

L.N. 100 of 1961

COCOA (INSPECTION FOR EXPORT) REGULATIONS, 1961

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**PRODUCE (ENFORCEMENT OF EXPORT STANDARDS)
ORDINANCE, 1959**

(No. 21 of 1959)

Cocoa (Inspection for Export) Regulations, 1961

Commencement : 14th April, 1961

In exercise of the powers conferred by section 7 of the Produce (Enforcement of Export Standards) Ordinance, 1959, the Federal Minister of Commerce and Industry with the advice of the Produce Inspection Board has made the following regulations—

Citation
and appli-
cation.

1. (1) These regulations may be cited as the Cocoa (Inspection for Export) Regulations, 1961.

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

PART I—REGULATIONS APPLICABLE TO LAGOS ONLY

Definitions.

2. In this Part of these regulations, unless the context otherwise requires—

“adulterate” when used in relation to any cocoa means—

(i) mixing or combining any cocoa with any other cocoa of a grade prescribed in the manner provided in regulation 3, so that the resulting mixture or combination is not cocoa of a grade so prescribed ; or

(ii) injuriously affecting the quality of any cocoa by mixing or combining with such cocoa any substance, matter or thing of any kind whatsoever which is foreign or superfluous, whether such substance, matter or thing is in itself harmful or not ; or

(iii) mixing or combining any husk, shell, pericarp or defective cocoa with any cocoa so that the resulting mixture or combination is not cocoa of a grade prescribed in the manner provided in regulation 3 ; or

(iv) altering the composition of any cocoa by any means whatsoever so as injuriously to affect its quality or flavour or to alter its bulk or weight ;

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

“cocoa beans in pod” means mature cocoa seed in the pod in its natural state ;

“defective cocoa” includes all mouldy, weevily, decayed, germinated and flat cocoa beans ;

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

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

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

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

"wet, fully fermented cocoa beans" means mature cocoa beans extracted from the pod and fully fermented, but not thoroughly dry ;

"wet, unfermented cocoa beans" means mature cocoa beans extracted from the pod, not fermented and not thoroughly dry.

INSPECTION AND GRADING OF COCOA

3. Cocoa shall be graded in accordance with the grades prescribed from time to time by the Minister in accordance with the provisions of the Export of Nigerian Produce Ordinance, 1958. Grading.
No. 36 of
1958.
4. For the purpose of these regulations cocoa shall be deemed to be free from black or velvety beans if after examination the black or velvety beans are found to be not more than three per nine hundred beans in any representative sample ; and free from stones if after examination such stones do not in the aggregate exceed half an ounce in weight in any one bag. Tolerance.
5. (1) For the purpose of inspection a parcel of cocoa shall be spread out on a clean tarpaulin or on some clean firm cemented surface, but not on the ground, so that all the beans can be inspected and a representative sample taken without difficulty and in any case shall not exceed the contents of one hundred bags. Inspection.
 (2) From any such parcel an inspector shall take indiscriminately a representative average sample from which he shall draw a further sample of twenty ounces and from this a final sample of three hundred beans. All germinated beans in the final sample shall be counted, after which all the beans shall be cut in half and examined. If the result of the examination shows that the parcel can be graded as provided in regulation 3 the parcel shall forthwith be graded.
 (3) The inspector shall complete the testing, passing, sewing and sealing of each separate parcel before commencing to examine another parcel.
6. Before the cocoa is placed in bags the store-keeper shall ensure that :— Sifting.
 (a) cocoa, other than light cocoa, which has been graded is at once thoroughly riddled with a sieve having a mesh of seven-sixteenths of an inch, and
 (b) light cocoa which has been graded is at once thoroughly riddled with a sieve having a mesh not less than five-sixteenths of an inch.
7. Cocoa which has been inspected, graded and riddled as provided in regulation 6 shall at once be bagged in sound dry bags having no holes. The bags shall be sewn up at once without lugs by means of stitches placed not more than one inch apart. The twine used shall be strong and continuous with the ends so disposed that no knots are accessible and that the ends can be securely sealed : Packing.
- Provided that a produce officer in his discretion may approve an alternative method of sewing the bags by machine.
8. The inspector who graded the cocoa as above shall verify that each bag has been securely sewn, shall seal each bag with a seal or seals each bearing the design as prescribed in Part I of the Schedule and also all the numbers and letters, if any, of the steel seal press number officially allotted to such inspector, Sealing.

Schedule.

legibly impressed, and shall ensure that each bag is correctly marked with the parcel number and stamped correctly according to the grade of the cocoa therein contained and to the week of grading as prescribed in Part I of the Schedule.

Storage.

9. The store-keeper shall ensure that bags of cocoa which have been sealed and stamped as above are forthwith stored on wooden platform or such dunnage as may be considered suitable and adequate by a produce officer, assistant produce officer, senior produce inspector or inspector in such a manner that no part of any bag shall come in contact with the floor of the store, that a space of at least three feet is left between the stacked bags of cocoa and the walls of the store, and that the bags of cocoa are stacked in such a manner that they can be counted without difficulty.

Destruction of siftings, etc.

10. (1) As soon as cocoa has been inspected, and whether such cocoa has been graded or not, the store-keeper shall ensure that all cut, smoky, defective or velvety cocoa beans and all other extraneous matter removed in the course of inspection, sampling, cutting and sifting are removed from the registered produce store and as far as possible destroyed.

(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 both such fine and imprisonment.

Tainted or smoky cocoa.

