

ARRANGEMENT OF SECTIONS

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BEES (IMPORT CONTROL AND MANAGEMENT) ACT

An Act to make provisions for the importation and management of bees and apicultural material.

[1970 No.5.]

[1st April, 1970]

[Commencement.]

1. Control of importation of bees and apicultural material

(1) Subject to the provisions of this Act, no person shall on and after the appointed day import into Nigeria any bees, or any apicultural material for use in connection with bees or bee-keeping, unless that person is the holder of a permit in the prescribed form issued under this Act.

(2) Where application in that behalf is made to the Minister of Agriculture (hereafter in this Act referred to as "the Minister") on the prescribed form together with the appropriate fee, the Minister may on such conditions as he may impose, approve the application or, if he thinks fit, he may reject the application without being required to assign any reason for the rejection, but any fee paid in respect of the rejected application shall be refunded.

(3) With the application there shall in every case be submitted in the prescribed form an undertaking to do all things which may be considered by the Minister necessary for the prevention of disease or parasitic state among bees, and to destroy or treat in proper case after importation, bees or apicultural material found so infected or suspected of being infected.

(4) A permit issued under this section shall not be transferable or assignable, but may, in such manner as the Minister may authorise or approve, be withdrawn or suspended, or after suspension be withdrawn, by the Minister or any person duly authorised by him in that behalf, so however that the withdrawal or the suspension of a permit under

this subsection shall not affect entry already made in pursuance of the permit, but any conditions attaching to the permit shall apply as if the permit had not been withdrawn or suspended.

(5) Any person who-

- (a) imports any bees or apicultural material into Nigeria otherwise than in accordance with this Act; or
- (b) Contravenes the conditions of a permit under this Act; or
- (c) fails to comply with the terms of any undertaking given by him pursuant to this Act,

shall be guilty of an offence.

2. Importation of bees, etc., by a State

(1) Where a State of the Federation is desirous of importing bees or apicultural material the provisions of subsection (2) of this section shall apply.

(2) The Ministry concerned with apiculture in that State shall give notice in writing to the Minister and to the Nigerian Custom Service of its intention to import bees or apicultural material, and the notice shall be accepted without payment of any fee and operate so as to exclude that State from the requirement of a permit under this Act, so however that upon importation pursuant to the notice so given, the Ministry so concerned as aforesaid shall be deemed to have agreed with the Minister under this Act that section 1 (3) of this Act shall apply to the subject matter of the importation.

3. Power for Minister to order forms, etc.

The Minister may by order prescribe the forms and fees in respect of application for permits to import under this Act.

4. Regulations for control of spread of disease, etc., among bees

(1) Notwithstanding the provisions of any other enactment or law, the President may, for the prevention of the spread of disease or parasitic state among bees and for providing a measure of uniform control in the Federation, authorise the Ministry to make regulations generally for the purposes of this Act, and effective throughout the Federation; and without prejudice to the generality of the power hereby conferred, regulations may provide-

- (a) for obtaining information as to or from any person who keeps bees, and relative to the occurrence of disease or parasitic state among bees;
- (b) for the inspection of bees and apicultural material and the appointment of inspectors for such purpose;
- (c) for prohibiting or restricting as far as is practicable, the movement within Nigeria of bees and apicultural material;

- (d) for determining whether any bees or apicultural material are infected, or have been exposed to infection, with any disease or parasitic state and for the destruction or treatment of bees and apicultural material ascertained to be so infected or to have been exposed to such infection;
- (e) for prescribing fees necessary for the implementation of the regulations;
- (f) for such incidental and supplementary matters as may be necessary or expedient

and different provisions may be made for different circumstances.

(2) Where the Minister thinks it necessary-

- (a) in the general interest of the Federal Republic of Nigeria, he may appoint an advisory committee to advise him on proper methods for controlling apiaries;
- (b) in the interest of a particular State, he may after consultation with the Ministry concerned with apiculture request the Governor of that State to appoint an advisory committee to advise the Governor on proper methods of controlling apiaries in the State,

and the advisory committee in either event shall consist of such number of persons with specialised knowledge of apiculture to assist the Minister or, as the case may be, the Governor of the State as either of them as the appropriate authority, thinks necessary for the purpose aforesaid, and the appropriate authority shall take account of recommendations made by the relevant advisory committee.

(3) It is hereby declared that, without prejudice to the exercise by the Minister of the power to make regulations conferred upon him by this section, the Governor of a State may in and for his State, make regulations generally for purposes of and incidental to the appointment of an advisory committee and of inspectors (whether members of that committee or not), for defining their respective powers, duties, and functions, and other relevant matter not in any event inconsistent with this Act, and if the Governor exercises the power hereby conferred, confirmation by any other person or body of persons of that exercise shall be unnecessary; and the powers of the Minister shall for the avoidance of doubt, be deemed to be delegated, and have effect accordingly and to the like extent as if duly made by the Minister under this section.

