts;

"produce officer" includes any officer of the State Produce Inspection Service, a Produce/Pest Control Attendant and any official of the Produce Section of the Ministry of Agriculture and Natural Resources duly designated as Produce Officer;

"State" means the Kwara State of Nigeria;

"ungraded produce" means produce that has not been graded by a Produce Officer; and

"vehicle" means any means of conveyance whether mechanical or manual used for carrying things on land or on water.

3. Prohibition of movement of produce

(1) Except as may be permitted under this Law, no ungraded produce shall be moved out of the State.

(2) No graded produce shall be moved outside the State between the hours of six o'clock in the evening and seven o'clock of the morning following.

4. Samples of produce exempted

Notwithstanding the provisions of section 3 of this Law the Commissioner or the Permanent Secretary may by written permit allow samples of ungraded produce to be taken out of the State.

Provided any sample so allowed is intended to be used for purposes of scientific research or planting.

[No. 5 of 2003.]

5. Establishment of control posts

For the purposes of carrying into effect the provisions of this Law, there shall be established such number of control posts as the Commissioner may from time to time direct.

6. Appointment of produce officer and powers

(1) To every control post established in pursuance of section 5 of this Law, there shall be assigned such number of produce officers as may be determined by the appropriate authority.

(2) A produce officer in the performance of his duties under this Law shall have power—

- (a) to stop, enter and search any vehicle, boat, canoe or animal suspected to be used for conveyance of any ungraded produce;
- (b) to enter at all times and search any building or place which he has reason to believe is being used or suspected to be used for the storage of ungraded produce;
- (c) to inspect and grade any ungraded produce found in any store or intercept at the control post, charge and collect the appropriate produce inspection fees;
- (d) to seize and detain any vehicle, truck, canoe, boat, animal or any receptacle conveying graded and ungraded produce suspected to be in contravention of any of the provisions of this Law;
- (e) to seize and detain any ungraded produce together with the receptacle in which such ungraded produce is contained in any unregistered premises or place and to seize and detain any article, register or document believed to be connected therewith;

- (f) to take inventory of any ungraded produce found in any premises or place, interrogate the owner or occupier of such premises or place in relation thereto and seal up the premises or place as the circumstances of the situation may require;
- (g) to arrest, interrogate and detain any person—
 - (i) carrying or suspected to be carrying ungraded produce out of the State;
 - (ii) found in possession of ungraded produce without justifiable explanation;
 - (iii) who aids, abets, or colludes with any other person carrying ungraded produce out of the State;
 - (iv) who refuses to give information lawfully demanded for in relation to the produce found in his premises or in his possession;
 - (v) who gives false information in relation to the produce in his possession or in his premises.
- (h) to call upon any person to furnish him any information he may reasonably require for the purpose of investigating any offence committed or suspected to have been committed under this Law;
- (i) to patrol all roads with a view to apprehending any person found or suspected to be contravening the provisions of this Law;
- (j) to apply to the court of law for an order of forfeiture of any produce where a suspect in whose possession the said produce is found absconds or fails to turn up when an

offence has been committed under the provision of this Law.

(3) A produce officer shall in the performance of his duties under the provisions of subsection (2) of this section have power to request for the assistance of any police officer or a member of the armed forces.

(4) Any person who seizes and detains any produce vehicle, canoe, boat, animal or any receptacles in pursuance of the provisions of subsection (2) of this section shall forthwith report the fact to the nearest police station.

(5) Any person who is arrested and detained under the provisions of this Law shall be brought before a court of law within twenty-four hours.

[No. 4 of 2006.]

(6) In subsection (5) of this section "**court**" means magistrate's court.

7. Protection of Produce Officers

A produce officer shall not be liable to any action, liability or demand on account of anything done by him in good faith for the purpose of executing this Law or any regulation made thereunder.

8. Treatment of detained produce

(1) Where any produce which has been seized and detained is not already packed in receptacles, a produce officer may order that it shall be so packed and the owner of the produce or the person in charge thereof at the time of seizure shall be responsible for the provision of suitable receptacles and the labour necessary to carry out the order.

(2) Where any produce which has been seized and detained is, in the opinion of the Produce Officer, likely to deteriorate in quality before a case in respect thereof is heard or disposed of, the Produce Officer shall preserve the quality by any means or request for a court's order to dispose of the produce by grading or sale pending the determination of the case.

(3) The proceeds of any sale carried out under the provisions of subsection (2) of this section shall be kept in such manner as the court may direct pending the determination of the case.

9. Disposal of produce and other items forfeited

Where on conviction or in any case of forfeiture to the State of produce and other items under this Law the produce or other items forfeited shall be disposed of in such manner as may be directed by the Chief Produce Officer after prior clearance from the Commissioner.

