

FEDERAL PRODUCE INSPECTION REGULATIONS, 1961

ARRANGEMENT OF SECTIONS

Section

1. Citation and application.

PART I—REGULATIONS APPLICABLE TO LAGOS ONLY

2. Definitions.
3. Exemption.
4. Responsibility for inspection.
5. Times of inspection and provision of materials, etc.
6. Powers to refuse inspection for export.

RE-INSPECTION OF PRODUCE

7. Re-inspection.
8. Fees for re-inspection.

PROVISIONS FOR OVERTIME WORK

9. Working hours.
10. Overtime.
11. Fees for overtime.
12. Power to sue for fees.

REGISTRATION OF PRODUCE STORES

13. Application for registration.
14. Certificate to be displayed.
15. Cancellation of certificates.
16. Return of cancelled certificates.
17. Annual cleaning of stores compulsory.
18. Reissue of certificate.
19. Restriction on use of stores.
20. Access to stores.
21. Produce to be passed and stored at registered produce store.
22. Power to order removal of produce.

PRODUCE REGISTERS

23. Registers.

GENERAL PROVISIONS

24. Precautions against fire.
25. Storekeeper's duty in relation to seized produce.
26. Protection from water of produce in transit.
27. Provision of water-proof covering for motor vehicles.
28. Protection of passed produce.

LICENSING OF STOREKEEPER

29. Licensing authority.
30. Application for licence.
31. Issue of licences.
32. Licences to be free.
33. Validity of licences.
34. Period of validity.
35. Conditions of licence holder.
36. Transfer of licence.
37. Return of licence.
38. Death of storekeeper.
39. Purchase of produce at registered produce store.

PART II—REGULATIONS APPLICABLE TO ALL PORTS OF SHIPMENT

40. Definitions.
41. Exemption.
42. Responsibility for final check-testing.

PROVISIONS FOR OVERTIME WORK

43. Working hours.
44. Overtime.
45. Fees for overtime.

PRODUCE REGISTERS

46. Registers.

GENERAL PROVISIONS

47. Restriction on export.
48. Restriction on export by special permit.
49. Protection from water of produce in transit.
50. Provision of water-proof covering for motor vehicles.
51. Revocation.

SCHEDULES

FIRST SCHEDULE.—Certificate of registration of a registered produce store.

SECOND SCHEDULE.—Registers.

THIRD SCHEDULE.—Application for a licence to buy and/or store produce upon the premises of a registered produce store or stores.

FOURTH SCHEDULE.—Licence to buy and/or store produce upon the premises of a registered produce store or stores.

L.N. 63 of 1961

**PRODUCE (ENFORCEMENT OF EXPORT STANDARDS)
ORDINANCE, 1959
(No. 21 of 1959)**

Federal Produce Inspection Regulations, 1961

Commencement : 1st January, 1961

In exercise of the powers conferred upon him by subsections (1) and (3) of section 7 of the Produce (Enforcement of Export Standards) Ordinance, 1959, the Federal Ministry of Commerce and Industry has made the following regulations :—

1. (1) These regulations may be cited as the Federal Produce Inspection Regulations, 1961.

Citation
and applica-
tion.

(2) Part I of these regulations shall apply to Lagos only and Part II thereof shall apply to all ports of shipment throughout the Federation.

PART I—REGULATIONS APPLICABLE TO LAGOS ONLY

2. In this Part of these regulations, unless the context otherwise requires—
“assistant produce officer” means an officer of that rank in the Produce Inspection Service of the Western Region ;

Definitions.

“export merchant” means a person or firm exporting produce to which the Ordinance applies on his own behalf ;

“inspector” means a produce inspector of the Produce Inspection Service of the Western Region ;

“produce” means produce to which the Ordinance applies ;

“produce officer” means any officer of the Produce Inspection Service of the Western Region of or above the rank of produce officer or pest infestation control officer ;

“register” means a produce register provided in accordance with regulation 23 ;

“registered produce store” means premises that have been registered under the provisions of regulation 13 ;

“store-keeper” means the holder of a valid licence issued under the provisions of regulation 30 ;

“the Ordinance” means the Produce (Enforcement of Export Standards) Ordinance, 1959.

No. 21 of
1959.

3. Produce to which these regulations apply brought into Lagos from any place outside Nigeria for subsequent export, shall not be deemed to be produce exported or shipped or intended for export, within the meaning of this Part.

Exemption.

4. The inspection and passing of produce for export in Lagos may, subject to the provisions of the Ordinance, be carried out by the Produce Inspection Service of the Government of the Western Region.

Responsi-
bility for
inspection

5. (1) For the convenience of export merchant or licensed buying agent, times will be appointed, at the discretion of the produce officer concerned, during which produce inspectors shall attend at registered produce stores to inspect or re-inspect produce.