(4) Where in exercise of the powers conferred upon him by subsection (3) of this section an advisory committee is appointed in any State, the Governor may appoint the members or as he thinks fit such number, of that committee to act as honorary inspectors, additional to any paid inspectors appointed for the purposes of this Act, for the purposes of providing necessary control and supervision of apiaries and, subject to any restrictions imposed by the Governor on the exercise by an honorary inspector of his powers under this subsection, that honorary inspector shall have all the powers of an inspector under this Act.

(5) Regulations made for any of the purposes of this Act, or notices published relative

to the incidence of disease or parasitic state among bees may indicate the extent (if any) to which account has been taken of recommendations made by an advisory committee, but the fact that in any particular case reference thereto is omitted, shall not invalidate any regulations or notice so made or given.

(6) Regulations under this section may prescribe penalties for contravention of provisions of the regulations, not exceeding as respects a particular contravention, a fine of two hundred naira or imprisonment for a term of six months, or to both.

(7) In the application of this section, disease or parasitic state known or suspected among bees shall be notified from time to time by an advisory committee to the appropriate authority referred to in subsection (2) of this section and thereafter published by that authority in such manner as the administering authority thinks fit; so however that until an advisory committee is set up in a State, the power hereby conferred on an advisory committee shall be exercised by the director of the Federal Department of Agricultural Research at Ibadan.

5. Offences

(1) Any person guilty of an offence under this Act shall be liable on conviction-

- (a) in the case of a first offence, to a fine or not less than forty naira or more than one hundred naira; and
- (b) in the case of a second or any subsequent offence, (whether or not of the same class as the first offence), to a fine of not less than one hundred naira or more than two hundred naira, or to imprisonment for a term of not more than six months, or to both.

(2) Where a person is convicted of an offence pursuant to subsection (1) of this section, the court, having regard to the circumstance of the case, may adjudge the bees or any apicultural material to which the offence relates, to be forfeited or, if any such bees or apicultural material have been destroyed, the court may declare that but for that destruction, it would have adjudged the bees or the apicultural material to be forfeited.

(3) If on entry of any bees or apicultural material into Nigeria (but before clearance by customs) any officer of the Nigerian Customs Service not below the rank of collector, or if after such entry and clearance, any inspector under this Act has reasonable grounds to believe that an offence under this Act is being or has been committed in relation to the importation, such officer, or inspector may seize or detain the bees or apicultural material with a view to refusing entry or, as the case may be, to the instituting of proceedings in respect of the offence.

(4) Bees or apicultural material, so seized or detained pursuant to subsection (3) of this section may be destroyed or treated by order or the board at the cost of the importer

or as the case may require.

(5) The court may when convicting a person for an offence against this Act order the destruction or treatment as it thinks fit of the bees or apicultural material.

6. Compensation

(1) Where a person suffers damage by reason of the detention, seizure or destruction as the case may be, of any bees or apicultural material, at the time of importation, he shall, unless the bees or apicultural material, have been or, but for the destruction would have been forfeited in pursuance of this Act or any other enactment, be entitled to receive in respect of the damage, compensation in such amount, not exceeding in any particular importation the amount of fifty naira, as the Minister may authorise; and save as provided by this or the next succeeding subsection, compensation or damages for detention, seizure, destruction or treatment shall not otherwise be recoverable by action.

(2) Where a claim relates to the detention, seizure or destruction of bees or apicultural material under subsection (1) of this section, the claimant shall be entitled if he so desires, to have the question as to his interest in the bees or apicultural material, or the amount of compensation, determined by the High Court most convenient of access to the place where the detention, seizure or destruction was effected; and if compensation is awarded the amount thereof not exceeding the limit specified in subsection (1) of this section shall thereafter be paid to the person found entitled.

(3) In the application of this section, if treatment is directed it shall be carried out as directed by the court and the cost thereof shall be borne by the owner.

7. Interpretation

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

"apicultural material" includes any implement, or comb, used in connection with bees or beekeeping;

"bees" means honey-bees in any stage of their life cycle;

"comb" means a honeycomb designed for, or prepared, or used in a hive;

"disease or parasitic state" in relation to bees, include any insect, virus or thing whatsoever which is known or suspected as a source or as the carrier, as the case may be, of a form of disease or infection to which bees are or may be liable, and in respect of which immunity thereto has at the time of the infection not been built up by the bees themselves, or immunity has not been developed by outside sources;

"hive" includes any artificial container for a swarm of bees;

"inspector" includes an honorary inspector and any superior police officer;

"Minister" means the Minister for Agriculture;

"State" means a State of the Federation.

(2) Nothing in this Act shall be construed as derogating from any provisions made by or under any other enactment or law relating to the importation of commodities, so however that on the coming into operation of section 1 of this Act, any form of prohibition on the import of bees or apicultural material (however described in the prohibition) shall cease to have effect.