11. (1) Where a produce officer finds any cocoa containing smoky beans or beans tainted by tar or other substance injurious to cocoa or its flavour he shall seize and detain such cocoa and report the fact to the nearest magistrate.

(2) If the produce officer considers that the cocoa cannot for any reason be made free from such taint, he shall apply to a magistrate for an order of forfeiture, and the magistrate may order that the cocoa shall be forfeited and destroyed in such manner as the Head of the Produce Inspection Service of Western Nigeria may approve.

Export under special permit.

12. Notwithstanding the provisions of regulation 11, the magistrate, after hearing the evidence of a produce expert concerning any tainted or smoky cocoa, may order that the cocoa be forfeited and sold for export under special permit issued in accordance with section 9 of the Ordinance.

OFFENCES IN CONNECTION WITH COCOA

Inferior quality cocoa.

13. (1) No person in the Federal Territory of Lagos shall have in his custody, possession or under his control, whether for the use or benefit of himself or of any other person or as an agent, employee or servant of any other person, any cocoa intended for export containing fifteen *per centum* or more by count of mouldy, weevily, decayed or flat beans, or twenty *per centum* or more of defective beans unless a produce officer is satisfied that such content of mouldy, weevily, decayed or flat beans or twenty *per centum* or more of defective beans is the result of deterioration which occurred after the receipt of such cocoa into a registered produce store and that the store-keeper used all reasonable means to avoid and minimise such deterioration.

(2) In any prosecution under this regulation if the person charged contends that the cocoa was not intended for export, the onus of proving such contention shall lie upon such person charged as aforesaid.

(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 one hundred pounds or imprisonment for six months, or to both such fine and imprisonment.

14. (1) No person in the Federal Territory of Lagos other than the grower of the cocoa at his own premises or other premises approved by a produce officer for the purpose of drying or refining it shall have in his custody, possession or under his control, whether for the use or benefit of himself or of any other person, or whether as an agent, employee or servant of any other person, any cocoa intended for export which is not thoroughly dry or which contains velvety beans.

Restriction
on possession.

(2) No person in the Federal Territory of Lagos shall have in his custody, possession or under his control, whether for the use or benefit of himself or of any other person or as an agent, employee or servant of any other person, any cocoa intended for export which contains smoky beans.

(3) In any prosecution under this regulation if the person charged claims to come within the exception mentioned in paragraph (1) or contends that the cocoa was not intended for export, the onus of proving such claim or contention shall lie upon such person charged as aforesaid.

(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 one hundred pounds or imprisonment for six months, or to both such fine and imprisonment.

15. (1) No person, other than a grower of cocoa transporting or causing to be transported his own raw or wet cocoa beans from the land on which it was grown to his premises or other premises approved by a produce officer for the purpose of fermenting and drying it, shall deliver or cause to be delivered for transport into the Federal Territory of Lagos cocoa intended for export which is not thoroughly dry or which contains smoky or velvety beans or which contains fifteen *per centum* or more by count of mouldy, weevily, decayed, or flat beans, or twenty *per centum* or more of defective beans.

Transport.

(2) In any prosecution under this regulation if the person charged claims to come within the exception or contends that the cocoa was not intended for export, the onus of proving such claim or contention shall lie upon such person charged as aforesaid.

(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 one hundred pounds or imprisonment for six months, or to both such fine and imprisonment.

16. (1) If on examining a parcel of cocoa the result of the test thereon reveals that the cocoa contains twelve *per centum* or more, but less than twenty *per centum* by count of defective beans, such cocoa shall not be removed from the store in which it was found, except with the written permission of a produce officer.

Detention
and blending.

(2) For the purpose of raising the quality of such cocoa to exportable standard, only cocoa already of exportable standard shall be blended therewith, and such blending shall only be done with the written permission of, and in such place as directed by, a produce officer.

(3) Any person contravening 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.

Penalty.

PART II—REGULATIONS APPLICABLE TO ALL PORTS OF SHIPMENT

Definitions.

17. In this Part of these regulations unless the context otherwise requires—

“adulterate” when used in relation to any cocoa means—

(i) mixing or combining any cocoa with any other cocoa of a grade prescribed in the manner provided in regulation 18 so that the resulting mixture or combination is not cocoa of a grade so prescribed ; or

(ii) injuriously affecting the quality of any cocoa by mixing or combining with such cocoa any substance, matter or thing of any kind whatsoever which is foreign or superfluous, whether such substance, matter or thing is in itself harmful or not ; or

(iii) mixing or combining any husk, shell, pericarp or defective cocoa with any cocoa so that the resulting mixture or combination is not cocoa of a grade prescribed in the manner provided in regulation 18 ; or

(iv) altering the composition of any cocoa by any means whatsoever so as injuriously to affect its quality or flavour or to alter its bulk or weight ;

“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 ;

“defective cocoa” includes all mouldy, weevily, decayed, germinated and flat cocoa beans ;

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

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

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

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

No. 21 of
1959.

Grading.
No. 36 of
1958.

18. Cocoa shall be graded in accordance with the grades prescribed from time to time by the Minister in accordance with the provisions of the Export of Nigeria Produce Ordinance, 1958.

Tolerance.

19. For the purpose of these regulations cocoa shall be deemed to be free from black or velvety beans if after examination the black or velvety beans are found to be not more than three per nine hundred beans in any representative sample ; and free from stones if after examination such stones do not in the aggregate exceed half an ounce in weight in any one bag.

Checktest-
ing of cocoa
for ship-
ment.