Times of
inspection
and
provision of
materials, etc.

(2) Where such arrangements are made the export merchant or licensed buying agent shall provide, and maintain in good condition, at his own expense, scales and weights, triers, tarpaulins, trays, measures, sieves and all other apparatus necessary for the inspection, grading and passing of produce for export, together with an adequate supply of sound containers.

Powers to
refuse
inspection
for export.

6. Where any export merchant or licensed buying agent fails to comply with the provisions of regulation 5, a produce officer may refuse to inspect or pass produce for export at the registered produce store concerned, provided that as soon as the export merchant or licensed buying agent complies with the said regulation, the produce officer shall thereupon allow the inspection and passing of produce at that registered produce store.

RE-INSPECTION OF PRODUCE

Re-
inspection.

7. Any export merchant or licensed buying agent may apply in writing to a produce officer for any produce which has already been inspected and passed for export to be re-inspected, and a produce officer or assistant produce officer may permit such re-inspection.

Fees for re-
inspection.

8. (1) A fee of two shillings per hour or part thereof shall be charged for the services of each produce inspector in respect of re-inspection of produce already inspected and passed for export.

(2) In this regulation the word "hour" means sixty consecutive minutes or, when separate inspections are made in one day, sixty minutes in the aggregate during the course of any one day.

PROVISIONS FOR OVERTIME WORK

Working
hours.

9. All days except Sundays and Public Holidays shall be working days for assistant produce officers and produce inspectors, and shall consist of five hours on Saturdays and seven and a half hours on other working days :

Provided that a produce officer may alter the working days or fix the limits of the periods constituting the working days, and provided further that such working hours shall not, subject to the provisions of regulation 11 exceed forty-two and a half hours per working week.

Overtime.

10. (1) No overtime work shall be done except with the permission of a produce officer or assistant produce officer.

(2) Permits may be granted, on written application to a produce officer or assistant produce officer, to allow work on Sundays and Public Holidays and before or after working hours on any working day.

Fees for
overtime.

11. (1) When overtime is done at the request of an export merchant or licensed buying agent on a Sunday or public holiday or at a time other than during the working hours fixed in accordance with the provisions of regulation 10, the export merchant or licensed buying agent shall pay the following fees for the services of officers required to do the overtime—

<i>Rank of Officer</i>	<i>For every hour or part thereof</i>	
	s	d
Assistant Produce Officer, Grade I	7	11
Assistant Produce Officer, Grade II	5	10
Produce Inspector, Grade I	4	4
Produce Inspectors, Grades II and III	2	10

(2) Any person requiring the services of an officer as in paragraph (1) of this regulation shall, in addition to the fees paid for the services of such officer, pay fees for such disciplinary visits at the rates set out in paragraph (1) as may be necessary to supervise the work of such officers, provided that disciplinary visits on account of more than one firm during the same period of time shall be paid by each firm *pro-rata*.

(3) In this regulation, for the purpose of computing overtime fees, "hour" means sixty consecutive minutes or, when separate inspections are made in one day, sixty minutes in the aggregate during the course of any one day.

(4) The Head of the Produce Inspection Service may authorise to be paid to officers in respect of overtime services, such sums as he may determine, in each case, not less than one half of the sums prescribed in paragraph (1) of this regulation.

12. Any fees due under the provisions of paragraph (1) of regulation 11 may be recovered as a civil debt by the Head of the Produce Inspection Service.

Power to
sue for fees.

REGISTRATION OF PRODUCE STORES

13. (1) Any export produce merchant or licensed buying agent may apply in writing to a produce officer to register any specified building and premises within the Federal Territory of Lagos as a registered produce store.

Application
for
registration.

(2) As soon as may be convenient after the receipt of such written application the produce officer shall inspect such building and premises.

(3) (i) If the produce officer upon inspection finds such building to be rainproof, well ventilated, well floored, clean, adequately supplied with suitable dunnage, free from undue insect and rodent infestation and from normal risk of flooding by surface water, and suitable in all other respects for the inspection, passing and storage of produce; and

(ii) considers that the registration of such building and premises is necessary having regard to—

(a) the volume of produce which may be expected to be presented for inspection or grading in Lagos, or

(b) the volume of produce which may be required to be stored in Lagos at any one time,

he shall register such building and premises as a registered produce store for the inspection and storage of produce or of any class of produce and shall issue, without fee or charge, a Certificate of Registration in the form prescribed in the First Schedule.

First
Schedule.
Certificate
to be
displayed.

14. The storekeeper shall ensure that the Certificate of Registration is prominently and permanently displayed in the registered produce store to which it relates.

