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# <title>CHAPTER F2 - FERTILIZER DISTRIBUTION AND SALES LAW </title>

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**FERTILIZER DISTRIBUTION AND SALES LAW**

**<lawdescription> A Law to provide for a fair distribution of fertilizer. </lawdescription>**

<lawnumber> [KWS 2 of 1990, No. 3 of 1993, No. 3 of 1994.] </lawnumber>

<lawdate>[Date of commencement: *19th April*, 1990] </lawdate>

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**<heading> 1. Short Title </heading>**

<body> This Law may be cited as the Fertilizer Distribution and Sales Law, 1990. </body> </section>

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**<heading> 2. Definitions </heading>**

<body> In this Law, unless the context otherwise requires—

**"authorised agent"** means any person appointed by the Commissioner for the sale of fertilizer;

**"Commissioner"** means the Commissioner charged with the responsibility for Agriculture and Natural Resources;

**"Committee"** means a Committee charged with the responsibilities contained in section 6 of this Law;

[No. 3 of 1993.]

**"Diversion"** means turning aside from or an alteration of a designated traffic route;

[No. 3 of 1994.]

**"farmer"** means any person who cultivates any piece of land for the purpose of growing crops;

**"fertilizer"** includes compound or single superphosphate fertilizer; "Governor" means the Governor of the State;

[No. 3 of 1993.]

**"Hoarding"** means to store up in secret or hide in a place;

[No. 3 of 1994.]

**"public servant"** has the meaning assigned to it in the Constitution of the Federal Republic of Nigeria;

[No. 3 of 1993.]

**"the State"** means Kwara State of Nigeria;

</body> </section>

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**<heading> 3. Stores </heading>**

<body> The Commissioner shall designate the stores where fertilizer brought into the State Capital shall be delivered. </body>

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**<heading> 4. Transportation </heading>**

<body> The Kwara State Agricultural Development Project or any person appointed by the Commissioner shall be responsible for the transportation of fertilizer from the place of delivery in the State capital to the local governments. </body> </section>

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**<heading> 5. Appointment of Committees </heading>**

<body> (1) The Governor shall appoint Committees in the State for fertilizer matters as follows—

(a) the State Committee; and

(b) a Local Government Committee for each Local Government in the State.

(2) The State Fertilizer Committee shall consist of the following members—

(a) a retired public servant who is of high integrity, as Chairman;

(b) not more than seven other members selected to represent each of the following bodies or organisations in the State—

(i) the Local Government Chairmen;

(ii) the State branch of the Nigeria Labour Congress;

(iii) the tertiary institutions;

(iv) ex-service men;

(v) women organizations in the State;

(vi) the Chairman of the Farmer's Council;

(vii) the Legislature;

(c) two prominent indigenes of the State; and

(d) ex officio members who shall include—

(i) a representative of the Ministry of Agriculture and Natural Resources;

(ii) a representative of the Kwara State Agriculture and Rural Development Authority;

(iii) a seasoned Administrator not below the rank of a Deputy Director in the State Civil Service, who shall be the Secretary to the Committee; and

(iv) any other Ministries, Departments and bodies as the need arises from time to time.

(3) The Governor shall appoint such number of persons to constitute members of the committees for each of the Local Government Areas of the State as may appear to the Governor to be necessary or adequate for the Local Government area from among the following bodies or organisations—

(a) a well-known community leader to serve as Chairman;

(b) a representative of the Farmer's Council in the area;

(c) a representative of the Local Government Council;

(d) a female representing the interest of women in the community or area;

(e) the Area Agricultural Officer who shall serve as the Secretary; and

(f) three other members appointed from the community. </body> </section>

[No. 3 of 1993.]