20. (1) At ports of shipment of produce, officers of the Produce Inspection Service of the Federation of Nigeria shall conduct final checktests for shipment for export on bags of cocoa which have been inspected, graded, sealed and marked for export by the Produce Inspection Service of a Region.

(2) For the purpose of this regulation—

(i) the bags of cocoa shall be divided up into lots not exceeding one hundred bags in a lot and stacked five bags high in such a manner that both ends and sides of the bags can be examined and scooped without difficulty. The bags, seals, sewing and markings shall be examined for signs of tampering, and if nothing suspicious is seen, every bag in the lot shall be sampled at one or more points as may be prescribed in writing, by the Head of the Produce Inspection Service of the Federation of Nigeria ;

(ii) the cocoa in each scoopful shall be visually examined for evidence of adulteration or ordure before it is added to the representative sample. If no adulteration or ordure is seen the sample shall then be tested as provided for in this regulation and if it is found to be of the grade marked on the bags as prescribed by the Minister, the lot shall be passed for shipment for export;

(iii) from any such representative sample an inspector shall draw a further sample of twenty ounces and from this a final sample of three hundred beans. All germinated beans in the final sample shall be counted, after which all the three hundred beans shall be cut in half and examined. If the result of the examination shows that the parcel or lot can be graded as provided in regulation 18 the parcel or lot shall forthwith be passed for shipment for export;

(iv) the inspector who checktested and passed such cocoa for shipment for export shall ensure that all the bags of such cocoa in a parcel or lot are stamped with the Letter Stamp prescribed in Part II of the Schedule and officially issued to him for the purpose.

21. If upon final checktest, a lot or parcel of cocoa in bags which have been already inspected, graded, sealed and marked for export by the Produce Inspection Service of a Region, is found to be not of the grade marked on the bags, or if evidence of tampering, adulteration or ordure is seen, the cocoa shall not be passed for shipment for export but shall be rejected for shipment for export and a written report of any such rejection shall be made by the produce officer to the senior officer of the Produce Inspection Service of a Region stationed at the port of shipment.

Rejection
of cocoa for
shipment.

22. Transfer of ownership of surplus samples of cocoa after shipment checktests by inspectors shall not be effected. All such cocoa which is surplus to the checktest requirements of the Produce Inspection Service shall be weighed at the conclusion of the work and a note, written in ink, shall be made of the weight of the surplus cocoa in the register book of the store concerned, together with the date of the checktest, and signed by the inspector concerned and the storekeeper of the store concerned. All such surplus cocoa shall be rebagged and taken into stock.

Transfer of
surplus
samples not
to be effected

23. (1) As soon as cocoa has been checktested, and whether such cocoa has been passed for shipment for export or not, the storekeeper shall ensure that all cut, smoky, defective or velvety cocoa beans and all other extraneous matter removed in the course of inspection, sampling and cutting are removed from the registered produce store and as far as possible destroyed.

Destruction
of cuttings,
etc.

(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 both such fine and imprisonment.

PROVISIONS FOR PESTS CONTROL IN COCOA

24. (1) Where any parcel of cocoa at a port of shipment of produce is being subjected to any process of fumigation, any unauthorised person who approaches the place of fumigation in such a manner, or in such proximity, as to endanger such person or any other person operating the plant used for fumigation, or who in any way interferes with such operation, may be ordered by a produce officer, assistant produce officer, chief produce inspector, senior produce inspector, inspector or any officer authorised by the produce officer in writing to remove himself, and if after such order such person does not immediately comply therewith, he shall be guilty of an offence.

Inter-
ference.

(2) In any prosecution under this regulation, if the person charged contends that he was an authorised person at the time the alleged offence was committed, the onus of proving such contention shall lie upon the person charged as aforesaid.

(3) Any person who contravenes or fails to comply with 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.

Safety
precau-
tions.

25. A produce officer or any officer authorised by him in writing at a port of shipment of produce may arrange—

(a) that any building used for the fumigation of cocoa be provided with such materials as will make fumigation effective and safe ;

(b) that any stack which is being fumigated *in situ* be adequately covered with suitable material in order to prevent the escape of fumigant and to make fumigation effective and safe ;

(c) that any person operating any machine or plant used for fumigating cocoa shall take such precautions as are necessary, in the opinion of such produce officer or any officer authorised by him in writing, for the safety of the public or for the care and maintenance of the machine or plant.

Duties in
connection
with pests.

26. It shall be the duty of buying agents and storekeepers at ports of shipment of produce to take all reasonable precautions to prevent cocoa from becoming infested with insects while such cocoa are under their control.

Offences in
relation to
pests.

27. Any person at a port of shipment of produce who—

(a) fails to comply with regulation 26 ; or

(b) having discovered that cocoa in his possession or under his control has become infested with insects, fails to report the fact to a produce officer or any officer authorised by him in writing at a port of shipment of produce ; or

(c) places or attempts to place any insects or any cocoa already known to be infested with insects on or near any uninfested cocoa or uninfested stack at a port of shipment of produce in such manner that such uninfested cocoa may become infested ;

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.

Revocation.

28. Without prejudice to the continuation of the Cocoa (Inspection for Export) Regulations, 1951, which have Regional application until amended or revoked in accordance with any law enacted or taking 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 ports of shipment of produce for export from Nigeria.

SCHEDULE

PART I

(reg. 8)

DESIGN ON SEALS FOR BAGS OF GRADED COCOA AS BELOW :—



DESIGN OF STAMPS FOR BAGS OF GRADED COCOA.

A number denoting the week of grading, enclosed in a five-inch circle.