15. Where a produce officer considers that a registered produce store is no longer suitable for the inspection, passing and storage of produce, he shall give notice in writing to the export produce merchant or licensed buying agent thereof, setting out the defects of such building or premises and after thirty days from the date of such notice, if the defects have not been remedied, the produce officer may cancel the Certificate of Registration of such registered produce store forthwith and thereupon the building and premises shall cease to be a registered produce store.

Cancellation
of
certificates.

Return of
cancelled
certificates.

16. (1) If a Certificate of Registration is cancelled under either regulation 15 or regulation 17, the export merchant or licensed buying agent who applied therefore shall within seven days from the date of cancellation thereof deliver up such certificate to the produce officer in charge of the area in which the registered produce store concerned is situated.

(2) If an export merchant or licensed buying agent ceases to operate at a registered produce store for any reason other than the cancellation under regulation 15 or regulation 17 of the Certificate of Registration relating thereto such export merchant or licensed buying agent shall within seven days deliver up such certificate to the produce officer in charge of the area in which such registered produce store is situated, for cancellation, and upon such cancellation the building and premises to which it relates shall cease to be a registered produce store.

(3) Any person who contravenes or fails to comply with any of the provisions of this regulation shall be liable on summary conviction to a fine of ten pounds.

(4) Where a produce officer finds that the provisions of paragraph (2) of this regulation have not been complied with he may cancel the Certificate of Registration in respect of the registered produce store concerned.

Annual
cleaning of
stores
compulsory.

17. At least once in each year the ceilings, internal frame work, walls, floors and dunnage of every registered produce store shall be thoroughly cleaned to the satisfaction of a produce officer. White-wash or such other materials as a produce officer may approve shall then be applied as he may consider necessary. If such work is not carried out a produce officer may cancel the Certificate of Registration as provided in regulation 15. Upon such cancellation the building and premises shall cease to be a registered produce store.

Re-issue of
Certificate.

18. Upon the cancellation of a Certificate of Registration no new Certificate of Registration shall be issued in respect of the same building and premises until a produce officer considers such to be justified having regard to the provisions of regulations 13 and 17.

Restriction
on use of
stores.

19. (1) Except with the permission of a produce officer or assistant produce officer, no registered produce store shall be used for any purpose other than those connected with the sale, purchase, inspection, passing, grading and storage of produce for export.

(2) In every registered produce store such materials as a produce officer or assistant produce officer may consider necessary for the elimination or control of insect pests and rodents shall be provided by the export produce merchant or licensed buying agent thereof and shall be used by the storekeeper in such manner and at such times as a produce officer or assistant produce officer may direct.

(3) In every registered produce store the storekeeper shall take all such steps as are necessary to prevent livestock from entering such store, and failure to do so shall constitute an offence. In the event of any graded produce or its containers becoming defiled or contaminated by livestock in such store, a produce officer may order that the produce be cleaned or placed in different containers.

(4) Any person who contravenes or fails to comply with any of the provisions of this regulation shall be liable on summary conviction to a fine of fifty pounds or imprisonment for six months or to both such fine and imprisonment.

20. (1) Where any building and premises have been registered as a registered produce store, the storekeeper shall ensure that access and entry into any part of such store is readily available to authorised persons at any time during the working hours fixed for Lagos in accordance with the provisions of regulation 9, including any hours of overtime permitted under regulation 10, and failure to do so shall constitute an offence ;

Access to stores.

Provided that the provision of this regulation shall not apply to a storekeeper who has given notice in writing to the produce officer in charge of Lagos of his intended absence.

(2) Any person who contravenes or fails to comply with any of the provisions of this regulation shall be liable on summary conviction to a fine of twenty-five pounds or imprisonment for two months or to both such fine and imprisonment.

21. (1) No produce inspector shall pass or grade for export any produce except upon the premises of a registered produce store, registered for the inspection and storage of that class of produce and no person shall store in any premises except those of a registered produce store, registered for the inspection and storage of that class of produce any produce which has been inspected, passed and sealed for export.

Produce to be passed and stored at registered produce store.

(2) Any person who contravenes or fails to comply with any of the provisions of this Regulation except as provided in regulation 22, shall be liable on summary conviction to a fine of one hundred pounds or imprisonment for six months or to both such fine and imprisonment.

22. Notwithstanding the provisions of regulation 21, a produce officer may order that any produce shall be removed from a registered produce store if he considers it desirable on account of accident, fire, contamination or insect infestation, and such removal shall be carried out by and at the expense of the export produce merchant or licensed buying agent thereof.

Power to order removal of produce.