8. Short title

This Act may be cited as the Bees (Import Control and Management) Act.

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Import Control of Bees (Forms, etc.) Order.

IMPORT CONTROL OF BEES (FORMS ETC.) ORDER

[L.N. 45 of 1970.]

under section 3

[1st April, 1970]

[Commencement.]

1. Form of application, etc., for leave to import bees, etc.

(1) Every application under section I of the Act for a permit to import bees or apicultural material into Nigeria, shall be in the Form No. 1 in the Schedule to this Order and the application shall be accompanied by an undertaking by the applicant in the Form No.2 in that Schedule.

(2) If the application is approved, the permit to import shall be in the Form No.3 in the Schedule to this Order and have attached thereto one copy of the undertaking given by an applicant.

(3) A permit to import in the prescribed form purporting to be duly signed on behalf of the Minister by an officer of the Federal Ministry of Agriculture not below the rank of principal personnel officer, shall when produced by or on behalf of the holder to an officer of the Department of Customs and Excise, at the point of entry into Nigeria of the bees or apicultural material to which it relates, be accepted as sufficient authority to import

the bees or apicultural material referred to in the permit to import, without proof of signature unless the contrary appears.

(4) A permit to import shall, for the avoidance of doubt, be required for each consignment, whether of bees or of apicultural material.

2. Fees

The fee payable in respect of an application to import bees and apicultural material or either shall be four naira.

3. Short title

This Order may be cited as the Import Control of Bees (Forms, etc.) Order.

SCHEDULE

FORM 1 [Section 1 (1).]

Form of Application for a Permit to Import Bees or Apicultural Material

To: The Minister of Agriculture

- (1) Full names of applicant
- (2) Age
- (3) Nationality
- (4) Address at which notice may be served
- (5) State if experienced in bee-keeping - Yes/No
- (6) If the reply to (5) is "Yes" state how long have you been in beekeeping business
- (7) State with reasonable detail the purpose for which the bees are being imported.....
.....
- (8) Locality where the bees are to be kept
- (9) State name and address of the person to be in charge of the bees
-

*(10) If apicultural material is to be imported state where it is to be located after import

I hereby certify this to be true statement of the particulars set forth.

.....
Date

.....
signature of applicant

(FOR OFFICIAL USE ONLY)

* Application approved/rejected.

.....
.....

Date

for Minister of Agriculture

NOTE.-Apicultural material includes any implement or comb used in connection with bees or bee-keeping.

*Delete as appropriate.

FORM 2
[Section 1 (1).1]

**Form of Undertaking*

*(To be submitted in quadruplicate and accompany the application
for permit to import bees or apicultural material)*

In consideration of the approval of my application for a permit to import bees or apicultural material or both but not otherwise I.....

(full name of person)

of *(address)*

hereby undertake as follows

- (1) If the Minister of Agriculture so requires as to the bees and apicultural material intended to be imported shall at my expense in all things subject them to quarantine as directed by the Federal Department of Agricultural Research, Ibadan or, as the case may require, deliver them for treatment as likewise so directed.
- (2) That the hives for the bees will be located in a position on my premises approved by an inspector duly authorised by the Director of the Federal Department of Agricultural Research, Ibadan and nearest to my premises and to the best of my ability shall maintain the hives in that location.
- (3) That no unauthorised person shall have access to my apiary.
- (4) At all material times shall endeavour to prevent swarming or the spread of pests or diseases affecting bees and in all respects comply with the terms and conditions of the import permit.

.....
Date

.....
signature of applicant

*Only one of the four copies need be signed.

FORM 3
[Section 1 (2).]

**Form of Permit to Import Bees or Apicultural Material*

Non-transferable

This is to certify that

(Name of person)

.....

(Address)

is permitted to import into Nigeria-

*(A) Bees at any stage of their life cycle, subject to the following conditions that is to say-

- (i) the bees shall be effectively immunised as far as is practicable and protected from infection of disease and be properly packed; and
 - (ii) they shall be in approved containers, and the bees shall be dispatched to their destination in a safe conveyance.
- *(8) Apicultural material of the classes hereunder subject to the following conditions-
-
.....

(here state material permitted and conditions applicable)

Without prejudice to the terms of the undertaking given by the applicant under the Act, the following conditions shall apply to this permit:

This permit expires on 20

Fees paid.....

Date

for Minister of Agriculture

NOTE.- This permit may be withdrawn or suspended by the Minister at any time before effective use is made of it and the withdrawal or suspension shall be indicated in such manner as he may authorise or approve.

*To be prepared in quadruplicate and have attached a copy of the undertaking, the original signed undertaking being returned by the Minister of Agriculture:

- (1) Original to applicant.
- (2) Duplicate to Collector of Customs and Excise.
- (3) Triplicate to the Commissioner of Police, Lagos State.
- (4) Quadruplicate to be retained by Minister of Agriculture