Each bag of cocoa, in addition to being sealed, shall be stamped on the side of the bag with marks according to the grade of the cocoa contained therein, as follows :—

Grade I one stamp mark, as above.

Grade II two stamp marks, as above.

Bags in which light cocoa is contained shall bear the letters "LC" in addition to the marks denoting the grade, and these letters shall be at least six inches high.

PART II**DESIGN OF LETTER STAMP****(Regulation 20)**

A letter or letters of the alphabet enclosed in a five-inch circle.

MADE at Lagos this 14th day of April, 1961.

Z. B. DIPCHARIMA,
*Federal Minister of Commerce
and Industry*

L.N. 101 of 1961

PALM PRODUCE (INSPECTION FOR EXPORT)
REGULATIONS, 1961

ARRANGEMENT OF REGULATIONS

1. Citation and application.

PART I—REGULATIONS APPLICABLE TO LAGOS ONLY

2. Definitions.
3. Conditions of export.
4. Palm oil containers.
5. Testing of palm oil.
6. Transfer of samples.
7. Closing, sealing and storage of containers.
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9. Restriction on Export.
10. Testing and sampling of palm kernels.
11. Sifting and sewing.
12. Sealing of bags.
13. Storage.
14. Destruction of siftings.
15. Purchase and sale.
16. Possession.
17. Transport.

PART II—REGULATIONS APPLICABLE TO ALL PORTS OF SHIPMENT

18. Definitions.
 19. Conditions of export.
 20. Calibration and sampling at bulk oil plants.
 21. Checktesting of palm oil in cask or drums.
 22. Restriction on export.
 23. Sampling and checktesting of palm kernels for shipment.
 24. Rejection and stamping of palm kernels for shipment.
 25. Retention of samples.
 26. Parcels to be dealt with separately.
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- First Schedule.
Second Schedule.

**PRODUCE (ENFORCEMENT OF EXPORT STANDARDS)
ORDINANCE, 1959**

(No. 21 OF 1959)

Palm Produce (Inspection for Export) Regulations, 1961

Commencement : 14th April, 1961

In exercise of the powers conferred by section 7 of the Produce (Enforcement of Export Standards) Ordinance, 1959, the Federal Minister of Commerce and Industry with the advice of the Produce Inspection Board, has made the following regulations—

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

Citation and application.

(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—

Definitions.

“adulterate” when used in relation to any palm produce means—

(i) mixing or combining any palm produce with any palm produce of first quality so that the resulting mixture or combination is not palm produce of first quality ; or

(ii) injuriously affecting the quality of any palm produce by mixing or combining with such palm produce any substance, matter or thing of any kind whatsoever which is foreign or superfluous, whether such substance, matter or thing is in itself harmful or not ; or

(iii) mixing or combining husk, shell, pericarp, rotten, decayed or rancid palm produce with any other palm produce so that the resulting mixture or combination is not palm produce of first quality ; or

(iv) altering the composition of any palm produce by any means whatsoever so as injuriously to affect the quality of the palm produce or to alter its bulk or weight ; or

(v) injuriously affecting the quality of any palm oil or altering its composition or constituent parts, by abstracting from such palm oil any of the constituent parts thereof ;

“assistant produce officer” means an officer of that rank in the Produce Inspection Service of Western Nigeria.

“first quality palm kernels” means palm kernels of first quality as defined under the prescription of grades and standards of produce for export by the Minister under the provisions of the Export of Nigerian Produce Ordinance, 1958 ;

No. 36 of 1958.

“first quality palm oil” means palm oil of first quality as defined under the prescription of grades and standards of produce for export by the Minister under the provisions of the Export of Nigerian Produce Ordinance, 1958 ;

No. 36 of 1958.

“first quality palm produce” includes palm oil of first quality and palm kernels of first quality ;

"inspector" means a produce inspector of the Produce Inspection Service of Western Nigeria ;

"palm produce" means palm oil or palm kernels ;

"produce officer" means any officer of the Produce Inspection Service of Western Nigeria of or above the rank of produce officer or pest infestation control officer ;

"rotten and decayed" when used in relation to palm kernels, means a palm kernel which on being divided as equally as possible into two parts, shows that half or more than half of it is rotten or decayed. For the purpose of this definition part of a palm kernel found in a sample shall be treated as if it were a whole palm kernel ; provided that once divided a palm kernel or part thereof, as the case may be, shall not again be sub-divided.

"senior produce inspector" means an officer of that rank in the Produce Inspection Service of Western Nigeria.

PALM OIL

Conditions of export.

3. (1) No palm oil shall be passed and sealed for export, bulked for export, or exported except palm oil of first quality, and no palm oil of first quality shall be exported unless it has been lawfully passed and sealed.

(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.

Palm oil containers.

4. (1) Receptacles containing palm oil shall be kept closed in transit between production centres or markets and export stores.

(2) Every storekeeper shall ensure that every cask and drum intended to contain palm oil which may be offered for inspection for export shall be free internally from all kinds of extraneous matter before any such palm oil is placed therein.

(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.

Testing of palm oil.

5. (1) For the purpose of inspection of palm oil a representative sample approximating to six pints shall be taken from each cask or drum by means of a try-rod, and the sample shall be placed in a standard type of copper try-pan.

(2) The inspector, shall cause oil so obtained to be slowly heated and mixed by stirring ; and when the oil is sufficiently liquified, it shall be allowed to settle, after which it shall be carefully decanted from the try-pan leaving therein any residue of water and extraneous matter.