PRODUCE REGISTERS

23. (1) Every export merchant or licensed buying agent shall provide and every storekeeper shall maintain, in respect of the registered produce store concerned, registers in the forms prescribed in the Second Schedule, or as near thereto as circumstances permit in such manner as a produce officer may approve in writing. Such register shall be kept in the registered produce store to which it relates in the custody of the storekeeper who shall produce the same for inspection upon demand made by a produce officer, assistant produce officer or produce inspector during working hours, including any hours of working permitted in accordance with the provisions of regulation 10.

Registers.

Second Schedule.

(2) The storekeeper shall cause all of the pages of each register to be numbered consecutively, with no omissions by the use of legible markings, made with ink.

(3) The storekeeper shall make or cause to be made the appropriate entries in each register in regard to each transaction on the same day as the transaction takes place, whether it be a transaction connected with the receipt of produce already inspected, passed and sealed for export, or with the despatch of such produce or with the inspection, passing and sealing of such produce upon the premises of the registered produce store concerned. All responsibility in connection with every entry required to be made in accordance with this paragraph shall lie upon the storekeeper.

(4) Where an entry in the register has been made in accordance with paragraph (3) of this regulation in connection with the inspection and passing of produce upon the premises of a registered produce store, the produce inspector who inspected and passed such produce shall on the same day inspect the entry. If the entry is inaccurate he shall require the storekeeper or person duly authorised by him in that behalf to cancel such inaccurate entry and to insert a correct entry. The produce inspector shall at once sign a correct entry and shall at once enter in the register the figures showing the result of the test on each parcel of produce inspected and passed by him. The storekeeper or any person duly authorised by him in the behalf shall thereupon sign the entries in the register.

(5) A storekeeper or produce inspector who—

(a) neglects to make or cause to be made an entry in the register as required under the provisions of this regulation, or

(b) makes or causes to be made a false entry therein, or

(c) renders illegible or mutilates, or causes to be rendered illegible or mutilated any entry therein,

shall be guilty of an offence.

(6) Where a storekeeper has authorised any person to sign on his behalf the register in which an entry has been made in accordance with provisions of this regulation the responsibility for any such entry shall be *prima facie*, that of such storekeeper.

(7) A storekeeper shall not authorise a produce inspector to sign the register on his behalf.

(8) (i) In any prosecution for an offence under this regulation the onus of proving that the defendant has not—

(a) neglected to make or cause to be made an entry in the register, or

(b) made or caused to be made a false entry therein, or

(c) rendered illegible or mutilated or caused to be rendered illegible or mutilated any entry therein,

shall lie upon the defendant.

(ii) When a storekeeper ceases to operate at a registered produce store he shall within seven days deliver all registers which have been in use in respect of that store to the produce officer in charge of Lagos for examination and retention by the produce officer, but at any reasonable time thereafter the export produce merchant or licensed buying agent shall be entitled to examination of any such register in the custody of the produce officer.

(9) Any person who contravenes or fails to comply with any of the provisions of this regulation shall be liable on summary conviction to a fine of one hundred pounds or imprisonment for six months or to both such fine and imprisonment.

GENERAL PROVISIONS

Precautions
against fire.

24. (1) No person shall light a fire in such a place or in such manner as to endanger a registered produce store or its contents, or permit the entry of smoke into such registered store, provided that this regulation shall not preclude the use of devices for pest control which are used with the approval of a produce officer or assistant produce officer.

(2) Any person who contravenes or fails to comply with any of the provisions of this regulation shall be liable on summary conviction to a fine of twenty-five pounds or imprisonment for two months or to both such fine and imprisonment.

25. (1) Where any produce has been seized and detained under the provisions of section 13 (1) (d) of the Ordinance upon the premises of registered produce store, the storekeeper shall take adequate precautions to prevent any person from acting contrary to the provisions of paragraphs (c), (d) and (e) of subsection (1) of section 16 of the Ordinance.

Store-keeper's duty in relation to seized produce.

(2) Any person who contravenes or fails to comply with any of the provisions of this regulation shall be liable on summary conviction to a fine of fifty pounds or imprisonment for six months or to both such fine and imprisonment.

26. (1) The person in charge of any boat, lighter or canoe used for the transport of bagged produce shall ensure that such vessel is fitted with adequate and suitable dunnage so as to prevent the contact of such produce with any water in such vessel, and that adequate waterproof covering is available and, where necessary, is used to protect such produce from any water that may enter such vessel.

Protection from water of produce in transit.

(2) Any person who contravenes any of the provisions of this regulation shall be liable on summary conviction to a fine of fifty pounds or imprisonment for six months or to both such fine and imprisonment.

27. (1) The driver of a motor vehicle used for the transport of bagged produce shall ensure that adequate waterproof covering is available and, where necessary, is used, and that all reasonable precautions are taken to keep such produce dry.

Provision of waterproof covering for motor vehicles.