10. Offence and penalties

(1) Any person who—

- (a) buys, stores ungraded produce without having them graded;
- (b) conveys or attempts to convey any ungraded produce out of the State; or
- (c) buys or stores ungraded produce anywhere in the State without being duly registered to operate in the State;
- (d) aids or abets or colludes with another person who conveys or attempts to convey out of the State any ungraded produce; or
- (e) intimidates, threatens, assaults, induces or attempt to induce a produce officer; or
- (f) adulterates any produce in any manner; or
- (g) refuses—
 - (i) to stop when waved down by the produce officer, either at the control post or on any road, street or

highway while carrying or suspected to be carrying ungraded produce;

(ii) to be searched when stopped by the produce officer either at any control post or along any highway, road, or street; or

(h) moves or attempts to move any graded or ungraded produce within the State or moves or attempts to move any graded produce outside the State between the hours of six o'clock in the evening and seven o'clock of the morning following,

shall be guilty of an offence.

(2) Whoever commits an offence under subsection (1) above shall be liable to a fine not exceeding twenty thousand naira or to imprisonment for a term not exceeding two years and in addition to such fine or imprisonment, the forfeiture of the produce involved in the commission of the offence.

[No. 5 of 2003.]

11. Institution of legal proceedings

Notwithstanding the provisions of any other law relating to the institution of legal proceedings by a public officer, any proceedings in respect of an offence committed under any of the provisions of this Law or under any regulation made thereunder may be instituted by a Produce Officer not below the rank of Produce Superintendent.

12. Onus of proof

Where a person is accused of conveying or attempting to convey ungraded produce out of the State the onus of proving that the ungraded produce is not intended to be conveyed out of the State shall be on such person so accused.

13. Registered as produce merchant

(1) Every produce merchant shall be registered in accordance with this Law.

(2) Every produce merchant registering under this Law shall pay an annual registration fee as specified in the Schedule hereto.

(3) The fee payable for the renewal of a produce merchant licence issued under this Law shall be as specified in the Schedule hereto.

14. Registration of premises and stores

Every produce merchant shall pay an annual registration fee specified in the Schedule hereto in respect of premises or stores used for his business.

15. Sales tax

Sales tax payable for produce specified in the Schedule hereto shall be as specified in column two of the said Schedule.

16. Grading fees

Grading fees payable for produce specified in column one of the Schedule hereto shall be as specified in column two of the said Schedule.

17. Training of store-keepers

The appropriate authority may conduct induction or refresher courses for storekeepers at fees specified in the Schedule hereto.

18. Fees and making of regulations

The Commissioner may with the approval of the Governor, by regulations make provisions generally for carrying into effect the provisions of this Law and in particular, may by regulations published in the State Gazette, impose or review produce sales tax, and other fees incidental to inspection and grading of produce.

SCHEDULE

[No. 5 of 2003, No. 4 of 2006.]

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- (i) Registration of premises/stores
1000.00 per annum
- (ii) Store-keepers introduction/refresher course fee
6000.00 per annum
- (iii) Registration of produce merchants
6000.00 per annum
- (iv) Renewal of registration
4000.00 per annum
- (v) Produce sales tax (cocoa)
200.00 per tonne
- (vi) Produce sales tax (coffee)
150.00 per tonne
- (vii) Produce sales tax (cotton)
250.00 per tonne
- (viii) Produce merchant application form
500.00 per annum
- (ix) Cocoa grading fees
2000.00 per annum
- (x) Coffee grading fees
1500.00 per tonne
- (xi) Shea nuts grading fees

	300.00 per tonne	
(xii)	Cashew nuts grading fees	
	200.00 per tonne	
(xiii)	Groundnuts grading fees	
	200.00 per tonne	
(xiv)	Cotton grading fees	2500.00
	per tonne	
(xv)	Palm kernels grading fees	
	300.00 per tonne	
(xvi)	Grains grading fees	200.00
	per tonne	
(xvii)	Soya beans grading fees	200.00
	per tonne	
(xix)	Produce Sales Tax (Cashew nuts)	
	150.00 per tonne	
(xx)	Produce Sales Tax (Cotton)	
	250.00 per tonne	
(xxi)	Produce Sales Tax (Palm Kernel)	150.00
	per tonne	
(xxiii)	Produce Sales Tax (Soya beans)	
	100.00 per tonne	
(xxiv)	Produce Sales (Palm oil)	50.00
	per barrel	
(xxv)	Palm Oil Grading Fees	100.00
	per barrel	

(xxvi) Produce Sales tax (Fruits and Vegetable)	100.00
per barrel	
(xxvii)Fruits Vegetable Grading Fees	50.00
per tonne	
xxviii) Produce Sales Tax (Kola nuts)	
150.00 per tonne	
(xxix) Kola nuts Grading Fees	300.00
per tonne	
(xxx) Produce Sales Tax (Tubers/ Derivations)	
100.00 per tonne	
(xxxi)Tubers/Derivation Grading Fees	
50.00 per tonne	
(xxii) Cash Crop produce Merchant Certificate	
6000.00 per annum	
(xxxiii)Renewal of Cash crop produce Merchant Certificate.....	4000.00
per annum	
(xxxiv)Food Crops Produce Merchant Certificate	
1000.00 per annum	
(xxxv)Renewal of Food Crops Produce Merchant Certificate	
500.00 per annum	
(xxxvi)Produce Sales Tax (Melon)	
100.00 per annum	
(xxxvii)Melon Grading Fees	200.00
per annum	

CHAPTER M6

MOVEMENT OF UNGRADED PRODUCE (PROHIBITION) LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