(3) The inspector shall then inspect the residue for the purpose of determining whether the palm oil is of first quality.

Transfer of sample.

6. Transfer of ownership of the palm oil used for sampling shall not be effected except upon payment in cash at the rates officially authorised for the purchase of palm oil.

Closing, sealing and storage of containers.

7. (1) The storekeeper shall ensure that every cask and drum containing palm oil which has been inspected and passed as first quality shall be securely closed so as to prevent entry of water or other extraneous substance.

(2) The inspector who inspected and passed the palm oil as above shall verify that each cask and drum is securely closed and shall seal—

(a) each cask with one or more plates of the approved type, each bearing the design as prescribed in the First Schedule to these regulations and also all the numbers and letters, if any, of the punch die officially allotted to such inspector, legibly impressed ;

First
Schedule.

(b) each drum with one or more seals of the approved type, each bearing the design as prescribed in the First Schedule to these Regulations and also all the numbers and letters, if any, of the hammer-press or steel seal press officially allotted to such inspector, legibly impressed.

(3) Any person who contravenes or fails to comply with 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.

8. (1) A produce officer or assistant produce officer or senior produce inspector or inspector may at his discretion instruct the storekeeper that the topmost side and ends of any cask or drum containing palm oil which has been inspected and passed for export and which is stored in the open shall be whitewashed.

Prevention
of conden-
sation of
moisture.

(2) If any storekeeper fails to comply with such instructions within a reasonable time, he shall be guilty of an offence, and 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.

PALM KERNELS

9. (1) No palm kernels shall be passed and sealed for export except palm kernels of first quality.

Restriction
on Export.

(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.

10. (1) For the purpose of inspection, all palm kernels shall be spread on a tarpaulin or a clean and firm cemented or wooden floor. At each inspection not more than the contents of two hundred bags shall be examined and they shall be so spread as not to exceed a depth of twelve inches.

Testing and
sampling of
palm
kernels.

(2) The palm kernels shall then be thoroughly mixed by shovelling to the satisfaction of an inspector.

(3) From any parcel of palm kernels of the prescribed quantity an inspector shall take indiscriminately from all parts of the parcel an average representative sample and shall then—

(a) draw a final sample of twenty-five ounces from the average representative sample ;

(b) carefully separate all shell, fibre, rotten and decayed kernels and extraneous matter from the palm kernels contained in the final sample carrying out such separation on a clean surface and not on a sack or the ground ;

(c) weigh the shell, fibre, rotten and decayed kernels and extraneous matter so separated.

(4) When as a result of this examination, carried out in accordance with this regulation, the inspector is satisfied that the kernels contained in the parcel are of first quality he shall forthwith pass the kernels contained in the parcel as of first quality.

(5) The inspector shall complete the testing, passing, sewing and sealing of each separate parcel before commencing to examine another parcel.

Sifting and
sewing.

11. The storekeeper shall ensure that all palm kernels which have been inspected and passed as of first quality are at once thoroughly riddled with a sieve having a mesh of not less than five-sixteenths of an inch and are bagged in clean, dry bags having no holes, that the bags are sewn up at once without lugs by means of stitches placed not more than one inch apart, and that the twine used is strong and continuous with the ends so disposed that no knots are accessible and that the ends can be securely sealed.

Sealing of
bags.

First
Schedule.

12. The inspector who inspected and passed the palm kernels shall verify that each bag has been securely sewn and shall seal each bag with a seal or seals of the approved type, each bearing the design as prescribed in the First Schedule and also all the numbers and letters, if any, of the hammer-press or steel seal press number officially allotted to such inspector, legibly impressed :

Provided that a produce officer in his discretion may approve an alternative method of sewing the bags by machine.

Storage.

13. The storekeeper shall ensure that the bags of palm kernels which have been sealed as aforesaid are forthwith stored on a wooden platform or on such dunnage as may be considered suitable and adequate by a produce officer, assistant produce officer, senior produce inspector or inspector, so that no part of any bag shall come in contact with the floor of the store, that a space of at least three feet is left between the stacked bags of palm kernels and the walls of the store, and that the bags of palm kernels are stacked so that they can be counted without difficulty.

Destruction
of siftings.

14. (1) As soon as palm kernels have been inspected, whether such palm kernels have been passed as of first quality or not, the storekeeper shall ensure that all shell, decayed kernels, sand and other extraneous matter removed in the course of inspection, cleaning, sampling and sifting are taken from the store and as far as possible destroyed.

(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.

OFFENCES IN CONNECTION WITH PALM PRODUCE

Purchase
and sale.

15. (1) No person shall buy or sell or offer or expose for sale or receive or tender in satisfaction of any claim or demand any palm produce intended for export which is not of first quality. In any prosecution under this Regulation if the person charged contends that such palm produce was not intended for export or was not bought or sold or offered or exposed for sale or received or tendered in satisfaction of any claim or demand as alleged, the onus of proving such contention shall lie upon the person charged as aforesaid.

(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.

16. (1) No person, other than the grower of the palm produce on his own premises, shall have in his custody, possession, or under his control, whether for the use or benefit of himself or of any other person or whether as an agent, employee or servant of any other person, any palm produce intended for export which is not of first quality. In any prosecution under this regulation if the person charged contends that such palm produce is not intended for export, or that he comes within the exception, the onus of proving such contention shall lie upon such person charged as aforesaid.

Possession.

(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.

