

BEES (IMPORT CONTROL AND MANAGEMENT) DECREE 1970



ARRANGEMENT OF SECTIONS

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Decree No. 5

[Section 8 (2)]

Commence
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) Subject to the provisions of this Decree, 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 Decree.

Control of
importation
of bees and
apicultural
material.

(2) Where application in that behalf is made to the Federal Commissioner for Agriculture and Natural Resources (hereafter in this Decree referred to as "the Commissioner") on the prescribed form together with the appropriate fee, the Commissioner 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 Commissioner 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 infected or suspected of being so infected.

(4) A permit issued under this section shall not be transferable or assignable, but may, in such manner as the Commissioner may authorise or approve, be withdrawn or suspended, or after suspension be withdrawn, by the Commissioner or any person duly authorised by him in that behalf, so however that the withdrawal or the suspension of a permit under this subsection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made in pursuance of the permit, but any conditions attaching to the permit shall apply as if the permit had not been withdrawn or suspended.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 Decree ; or

(b) contravenes the conditions of a permit under this Decree ; or

(c) fails to comply with the terms of any undertaking given by him pursuant to this Decree,
shall be guilty of an offence.

Importation
of bees etc.
by a State.

2.—(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 Commissioner and to the Board of Customs and Excise 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 Decree, 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 Commissioner under this Decree that section 1 (3) of this Decree shall apply to the subject matter of the importation.

Power for
Commissioner to
order forms
etc.

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

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

4.—(1) Notwithstanding the provisions of any other enactment or Law, the Federal Executive Council 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 Commissioner to make regulations generally for the purposes of this Decree, 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 implementing 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 Commissioner thinks it necessary—

(a) in the general interest of the Federation, 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 Military Governor of that State to appoint an advisory committee to advise the Military 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 Commissioner or as the case may be the Military 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 Commissioner of the power to make regulations conferred upon him by this section, the Military 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 function, and other relevant matter not in any event inconsistent with this Decree, and if the Military 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 Commissioner 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 Commissioner under this section.

(4) Where in exercise of the powers conferred upon him by subsection (3) above an advisory committee is appointed in any State, the Military 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 Decree, for the purposes of providing necessary control and supervision of apiaries and, subject to any restrictions imposed by the Military 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 Decree.

(5) Regulations made for any of the purposes of this Decree, 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 £100 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) above 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.

Offences.

5.—(1) Any person guilty of an offence under this Decree shall be liable on conviction—

(a) in the case of a first offence, to a fine of not less than twenty pounds or more than fifty pounds; 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 fifty pounds or more than one hundred pounds, 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) above, 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 Board of Customs and Excise not below the rank of collector, or if after such entry and clearance, any inspector under this Decree has reasonable grounds to believe that an offence under this Decree 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; and bees or apicultural material, so seized or detained pursuant to this subsection may be destroyed or treated by order of the board aforesaid at the cost in all things of the importer or, as the case may require, the court convicting for an offence against this Decree may order the destruction or treatment as it thinks fit of the bees or apicultural material.

Compensation.

6.—(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 Decree 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 £25, as the Commissioner 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) above, 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) above, 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.

Interpre-
tion.

7.—(1) In this Decree unless the context otherwise requires—
“apicultural material” includes any implement, or comb, used in connection with bees or bee-keeping ;

“appointed day” has the meaning assigned by section 8 (2) of this Decree ;

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

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

“Commissioner” means the Federal Commissioner for Agriculture and Natural Resources ;

“disease or parasitic state” in relation to bees includes 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 ;

“State” means a State of the Federation.

(2) Nothing in this Decree shall be construed as derogating from any provision 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 Decree, any form of prohibition on the import of bees or apicultural material (however described in the prohibition) shall cease to have effect.

8.—(1) This Decree may be cited as the Bees (Import Control and Management) Decree 1970, and shall come into operation on the appointed day.

(2) This Decree shall apply throughout the Federation so however that the Commissioner may by notice published in the Federal Gazette appoint a day for the commencement of its application as foresaid, or appoint different days for its commencement in particular States, or for the commencement in the Federation or any State thereof of different provisions of this Decree.

Citation,
extent and
commence-
ment.

MADE at Lagos this 3rd day of February 1970.

MAJOR-GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*