(2) Any person who contravenes or fails to comply with any of the provisions of this regulation shall be liable on summary conviction to a fine of fifty pounds or imprisonment for six months or to both such fine and imprisonment.

28. (1) Any person in charge of any produce which has been inspected, passed and sealed for export, whether such produce is in store or in transit, who fails at any time to take adequate and effective precautions to protect such produce from contact with water or any other substance which may have a deleterious effect on such produce or its containers shall be guilty of an offence.

Protection of passed produce.

(2) When any such produce has become damaged as a result of an accident to a vehicle, canoe, boat, lighter or store as a result of means beyond the control of the person in charge of such produce, such person shall within twenty-four hours report such damage to a produce officer, and if he fails to do so without reasonable excuse, proof of which shall lie upon him, he shall be guilty of an offence.

(3) For the purpose of this regulation the person in charge of such produce shall be deemed to be—

- (a) in the case of a registered produce store, the storekeeper thereof;
- (b) in the case of a vehicle, the driver thereof; and
- (c) in the case of a canoe, boat or lighter the person having the control thereof.

(4) In any prosecution under paragraph (1) of this regulation, the onus of proving that adequate and effective precautions have been taken, shall lie upon the defendant.

(5) Any person who contravenes or fails to comply with any of the provisions of this regulation shall be liable on summary conviction to a fine of one hundred pounds or imprisonment for six months or to both such fine and imprisonment.

LICENSING OF STOREKEEPER

Licensing
authority.

29. (1) The licensing authority for the issue of licences in Lagos shall be the produce officer in charge of Lagos.

(2) In the event of such produce officer being absent on account of ill-health or other cause whatsoever a principal produce officer or a senior produce officer may exercise the powers of the licensing authority during the absence of such produce officer.

Application
for licence.

30. An export produce merchant or licensed buying agent may make application to a licensing authority in respect of any person whom he may desire to be licensed as the storekeeper in respect of any registered produce store, and such application shall be made in the form prescribed in the Third Schedule.

Third
Schedule.

Issue of
licences.

31. The licensing authority, if satisfied that the application is made in respect of a person genuinely intended to fulfil the normal functions of a storekeeper on behalf of the applicant and if satisfied as to the suitability of the person in respect of whom application is made, shall issue a licence to the person and such licence shall be in the form prescribed in the Fourth Schedule. The holder of such licence shall thereupon be the storekeeper of the registered produce store or stores to which the licence relates.

Fourth
Schedule.

Licences
to be free.

32. No fee or charge shall be payable in connection with the issue of any licence issued in accordance with the provisions of this Part.

Validity of
licences.

33. A licence shall not be valid until the storekeeper has signed it with his usual signature or, if he is illiterate, until he has affixed a clear impression of his right thumb in the space provided and such signature or thumb impression has been duly witnessed as provided in the licence.

Period of
validity.

34. A licence shall be valid for a period not exceeding twelve calendar months and shall in any case expire on the last day of June next following the date upon which it came into force :

Provided that the licensing authority may extend the period of validity of a licence for a period not exceeding six months by endorsement upon the licence.

Conditions
of licence
holder.

35. (1) No person shall be in possession at one time of more than one valid licence issued under the provisions of this Part and not more than one person shall be licensed at one time in respect of any one registered produce store.

(2) Any person who contravenes any of the provisions of this regulation shall be liable on summary conviction to a fine of twenty-five pounds or imprisonment for two months or to both such fine and imprisonment.

Transfer of
licence.

36. A storekeeper who is directed by the export produce merchant or licensed buying agent to transfer his activities to another registered produce store in Lagos shall forthwith produce the licence to the licensing authority who shall endorse the licence accordingly and return it to the storekeeper.

Return of
licence.

37. (1) A storekeeper who is directed by the export produce merchant or licensed buying agent to transfer his activities to another registered produce store in an area outside Lagos or who ceases to operate as such for the export merchant or licensed buying agent who applied for the issue of his licence shall return immediately any valid licence that he may hold to the licensing authority for Lagos, whereupon the licensing authority shall forthwith cancel the licence.

(2) Upon the death of a storekeeper or when for any reason he ceases to operate as such, the export merchant or licensed buying agent shall notify the fact to the licensing authority for Lagos.

(3) Any person who contravenes or fails to comply with any of the provisions of this regulation shall be liable on summary conviction to a fine of twenty-five pounds or imprisonment for two months or to both such fine and imprisonment.

38. On the death of a storekeeper the licensing authority shall cancel the licence which was held by the storekeeper.

39. (1) No person other than a storekeeper shall buy produce upon the premises of a registered produce store, and the transactions of such storekeeper shall be limited to the purchase of produce on behalf of and for delivery to the export merchant or licensed buying agent who made application as provided in regulation 30 in respect of the storekeeper.

