

# EXPORT OF NIGERIAN PRODUCE ACT

## ARRANGEMENT OF SECTIONS

### SECTION

1. Short title and commencement.
2. Interpretation.
3. Power of Minister.
4. Duty of consultation.
5. Powers relating to grant of licences to export produce.
6. Prohibition of export of produce without licence.
7. Power of delegation.
8. Power to make regulations.
9. Transfer of assets and liabilities of Board.
10. Repeal.

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## EXPORT OF NIGERIAN PRODUCE ACT

**An Act to repeal the Nigerian Central Marketing Board Act and to make new provision for the export of Nigerian produce.**

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[See section

[Commencement. ]

### **1. Short title and commencement**

This Act may be cited as the Export of Nigerian Produce Act, and shall come into force on a date (in this Act referred to as the appointed day) to be appointed by the President by notice in the Federal Gazette.

### **2. Interpretation**

In this Act, unless the context otherwise requires-

**"Board"** means the Nigerian Central Marketing Board, constituted under the provisions of the Nigerian Central Marketing Board Act;

**"Commodity Board"** means any commodity board established by each State of the Federation;

**"Company"** means the Nigerian Produce Marketing Company Limited, a private company of that name registered or to be registered under the provisions of the Companies and Allied Matters Act;

[Cap. C20.]

**"export"** with its grammatical variations and cognate expressions, means to take or cause to be taken out of Nigeria;

**"local processing"** means any process or operation which has the effect of altering the character, nature or composition of any produce subject to a State marketing law from the State in which such produce would customarily be offered for sale for export;

**"Minister"** means the Minister charged with responsibility for matters relating to external trade;

**"produce"** includes produce subject to State marketing law and any produce derived from such produce by local processing;

**"produce subject to a State marketing law"** means produce of a kind which any State marketing board is by a State marketing law empowered to purchase for export;

**"product derived by local processing"** means any product derived by local processing of any produce subject to a commodity board for processing in Nigeria;

**"purchase"** with its grammatical variations and cognate expressions, includes exchange or barter and any agreement or contract to purchase, exchange or barter;

**"State marketing law"** means any law establishing a commodity board in each State of the Federation.

### **3. Power of Minister**

The Minister shall have power-

- (a) to prescribe grades and standards of quality for produce purchased by the commodity boards for export;
- (b) in his discretion, but after such consultation as is prescribed by subsection (2) of section 4 of this Act, to grant, withhold or cancel licences-
  - (i) to acquire, subject to the provisions of any State marketing law, any produce for export; or
  - (ii) to export any produce for export; and
- (c) to require any holder of a licence for the export of produce and any commodity board and the servants or agents of any such holder or board, to furnish him with such statistics, estimates, returns or other information relating to produce as in his opinion are necessary for the discharge of his functions under this Act.

### **4. Duty of consultation**

(1) Before exercising the powers conferred on him by paragraph (a) of section 3 of this Act, the Minister shall consult with, and obtain the advice of the Company, the Produce Inspection Board and the commodity boards.

(2) Before exercising any of the powers conferred on him by paragraphs (b) and (c) of section 3 of this Act, and as often as he shall deem necessary thereafter, the Minister shall consult with the State Government from which produce with respect to which the power is to be exercised is derived, as to the general principles on which the Minister is to act in the exercise of the said powers.

## **5. Powers relating to grant of licences to export produce**

It shall be lawful for the Minister-

(a) to grant to the Company an exclusive licence to acquire from a commodity board for export and to export any kind of produce purchased by such commodity board, other than produce derived by local processing;

(b) to attach to a licence or export produce such conditions as he may think fit, and in particular to specify the territory or territories to which the licence shall authorise produce to be exported.

## **6. Prohibition of export of produce without licence**

(1) From and after the appointed day, no person shall export any produce except under and in accordance with the terms of a licence granted by the Minister.

(2) Any person who contravenes or attempts to contravene the provisions of subsection (1) of this section, shall be liable on conviction to a fine of ₦1, 000 or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(3) Where an offence mentioned in subsection (2) of this section is committed by a body corporate and such offence has been committed on the direction of or with the consent or approval of any director, manager, secretary or other officer of such body corporate, that individual, as well as such body corporate, shall be guilty of that offence and may be proceeded against and, if convicted, be punished accordingly.

## **7. Power of delegation**

(1) The Minister may designate any of the following officers by name or office, subject to such conditions, exceptions and qualifications as the Minister may prescribe, to sign any licence or other document issued in exercise of the powers conferred upon the Minister by section 3 of this Act-

(a) the Permanent Secretary having supervision over the departments of government which are under the control of the Minister;

(b) any officer who comes directly under the authority of such Permanent Secretary; or

(c) any officer of any such departments of government.

(2) Any delegation made under the provisions of subsection (1) of this section shall be revocable at will and no delegation shall prevent the exercise of any power by the Minister.

## **8. Power to make regulations**

The Minister may make regulations prescribing-

(a) the form of application for a licence to acquire or export produce;

(b) the form of a licence to acquire or export produce;

(c) the statistics, estimates, returns or other information to be furnished to him in accordance with paragraph

(c) of section 3 of this section; and

(d) any other matter which is by this Act required to be prescribed.

## 9. Transfer of assets and liabilities of Board

(1) Upon the appointed day all the assets and liabilities of the Board, wherever situate, other than the assets referred to in subsection (2) of this section, shall be transferred to and shall vest in the Company by virtue of this section and without further assurance.

(2) Any records or other assets maintained or acquired by the Board for purposes which shall hereafter be the responsibility of the Minister under the provisions of this Act, shall be transferred to and vest in the Federal Government by virtue of this section and without further assurance.

(3) All deeds, bonds, instruments and contracts subsisting immediately before the appointed day to which the Board is a party, shall be as of full force and effect against or in favour of the Company, and enforceable as fully and effectually as if, instead of the Board, the Company had been party thereto.

## 10. Repeal

(1) The Nigerian Central Marketing Board Act is repealed with effect from the appointed day, with the exception of Part VII thereof and the Fourth Schedule thereto (in this Act referred to as the winding-up provisions).

[1955 No. 1.]

(2) When a notice has been published in the Federal Gazette in accordance with section 16 of the said Fourth Schedule in respect of each of the old boards therein referred to, the winding-up provisions shall be repealed.

## EXPORT OF NIGERIAN PRODUCE ACT

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