17. (1) No person, other than a grower of palm produce transporting his own raw palm produce from the land on which it was grown to his own premises or to other premises approved by a produce officer shall transport or deliver or cause to be delivered for transport into the Federal Territory of Lagos any palm produce intended for export that is not of "first quality". In any prosecution under this regulation if the person charged contends that such palm produce is not intended for export or that he comes within the exception, the onus of proving such contention shall lie upon such person charged as aforesaid.

Transport.

(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.

PART II—REGULATIONS APPLICABLE TO ALL PORTS OF SHIPMENT

18. In this Part of these regulations unless the context otherwise requires:—

Definitions.

"adulterate" when used in relation to any palm produce means—

(i) mixing or combining any palm produce with any palm produce of first quality so that the resulting mixture or combination is not palm produce of first quality; or

(ii) injuriously affecting the quality of any palm produce by mixing or combining with such palm produce any substance, matter or thing of any kind whatsoever which is foreign or superfluous, whether such substance, matter or thing is in itself harmful or not; or

(iii) mixing or combining any husk, shell, pericarp, rotten, decayed or rancid palm produce with any other palm produce so that the resulting mixture or combination is not palm produce of first quality; or

(iv) altering the composition of any palm produce by any means whatsoever so as injuriously to affect the quality of the palm produce or to alter its bulk or weight; or

(v) injuriously affecting the quality of any palm oil or altering its composition or constituent parts, by abstracting from such palm oil any of the constituent parts thereof;

"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 ;

"first quality palm kernels" means palm kernels of first quality as defined under the prescription of grades and standards for export by the Minister under the provision of the Export of Nigerian Produce Ordinance, 1958 ;

"first quality palm oil" means palm oil of first quality as defined under the prescription of grades and standards of produce for export by the Minister ; under the provisions of the Export of Nigerian Produce Ordinance, 1958 ;

"inspector" means a produce inspector of the Produce Inspection Service of the Federation ;

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

"rotten and decayed" when used in relation to palm kernels, means palm kernels which on being divided as equally as possible into two parts, show that half or more than half of it is rotten or decayed. For the purpose of this definition part of a palm kernel found in a sample shall be treated as if it were a whole palm kernel ; provided that once divided a palm kernel or part thereof, as the case may be, shall not again be subdivided ;

"senior produce inspector" means an officer of that rank in the Produce Inspection Service of the Federation.

PALM OIL

Conditions
of export.

19. (1) No palm oil shall be checktested for export, bulked for export, or exported from any port of shipment of produce except palm oil of first quality, and no palm oil of first quality shall be exported unless it has been checktested and passed under the provisions of this Part.

(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.

Calibration
and sampling
at bulk
oil plants.

20. (1) Inspectors shall, at bulk oil plants at ports of shipment of produce, calibrate tanks containing palm oil which has been inspected and passed for export and which has been bulked in such tanks. Calibration of the tanks containing palm oil which has been inspected and passed for export shall be made both before and after the pumping of such oil from land tanks at bulk oil plants into ships tanks for export.

(2) Inspectors shall take samples of palm oil at times of shipment from a tap on the pipe-line connecting the land tanks at bulk oil plants to ships tanks and shall seal securely such samples, for retention on board ship or at the bulk oil plant or for such other purpose as a produce officer shall determine, in such a manner as the Head of the Produce Inspection Service of the Federation of Nigeria may by a previous instruction in writing prescribe.

Checktest-
ing of palm
oil in cask or
drum.

21. (1) For the purpose of checktesting palm oil in casks or drums which have been inspected, passed, graded and sealed for export by the Produce Inspection Service of a Region, inspectors shall take from each of such cask or drum a representative sample approximating to six pints by means of a tryrod, and the sample shall be placed in a standard type of copper try-pan.

(2) The inspector shall cause oil thus obtained to be slowly heated and mixed by stirring; and when the oil is sufficiently liquified, it shall be allowed to settle, after which it shall be carefully decanted from the try-pan leaving therein any residue of water and extraneous matter.

(3) The inspector shall then inspect the residue for the purpose of determining whether the palm oil is of first quality.

(4) When palm oil in casks or drums which have been inspected, passed, graded and sealed for export are being checktested for shipment for export, inspectors of the Region in which the port of shipment is situated shall be present for the purpose of breaking the seals on the casks or drums before the samples are taken and for resealing such casks or drums after the completion of the checktest for shipment.

(5) Subject to paragraph (6) of this regulation the Head of the Produce Inspection Service of the Federation of Nigeria may, for the purpose of determining whether any palm oil in casks or drums is of first quality or not, by previous instruction in writing, prescribe such alternative method of taking samples or of inspection of such samples as shall in his opinion be no less reliable than that prescribed in the foregoing paragraph of this regulation.

(6) Paragraph (5) of this regulation shall have effect only in respect of palm oil produced on the estates owned or managed by the concern specified in the Second Schedule.

Second
Schedule.

(7) Transfer of ownership of palm oil used for sampling at bulk oil plants, at ports of shipment of produce shall not be effected except upon payment in cash at the rate officially authorised for the purchase of palm oil.

PALM KERNELS

22. (1) No palm kernels shall be checktested and passed for shipment for export except palm kernels of first quality, and no first quality palm kernels may be shipped for export unless they have been checktested and passed for shipment under the provisions of this Part.

Restriction
on export.

(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.

23. (1) For the purpose of sampling and checktesting for shipment, bags containing passed and sealed palm kernels shall be divided up into lots or parcels not exceeding two hundred bags stacked five bags high. The bags and seals thereof shall be examined for tampering, and if nothing suspicious is seen the bags shall be sampled and the average representative sample checktested as follows—

Sampling
and check-
testing of
palm ker-
nels for
shipment.

