

BEES (IMPORT CONTROL AND MANAGEMENT) DECREE 1970



ARRANGEMENT OF SECTIONS

Section

- | | |
|------------------------------------------------------------------|---------------------------------------|
| 1. Control of importation of bees and apicultural material. | 5. Offences. |
| 2. Importation of bees etc. by a State. | 6. Compensation. |
| 3. Power for Commissioner to order forms etc. | 7. Interpretation. |
| 4. Regulations for control of spread of disease etc. among bees. | 8. Citation, extent and commencement. |

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shall not be transferable or assignable, but may, in such manner as the Commissioner may authorise or approve, be withdrawn or suspended, or after suspension be withdrawn, by the Commissioner or any person duly authorised by him in that behalf, so however that the withdrawal or the suspension of a permit under this subsection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made in pursuance of the permit, but any conditions attaching to the permit shall apply as if the permit had not been withdrawn or suspended.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

Interpreta-
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*

THE NIGERIAN COUNCIL FOR SCIENCE AND TECHNOLOGY DECREE 1970



ARRANGEMENT OF SECTIONS

Section

- | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> 1. The Council. 2. Objectives. 3. Functions. 4. Composition. 5. Chairman and Secretary. 6. Alternate members. 7. Appointed members : general. 8. Temporary elections and appointments. | | <ol style="list-style-type: none"> 9. Proceedings of the Council, etc. 10. Steering Committee. 11. Other committees. 12. Annual report. 13. Repeal, etc. 14. Interpretation. 15. Citation, extent and commencement. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Decree No. 6

Commence-
ment.

[Section 15 (2)]

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

The
Council.

1. There is hereby established a body to be known as the Nigerian Council for Science and Technology.

Objectives.

2. The objectives of the Council shall be—

(a) to determine priorities for scientific activities in the Federation in relation to the economic and social policies of the country and its international commitments,

(b) to advise the Federal Military Government on a national science policy, including general planning and the assessment of the requisite financial resources,

(c) to ensure the application of the results of scientific activities to the development of agriculture, industry and social welfare in the Federation,

(d) to ensure co-operation and co-ordination between the various agencies involved in the machinery for making the national science policy, and

(e) to promote public confidence in scientific expenditure and an atmosphere conducive to scientific activities.

Functions.

3. The functions of the Council shall be—

(a) to consider and advise generally on all scientific activities, including—

(i) the application of the results of research,

(ii) the transfer of technology into agriculture and industry,

- (iii) scientific and technical manpower (actual and potential),
- (iv) scientific research (oriented and non-oriented) and technology,
- (v) science education, not only at the advanced level in respect of the quality and quantity of potential manpower training but also at lower levels in respect of general science education for the public, and
- (vi) scientific documentation, statistics, surveys and general information,
- (b) to advise on suitable organisational arrangements for planning, managing and co-ordinating scientific activities at various levels, including the setting up of new Research Councils,
- (c) to advise the Federal Military Government from time to time on the overall financial requirements for the implementation of the national science policy and on disbursements to the agencies concerned,
- (d) to review generally and advise on the programmes and budgets of the Research Councils and ensure that they are in harmony with national policies,
- (e) to carry out independently or in co-operation with any appropriate person, body of persons, agency or institution such surveys and investigations as the Council may consider necessary for its task,
- (f) to sponsor such national and international scientific conferences as it may consider appropriate,
- (g) to maintain relationships with corresponding scientific organizations in other countries, and
- (h) to undertake any other activities likely to assist in the attainment of its objectives.

4.—(1) The Council shall consist of—

- (a) eleven ex officio members, that is to say, the Permanent Secretaries of the Federal Ministries specified in subsection (2) below, and
- (b) twenty-four appointed members, that is to say, one member representing each State and twelve members jointly representing the fields of scientific knowledge specified in subsection (3) below.

(2) The Federal Ministries referred to in subsection (1) (a) above are the Federal Ministries of—

- (a) Agriculture and Natural Resources,
- (b) Communications,
- (c) Economic Development,
- (d) Education,
- (e) Finance,
- (f) Health,
- (g) Industries,
- (h) Mines and Power,
- (i) Trade,
- (j) Transport and Aviation, and
- (k) Works and Housing.