(2) Any person who contravenes or fails to comply with any of the provisions of this regulation shall be liable on summary conviction to a fine of one hundred pounds or imprisonment for six months or to both such fine and imprisonment.

(3) Notwithstanding the provisions of paragraph (1) of this regulation, the produce officer, may, subject to the consent of the parties concerned, permit the passing for export of produce on behalf of one export merchant or licensed buying agent at the registered produce store of another export merchant or licensed buying agent, provided that in every case written application is made to the produce officer by the export merchant or licensed buying agent on whose behalf the passing of produce for export is intended.

(4) The produce officer may make such arrangements as are necessary to ensure the correct marking of the containers of produce with the mark of the export merchant or licensed buying agent on whose behalf the produce is being passed for export.

PART II—REGULATIONS APPLICABLE TO ALL PORTS OF SHIPMENT

40. In this Part of the regulations, unless the context otherwise requires :—

“assistant produce officer” means an officer of that rank in the Produce Inspection Service of the Federation ;

“chief produce inspector” means an officer of that rank in the Produce Inspection Service of the Federation ;

“export merchant” means a person or firm who exports produce to which the Ordinance applies either on his own behalf or on behalf of a Marketing Board ;

“inspector” means a produce inspector of the Produce Inspection Service of the Federation ;

“produce” means produce to which the Ordinance applies ;

“produce officer” means an officer of the Produce Inspection Service of the Federation of or above the rank of produce officer ;

“registered produce store” means premises that have been registered by a produce officer of a Regional Produce Inspection Service under any written law ;

“senior produce inspector” means an officer of that rank in the Produce Inspection Service of the Federation ;

“storekeeper” means a holder of a valid licence issued by a produce officer of a Regional Produce Inspection Service under any written law ;

“the Ordinance” means the Produce (Enforcement of Export Standards) Ordinance, 1959.

Death of storekeeper.

Purchase of produce at registered produce store.

Definitions.

No. 21 of 1959.

Exemption.

41. Produce to which these regulations apply brought into ports of shipment from any place outside Nigeria for subsequent export, shall be deemed to be produce not exported or shipped or intended for export, within the meaning of this Part.

Responsibility for final check-testing.

42. The final check-testing and passing of produce for export at the ports of shipment of produce shall be carried out by the Produce Inspection Service of the Government of the Federation of Nigeria immediately before shipment.

PROVISIONS FOR OVERTIME WORK

Working hours.

43. All days, except Sundays and Public Holidays, shall be working days for assistant produce officers and produce inspectors and shall consist of five hours on Saturdays and seven and a half hours on other working days :

Provided that a produce officer may alter the working days or fix the limits of the periods constituting the working days, for any port of shipment, and provided further that such working hours shall not, subject to the provisions of regulation 44, exceed forty-two and a half hours per working week.

Overtime.

44. (1) No overtime work shall be done except with the permission of a produce officer, assistant produce officer, chief produce inspector or senior produce inspector.

(2) Permits may be granted, on written application to a produce officer, assistant produce officer, chief produce inspector or senior produce inspector to allow work on Sundays and Public Holidays and before or after working hours on any working day.

Fees for overtime.

45. (1) When overtime is done at the request of an export merchant on a Sunday or Public Holiday or at a time other than during the working hours fixed in accordance with the provision of Regulation 44, the export merchant shall pay the following fees for the services of officers required to do the overtime :

<i>Rank of Officer</i>				<i>For every hour or part thereof</i>	
				s	d
Assistant Produce Officer	..	..	..	7	11
Chief Produce Inspector	..	..	..	7	11
Senior Produce Inspector	..	..	..	5	10
Produce Inspector, Grade I	..	..	..	4	4
Produce Inspectors, Grades II and III	..	..	..	2	10

Provided that no fees shall be charged in respect of overtime for which the Nigerian Produce Marketing Company Limited reimburses the Federal Government.

(2) Any person requiring the services of an officer as in paragraph (1) of this Regulation shall, in addition to the fees paid for the services of such officer pay fees for such disciplinary visits at the rates set out in paragraph (1) as may be necessary to supervise the work of such officers, provided the disciplinary visits of more than one firm during the same period of time shall be paid for by each firm *pro rata*.

(3) In this regulation, for the purpose of computing overtime fees, "hour" means sixty consecutive minutes or, when separate inspections are made in one day, sixty minutes in the aggregate during the course of any one day.

(4) The Head of the Produce Inspection Service of the Federation of Nigeria may authorise to be paid to officers in respect of overtime services such fees as he may determine.