**<section>**

**<heading> 6. Functions of Commitees </heading>**

<body>The functions of the Committees shall be—

(a) to monitor fertilizer distribution and sale in the State;

(b) to ensure adherence by authorised agents to approved prices;

(c) to pay surprise visits to markets and other areas where fertilizer may be kept illegally;

(d) to deal with any emergency situation that may arise in the course of distribution and sale of fertilizer;

(e) to recommend to the Commissioner, persons to be appointed agents; and

(J) to make recommendations to the Commissioner on all matters relating to fertilizer distribution and sale at any time. </body> </section>

[No. 3 of 1993.]

**<section>**

**<heading> 7. Restriction on sale </heading>**

<body> The sale of fertilizer in the State shall be to farmers only. </body>

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**<heading> 8. Places of sale </heading>**

<body> (1) The sale of fertilizer shall take place at the designated places in the local government area headquarters, district headquarters, towns and villages.

(2) Without prejudice to the selling points designated for Ilorin Local Government Area, the sale for the State capital shall be at the Kwara Agricultural Development Project and such other places as may be designated by the Commissioner. </body> </section>

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**<heading> 9. Prices <heading>**

<body> (1) The prices at which fertilizer shall be as fixed by the State Government from time to time.

(2) Notwithstanding the provision of subsection (1) of this section, the Commissioner may with the approval of the Governor vary the prices specified in the Schedule to this Law. </body>

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[No. 3 of 1993.]

**<section>**

**<heading> 10. Sale by Authorised Agent </heading>**

<body>No authorised agent shall sell more than five bags of Fertilizer to a farmer, except with the permission of the Commissioner or the Local Government Committee within whose jurisdiction such a farmer's farm is located. </body> </section>

[No. 3 of 1993.]

**<section>**

**<heading> 11. Offences </heading>**

<body> Any person who—

(a) transports any consignment of fertilizer meant for the State out of the State;

(b) adulterates fertilizer in any manner;

(c) engages in the sale or distribution without authority; or

(d) re-sells any fertilizer,

shall be guilty of an offence and liable on conviction to a fine of #10,000.00 or two years imprisonment or to both. </body> </section>

[No. 3 of 1993.]

**<section>**

**<heading> 11A. Hoarding of fertilizer </heading>**

<body> Any person who—

(a) hoards fertilizer; or

(b) sells fertilizer at undesignated places or at unauthorised places, shall be guilty of an offence and liable on conviction to a fine of N1,000.00 (one thousand naira) or to six months imprisonment or to both. </body> </section>

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**<heading> 12. Diversion of fertilizer </heading>**

<body> Any person or authorised agent who diverts any consignment of fertilizer to any place, other than where he is authorised or directed to sell same, shall be guilty of an offence and liable on conviction to a fine ranging from N5, 000.00 to N50, 000.00 (five thousand to fifty thousand naira) depending on the quantity of fertilizer diverted or to imprisonment for three years or to both such fine and imprisonment. </body> </section>

[No. 3 of 1994.]

**<section>**

**<heading> 13. Punishment </heading>**

<body> Any authorised agent who commits any other offence and which punishment is not provided for under the provisions of this Law shall be guilty of an offence and liable on conviction to a fine of N15, 000.00 or three years imprisonment or to both. </body> </section>

[No. 3 of 1994.]

**<section>**

**<heading> 14. Power of search </heading>**

<body>Any police officer may search any place which he reasonably suspects is being used by any person for unlawfully storing fertilizer. </body> </section>

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**<heading> 15. Forfeiture </heading>**

<body>Any fertilizer found in possession of any person convicted of an offence under any of the provisions of this Law, shall be forfeited to the State. </body> </section>

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**<heading> 16. Power to make regulations </heading>**

<body> The Commissioner may with the prior approval of the Governor make regulations generally for carrying into effect the provisions of this Law, and without prejudice to the generality of the foregoing—

(a) for the sharing of cost of transportation between the State Government and local government;

(b) for the appointment of and payment to transporters and agents;

(c) for the designation of stores at State and local government area levels;

(d) for constituting Committees for the monitoring, sale and distribution.</body> </section>

<sections>

[No. 3 of 1993.]

<schedule>

SCHEDULE

[Section 9(1).]

[No. 3 of 1993.] </schedule>

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