(a) draw a final sample of twenty-five ounces from the average representative sample;

(b) carefully separate all shell, fibre, rotten and decayed kernels and extraneous matter from the palm kernels contained in the final sample carrying out such separation on a clean surface and not on a sack or the ground;

(c) weigh the shell, fibre, rotten and decayed kernels and extraneous matter so separated.

(2) When as a result of this checktest, carried out in accordance with this regulation, the inspector is satisfied that the palm kernels contained in the parcel or lot are of first quality, he shall forthwith pass the palm kernels contained in the parcel as first quality.

Rejection
and stamp-
ing of palm
kernels for
shipment.

First
Schedule.

Retention
of samples.

Parcels to
be dealt
with
separately.

Transfer of
samples.

Revocation.
1951 Ann.
Vol, P.295.

24. (1) If the palm kernels shall be found on final checktesting for shipment for export not to be of first quality, or if evidence of adulteration or tampering is seen, the palm kernels shall not be passed and shipped for export but shall be rejected for shipment and a written report of such rejection shall be made to the senior officer of the Regional Produce Inspection Service stationed at the port of shipment.

(2) The inspector who checktested and passed the palm kernels for shipment for export shall ensure that all the bags of such palm kernels are stamped with the Letter Stamp officially issued to him for the purpose, and which is prescribed in the First Schedule.

25. A composite sample of palm kernels checktested, passed and shipped shall be retained for a period not less than two months in the office of the officer in charge of the Produce Inspection Service of the Federation of Nigeria at the port of shipment, and the final samples to be retained shall be approximately of a size that can be contained in the average sample bag.

26. The inspector shall complete the sampling, checktesting and stamping of each separate parcel or lot before commencing to examine another parcel or lot.

27. Transfer of ownership of palm kernels used for sampling and checktesting shall not be effected except upon payment in cash at the rates officially authorised for the purchase of palm kernels.

28. Without prejudice to the continuance of the Palm Produce (Inspection for Export) Regulations, 1951, which have Regional application until amended or revoked in accordance with any law enacted or taking 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 ports of shipment or produce for export from Nigeria.

FIRST SCHEDULE (Regulations 7 & 12)

DESIGN ON PLATES FOR CASKS OF "FIRST QUALITY" PALM OIL :



DESIGN ON SEALS FOR DRUMS OF "FIRST QUALITY" PALM OIL AND BAGS OF "FIRST QUALITY" PALM KERNELS :



DESIGN OF LETTER STAMP

(Regulation 25)

A letter or letters of the alphabet enclosed in a five-inch circle.

SECOND SCHEDULE

(Regulation 21)

List of Approved Concerns

PAMOL LIMITED

CAMEROONS DEVELOPMENT CORPORATION

MADE at Lagos this 14th day of April, 1961.

Z. B. DIPCHARIMA,
*Federal Minister of Commerce
and Industry*

L.N. 102 of 1961

GROUNDNUTS (INSPECTION FOR EXPORT)
REGULATIONS, 1961

ARRANGEMENT OF REGULATIONS

1. Citation and application.
2. Definitions.
3. Restriction of export.
4. Exportable standard defined.
5. Method of sampling and checktesting.
6. Rejected groundnuts.
7. Transfer of samples.
8. Protection against tainting.
9. Fumigation at ports of shipment of produce.
10. Interference.
11. Safety precautions.
12. Duties in connection with pests.
13. Offences in relation to pests.
14. Precautions against damage by animals and fowls.
15. Revocation.

**PRODUCE (ENFORCEMENT OF EXPORT STANDARDS)
ORDINANCE, 1959**

No. 21 OF 1959

Groundnuts (Inspection for Export) Regulations, 1961

Commencement : 14th April, 1961

In exercise of the powers conferred by section 7 of the Produce (Enforcement of Export Standards) Ordinance, 1959, the Federal Minister of Commerce and Industry with the advice of the Produce Inspection Board has made the following regulations—

1. These regulations may be cited as the Groundnuts (Inspection for Export) Regulations, 1961, and shall apply to the ports of shipment throughout the Federation. Regulations 2-8 inclusive and Regulation 14 shall not apply to groundnuts of foreign origin in transit through the Federation of Nigeria.

Citation and application.

2. In these regulations, unless the context otherwise requires—

Definitions.

“adulterate” when used in relation to any groundnuts means—

(i) mixing or combining any groundnuts with any groundnuts of exportable standard so that the resulting mixture or combination are not groundnuts of exportable standard ; or

(ii) injuriously affecting the quality of any groundnuts by mixing or combining with such groundnuts any substance, matter or thing of any kind whatsoever which is foreign or superfluous, whether such matter or thing is in itself harmful or not ; or

(iii) mixing or combining any husk, shell, pericarp, rotten, decayed or rancid groundnuts with any other groundnuts so that the resulting mixture or combination are not groundnuts of exportable standard ; or

(iv) altering the composition of any groundnuts by any means whatsoever so as injuriously to affect the quality of the groundnuts or to alter their bulk or weight ;

“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 ;

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

“new crop groundnuts” means groundnuts produced from seeds planted on or after the first day of April immediately preceding the buying season in which they are marketed ;

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

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

“shipping officer” means any officer of the shipping section of the Department of Marketing and Exports of or above the rank of shipping officer.

3. (1) No groundnuts shall be passed for export or exported at ports of shipment of produce except groundnuts of exportable standard within the meaning of regulation 4.