Composition.

(3) The fields of scientific knowledge referred to in subsection (1) (b) above are—

- (a) agricultural sciences,
- (b) experimental sciences (physical and chemical sciences, and mathematics),
- (c) industrial sciences, engineering and technology,
- (d) medical sciences,
- (e) environmental sciences (biosciences and geosciences), and
- (f) social sciences.

Chairman
and
Secretary.

5.—(1) The Chairman of the Council shall be elected by the Council from among its members, shall hold office, unless he previously ceases to be a member, for a period of two years and shall be eligible for re-election, so however that he shall not hold office for more than two such periods consecutively.

(2) There shall be a Secretary to the Council who shall be appointed by the Public Service Commission of the Federation.

Alternate
members.

6. With the approval of the appropriate authority—

(a) an ex officio member may appoint a public officer of his Ministry, and

(b) an appointed member representing a State may appoint a person recommended by the Military Governor or Administrator of the State, to be an alternate member; and, if during the subsistence of any such appointment the member who made the appointment is prevented by any reasonable cause from exercising any of his functions under this Decree (including the function of attending a meeting of the Council and being counted as part of the quorum), the function in question may be exercised by the alternate member whom he has appointed.

Appointed
members:
general.

7.—(1) The appointed members shall be appointed by the appropriate authority:

Provided that—

(a) every member representing a State shall be appointed on the recommendation of the Military Governor or Administrator of the State;

(b) before appointing a member to represent a field of scientific knowledge, the appropriate authority shall satisfy itself (by whatever means appear to it to be most suitable) that the person to be appointed is a scientist of eminence in the field in question.

(2) Subject to this Decree, appointed members shall hold office on such terms as the appropriate authority may determine.

(3) An appointed member, unless he previously resigns or is removed from office, shall hold office in the first instance for a period of three years from the date of appointment.

(4) An appointed member who has ceased to be a member may be re-appointed, either for a period of three years or for a shorter period.

(5) An appointed member may resign his office by a letter addressed to the appropriate authority, and his resignation shall have effect as from the date of the receipt of the letter by the appropriate authority.

(6) The appropriate authority may on the advice of the Council by a notification in writing addressed to any appointed member remove that member from his office without assigning any reason for the removal; and the removal shall take effect from the date on which that member receives the notification or from any later date specified in the notification.

8.—(1) The Council may elect one of its members to act in the place of the Chairman during a long absence or during the temporary incapacity from illness of the Chairman; and that member, while he is so acting, may exercise all the functions of the Chairman under this Decree.

Temporary elections and appointments.

(2) The appropriate authority may appoint any person to be a temporary member during a long absence or during the temporary incapacity from illness of any member; and that person, while the appointment subsists, may exercise all the functions of a member under this Decree.

9.—(1) Subject to this Decree, the Council may make standing orders regulating the proceedings of the Council and its committees.

Proceedings of the Council, etc.

(2) The quorum of the Council shall be fifteen and shall consist of six ex-officio members, six members representing the States and three members representing fields of scientific knowledge; and the quorum of any committee of the Council shall be determined by the Council.

(3) The validity of any proceedings of the Council or its committees shall not be affected—

(a) by any vacancy in the membership of the Council or any such committee, or

(b) by any defect in the appointment of any such member, or

(c) by reason of the fact that a person not entitled to do so took part in the proceedings.

(4) The Council shall meet not less than twice in each year and on such other occasions as may be necessary.

(5) The Secretary shall attend meetings of the Council but shall not be entitled to vote.

(6) The Chairman of each Research Council may attend meetings of the Council and participate in the proceedings but shall not be entitled to vote.

(7) The Council shall permit such advisers and observers as it thinks fit to attend meetings of the Council without voting rights.

10.—(1) The Council shall appoint a committee, to be known as the Steering Committee, to elaborate the general science plan and to co-ordinate the work of other committees of the Council.