PRODUCE REGISTERS

46. (1) Every export merchant or licensed buying agent shall provide, and every storekeeper shall maintain, in respect of the registered produce store concerned, registers in the forms prescribed in the Second Schedule or as near thereto as circumstances permit in such a manner as a produce officer may approve in writing. Such registers shall be kept in the registered produce store to which they relate in the custody of the storekeeper who shall produce them for inspection upon demand made by a produce officer, assistant produce officer, chief produce inspector, senior produce inspector or produce inspector during his working hours, including any working hours permitted in accordance with the provision of regulation 44.

Registers.

Second
Schedule.

(2) The storekeeper shall cause all the pages of each register to be numbered consecutively, with no omissions, by the use of legible markings made with ink.

(3) The storekeeper shall make or cause to be made the appropriate entries in each register in regard to each shipment on the same day as the shipment takes place. All responsibility in connection with every entry required to be made in accordance with this paragraph shall lie upon the storekeeper.

(4) Where an entry in the register has been made in accordance with paragraph (3) of this Regulation in connection with the checktesting and passing of produce for shipment, the produce inspector who checktested and passed such produce shall, on the same day inspect the entry. If the entry is inaccurate he shall require the storekeeper or person duly authorised by the storekeeper in that behalf to cancel such inaccurate entry and to insert a correct entry. The produce inspector shall at once sign a correct entry and enter in the register the figures showing the result of the checktest on each parcel of produce checktested and passed by him for shipment. The storekeeper or person duly authorised by him in that behalf shall thereupon sign the entries in the register.

(5) A storekeeper or produce inspector who—

(a) neglects to make or cause to be made an entry in the register as required by the provisions of this regulation, or

(b) makes or causes to be made a false entry therein, or

(c) renders or causes to be rendered illegible or mutilated any entry therein,

shall be guilty of an offence.

(6) Where a storekeeper has authorised any person to sign on his behalf the register in which an entry has been made in accordance with provisions of this regulation the responsibility for any such entry shall be *prima facie*, that of such storekeeper.

(7) A storekeeper shall not authorise a produce inspector to sign the register on his behalf.

(8) In any prosecution for an offence under this regulation the onus of proving that the defendant has not—

(a) neglected to make or cause to be made in the register, or

(b) made or caused to be made a false entry therein, or

(c) rendered illegible or mutilated or cause to be mutilated any entry therein,

shall lie upon the defendant.

(9) Any person who contravenes any of the provisions of this regulation shall be liable on summary conviction to a fine of one hundred pounds or imprisonment for six months or to both such fine and imprisonment.

GENERAL PROVISIONS

Restriction
on export.

47. (1) No person shall ship or attempt to ship for export any produce in respect of which all prescribed requirements as to inspection, checktesting and passing for shipment for export have not been carried out, save as provided in section 9 of the Ordinance.

(2) Any person who contravenes or fails to comply with any of the provisions of this Regulation shall be liable on summary conviction to a fine of one hundred pounds or imprisonment for six months or to both such fine and imprisonment.

Restriction
on export by
special
permit.

48. Any person to whom a special permit has been issued in accordance with section 9 of the Ordinance who exports or attempts to export any produce in contravention of any of the conditions specified in such permit shall be guilty of an offence and liable on summary conviction to a fine of one hundred pounds or imprisonment for six months or to both such fine and imprisonment.

Protection
from water
of produce
in transit.

49. (1) The person in charge of any boat or lighter used for the transport of bagged produce at the time of shipment shall ensure that such vessel is fitted with adequate and suitable dunnage in such a way as to prevent the contact of such produce with any water in such vessel, and that adequate waterproof covering are available and where necessary, are used to protect such produce from any water that may enter such vessel.

(2) Any person who contravenes or fails to comply with any of the provisions of this regulation shall be liable on summary conviction to a fine of fifty pounds or imprisonment for six months or to both such fine and imprisonment.

Provision of
waterproof
covering for
motor
vehicles.

50. (1) The driver of a motor vehicle used for the transport of bagged produce at the time of shipment shall ensure that adequate waterproof coverings are available and, where necessary, are used, and that all reasonable precautions are taken to keep such produce dry.

(2) Any person who contravenes or fails to comply with any of the provisions of this regulation shall be liable on summary conviction to a fine of fifty pounds or imprisonment for six months or to both such fine and imprisonment.

Revocation
1951 Ann.
Vol. P. 280.

51. Without prejudice to the continuance of the Produce Inspection Regulations, 1951, which have Regional application until amended or revoked in accordance with any law enacted or having effect as if enacted by any Regional Legislature, those regulations are hereby revoked in so far as they apply to the Federal territory of Lagos and other parts of shipment of produce for export from Nigeria.

FIRST SCHEDULE

CERTIFICATE OF REGISTRATION OF A REGISTERED
PRODUCE STORE

No.

Date of Issue.....