Restriction of export.

(2) Any person contravening 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.

Exportable standard defined.

No. 36 of 1958.

Method of sampling and checktesting.

Rejected groundnuts.

Transfer of samples.

Protection against tainting.

Fumigation at ports of shipment of produce.

Interference.

4. Exportable standard in respect of groundnuts means groundnuts which are thoroughly dry and of the standard as regards freedom from stone and other impurities prescribed by the Minister under section 2 of the Export of Nigerian Produce Ordinance, 1958, as being suitable for export.

5. (1) From any parcel, waggon or lorry load of groundnuts there shall be taken indiscriminately, from at least ten *per centum* of the number of bags of groundnuts in any such parcel, waggon or lorry load of groundnuts, an average sample from which there shall be drawn a final sample. If in this final sample the groundnuts are dry and of the prescribed standard as regards freedom from stone and other impurities the parcel, waggon or lorry load shall be passed as of exportable standard: Provided that where groundnuts have been passed by a regional Produce Inspection Service as being of exportable quality they shall not be rejected at time of shipment by reason solely of the fact that the whole nut content is less than that prescribed by the Minister.

(2) For the purposes of this regulation bags of groundnuts which have been inspected, bagged or sealed and marked in a Region as of exportable standard shall be sampled at the ports of shipment of produce by means of bag sampler of such type as may be prescribed by the head of the Produce Inspection Service of the Federation of Nigeria.

6. Any groundnuts which are not of exportable standard at the time of final checktest for shipment for export shall be rejected and a report of any such rejected groundnuts shall be made in writing to the appropriate person in charge of the groundnuts.

7. (1) Transfer of ownership of the groundnuts used for sampling shall not be effected except upon payment in cash at the rates officially authorised for the purchase of groundnuts.

(2) Any sample of groundnuts which is surplus to the requirements for checktests for shipment by inspectors shall be weighed, and the weight thereof shall be entered in the store register in ink and signed for by the inspector who performed the checktest and by the storekeeper. Such samples shall be used for rebagging or for such other purpose as a shipping officer of the Department of Marketing and Exports shall prescribe.

8. (1) No person, at any port of shipment of produce, shall store groundnuts intended for export in such a manner that they may become tainted or contaminated by any other substance such as tar, petroleum or scented goods. For the purposes of this regulation a produce officer, assistant produce officer, chief produce inspector, senior produce inspector or inspector may order that such other substance be removed from the place where the groundnuts are stored.

(2) Any person contravening 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.

9. Where under section 12 of the Ordinance a produce officer orders that any groundnuts at a port of shipment of produce shall be fumigated, such groundnuts shall not be removed, except to the place of fumigation, or shipped without the permission of such produce officer or any officer authorised by him in writing until they have been fumigated.

10. (1) Where any groundnuts at a port of shipment of produce are being subjected to any process of fumigation, any unauthorised person who approaches the place of fumigation in such a manner, or in such proximity, as to endanger such person or any other person operating the plant used for fumigation, or who in any way interferes with such operation, may be ordered

by a produce officer, assistant produce officer, chief produce inspector, senior produce inspector, inspector or any officer authorised by the produce officer in writing to remove himself, and if after such order such person does not immediately comply therewith, he shall be guilty of an offence.

(2) In any prosecution under this regulation, if the person charged contends that he was an authorised person at the time the alleged offence was committed the onus of proving such contention shall lie upon the person charged as aforesaid.

(3) Any person who contravenes or fails to comply with 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.

11. A produce officer or any officer authorised by him in writing at a port of shipment of produce may arrange—

Safety precautions.

(a) that any building used for the fumigation of groundnuts be provided with such materials as will make fumigation effective and safe ;

(b) that any stack which is being fumigated *in situ* be adequately covered with suitable material in order to prevent the escape of fumigant and to make fumigation effective and safe ;

(c) that any person operating any machine or plant used for fumigating groundnuts shall take such precautions as are necessary, in the opinion of such produce officer or any officer authorised by him in writing, for the safety of the public or for the care and maintenance of the machine or plant.

12. It shall be the duty of buying agents and store-keepers at ports of shipment of produce to take all reasonable precautions to prevent groundnuts from becoming infested with insects while such groundnuts are under their control.

Duties in connection with pests.

13. Any person at a port of shipment of produce who—

Offences in relation to pests.

(a) fails to comply with regulation 12 ; or

(b) having discovered that groundnuts in his possession or under his control have become infested with insects, fails to report the fact to a produce officer or any officer authorised by him in writing at a port of shipment of produce ; or

(c) places or attempts to place any insects or any groundnuts already known to be infested with insects on or near any uninfested groundnuts or uninfested stack at a port of shipment of produce in such manner that such uninfested groundnuts may become infested ;

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.

14. Any person who fails to take adequate precautions to protect groundnuts in store or stack, or the containers thereof, from contamination or damage at the port of shipment of produce by any animal or fowl shall be guilty of an offence and liable on summary conviction to a fine of fifty pounds or imprisonment for six months or to both such fine and imprisonment.

Precautions against damage by animals and fowls.

Revocation.

15. Without prejudice to the continuance of the provisions of the Ground-nuts (Inspection for Export) Regulations, 1951, which have Regional application until amended or revoked in accordance with any law enacted or taking 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 ports of shipment of produce for export from Nigeria.

MADE at Lagos this 14th day of April, 1961.

Z. B. DIPCHARIMA,
*Federal Minister of Commerce
and Industry*