Steering Committee.

(2) The Steering Committee—

(a) shall consist of the Chairman of the Council, the Secretary and six other members selected by the Council from among the appointed members representing fields of scientific knowledge, and

(b) may from time to time co-opt other persons (whether or not they are members of the Council) as additional members of the Committee.

(3) The Chairman of the Council shall be Chairman of the Steering Committee.

Other
committees.

11.—(1) The Council may from time to time appoint such working committees and such ad hoc and other committees as it thinks fit.

(2) A committee appointed under this section—

(a) shall consist in the first instance of a member of the Council appointed by the Council to be chairman of the committee, and of such other members of the Council (if any) as the Council thinks appropriate, and

(b) may co-opt any person (whether or not he is a member of the Council) as an additional member of the committee.

Annual
report.

12. The Council shall furnish to the appropriate authority as soon as may be after the end of each calendar year a report on the activities of the Council during that year.

Repeal, etc.
1966 No. 83.

13.—(1) The Nigerian Council for Scientific and Industrial Research Decree 1966 is hereby repealed, and the Council established by that Decree is hereby dissolved.

(2) All rights, assets, obligations and liabilities of the Council dissolved by subsection (1) above shall devolve upon the Federal Military Government.

Interpreta-
tion.

14. In this Decree, unless the context otherwise requires—

“the appropriate authority” means the Federal Executive Council ;

“the Chairman” means the Chairman of the Council ;

“the Council” means the Council established by this Decree ;

“exercise” includes performance ;

“functions” includes powers and duties ;

“member” means member of the Council ;

“Research Council” means any body declared by an enactment to be a Research Council for the purposes of this Decree ;

“the Secretary” means the Secretary to the Council ;

“State” means a State of the Federation.

Citation,
extent and
commence-
ment.

15.—(1) This Decree may be cited as the Nigerian Council for Science and Technology Decree 1970, and shall apply throughout the Federation.

(2) This Decree shall come into force on a date to be appointed by the Head of the Federal Military Government by order in the Federal Gazette.

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*

**CUSTOMS AND EXCISE MANAGEMENT (AMENDMENT)
DECREE 1970**



Decree No. 7

[3rd February 1970]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1. Section 3 of the Customs and Excise Management Act 1958 is hereby amended by the repeal of subsections (5) and (6) thereof and by the substitution for subsections (2), (3) and (4) of the following new subsections—

Amendment
of s. 3 of
1958 No. 55.

“(2) The Board shall consist of a Chairman, a Deputy Chairman and eight other members appointed by the Commissioner for Finance after consultation (in the case of the members to be appointed under subsection (4) (a) to (c) below) with the appropriate Ministry.

(3) The Chairman and the Deputy Chairman shall be appointed from amongst members of the public service of the Federation.

(4) Of the members other than the Chairman and the Deputy Chairman—

(a) one, who shall be a member of the public service of the Federation, shall be appointed from amongst persons having education or experience in industry or industrial economics in the Ministry of Economic Development ;

(b) one, who shall be a member of the public service of the Federation, shall be appointed from amongst persons having education or experience in industry or industrial economics in The Ministry of Industries ;

(c) one, who shall be a member of the public service of the Federation, shall be appointed from amongst persons having education or experience in international trade or international applied economics in the Ministry of Trade ;

(d) one shall be appointed from amongst members of the public service of the Federation holding office in the Ministry of Finance ; and

(e) four (one of whom shall be a legal practitioner) shall be appointed from amongst members of the public service of the Federation whose normal duties are solely concerned with the administration or execution of the customs and excise laws and shall be the persons for the time being holding or acting in the offices of—

(i) Head of the Technical Division,

(ii) Head of the Preventive Service Division,

(iii) Head of the Administrative Division, and

(iv) in the case of the member who is a legal practitioner, Legal Adviser to the Board of Customs and Excise."

Citation
and extent.

2. This Decree may be cited as the Customs and Excise Management (Amendment) Decree 1970 and shall apply throughout the Federation.

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*