Under and by virtue of the powers conferred on me by the provisions of Regulation 13 of Part 1 of the Produce Inspection Regulations, 1960,

I, Produce Officer, supervising Lagos, have registered the building and premises belonging to or rented by

..... and known as No., at

..... in Lagos as a Registered Produce Store for the inspection and/or storage of produce with effect from the date of this Certificate.

(Signed).....

Produce Officer Supervising Lagos

Note.—This certificate must be prominently and permanently displayed in the building within the premises to which it relates.

SECOND SCHEDULE
REGISTERS
Palm Oil

Page.....

Page.....

Registered Drop Mark of Store.....

Name of Licensed Buying Agent.....

Licence No. of Storekeeper.....

[illegible]

These columns to be divided according to the Number of Grades of Palm Oil purchased.

Palm Kernels

Page.....

Page.....

Name of Licensed Buying Agent

Registered Drop Mark of Store.....

Licence No. of Storekeeper.....

[illegible]

Page.....

Page.....

Name of Export Merchant.....

Licence No. of Storekeeper.....

No. of Certificate of Registration.....

	<i>LBS</i>	<i>LBS</i>	<i>LBS</i>	<i>LBS</i>	<i>LBS</i>	<i>LBS</i>				
<i>Date of</i>	<i>A1</i>	<i>A2</i>	<i>A3</i>	<i>B1</i>	<i>B2</i>	<i>C1</i>	<i>Store-keeper's Signature</i>	<i>Waybill No. and Date</i>	<i>Produce Inspector's Signature</i>	<i>Remarks</i>

THIRD SCHEDULE

APPLICATION FOR A LICENCE TO BUY AND/OR STORE PRODUCE UPON THE PREMISES OF A REGISTERED PRODUCE STORE OR STORES.

1. Name of Licensed Buying Agent (or export merchant).
2. Address of the above.
3. Name of proposed store-keeper in full. (PLEASE PRINT IN CAPITALS)
4. Native town of proposed store-keeper.
5. Registered Produce Store(s) where proposed store-keeper will operate;
6. Number and date of issue of previous licence (if any).

I certify that to the best of my knowledge and belief the above proposed store-keeper has not been convicted of an offence against the provisions of the Produce Inspection Ordinance, 1950, or of the Produce (Enforcement of Export Standards) Ordinance, 1959, or of any regulations made thereunder or deemed to have been made thereunder, nor has he been convicted of an offence involving dishonesty and sentenced to imprisonment without the option of a fine.

If the above certificate cannot be completed by reason of the fact that the person for whom application is made has been convicted as described, particulars of any such conviction must be stated overleaf and this form forwarded under confidential cover as directed below. The produce officer accepts no responsibility for any such form not forwarded under confidential cover.

Dated this.....day of.....19.....

(Signed).....
for Licensed Buying Agent

.....Firm

.....Branch

This form should be sent to the Produce Officer supervising Lagos.

For use of Licensing Authority only

<i>No. of Licence issued</i>	<i>Date of issue</i>	<i>File reference</i>	<i>Remarks</i>

FOURTH SCHEDULE

LICENCE TO BUY AND/OR STORE PRODUCE UPON THE PREMISES OF A
REGISTERED PRODUCE STORE OR STORES

Licence No.

Date of Issue.

Licence is hereby issued to a native
of, employed by to buy
and/or store produce at the Registered Produce Store(s) known as No(s)
..... at in Lagos.

This licence expires on the 30th day of June, 19..... and is valid only in
Lagos.

(Signed)

*Licensing Authority**Produce Officer supervising Lagos*.....
Signature of Licensee.....
Right thumbprint of Licensee
(if illiterate).....
Witness to Signature
(or to thumbprint) of licensee

Note.—The witness must be a member of the staff of the Produce Inspection Service of the Government who can identify the licensee.

MADE at Lagos this 31st day of December, 1960.

M. B. DIPCHARIMA,
Federal Minister of Commerce and Industry

EXPLANATORY NOTE

When the Produce Inspection Ordinance No. 24 of 1950 was repealed by the Produce (Enforcement of Export Standards) Ordinance No. 26 of 1959, the Produce Inspection Regulations No. 26 of 1951 continued in effect in respect of ports of shipment and the Federal Territory of Lagos. These regulations however were enacted at a time when the Produce Inspection Services were a unified service throughout Nigeria and are not entirely appropriate to the present conditions. As a result of constitutional agreement it was decided that the Western Region Produce Inspection Service should be responsible for the primary grading of produce in Lagos. Final reinspection of produce at time of shipment at ports of shipment throughout Nigeria has been made the responsibility of the Federal Produce Inspection Service. The Federal Produce Inspection Regulations 1960 legislate for this division of responsibility.