

A BILL

FOR

AN ACT TO PROVIDE FOR ESTABLISHMENT OF THE NIGERIAN PESTICIDE COUNCIL; AND FOR RELATED MATTERS

Sponsored by Hon. Muntari Dandutse Mohammed

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria-

ESTABLISHMENT OF THE NIGERIAN PESTICIDE COUNCIL, ETC.

1 1.-(1) There is hereby established a body known as the Nigerian
2 Pesticide Council (hereinafter referred to as "the Council").

Establishment
of the Nigerian
Pesticide Council

3 (2) The Council shall be a body corporate with perpetual
4 succession and common seal and may sue and be sued in its corporate name.

5 2. The purpose of this legislation is to enable society to obtain the
6 benefits of use of pesticides, protect against any unreasonable adverse
7 effects of pesticides on man and the environment and encourage the
8 innovation of pesticide products. This legislation concerns all aspects of the
9 control of pesticides in the environment, including imports, sale,
10 distribution and use of pesticides, as well as marketing and enforcement.
11 Agricultural pesticides, household pesticides, industrial pesticides and
12 public health pesticides intended for use to control pests are all covered by
13 this legislation, unless otherwise exempted pursuant to Section 19(4).

Objective, Purpose
and Scope of the
Bill

14 3.-(1) The Council shall consist of the following members which
15 shall be responsible for the discharge of its functions;

Composition of
the Council

16 (a) The Chairman shall be appointed by the Minister of
17 Agriculture;

18 (b) a representative(s) of the following Federal Ministries (MDAs)
19 or organizations who shall not be below the rank of a Director and or CEO of
20 such organizations:

- 1 (i) Ministry of Health (NAFDAC);
2 (ii) Ministry of Agric & Rural Development (2 representatives);
3 (iii) Ministry of Environment;
4 (iv) Ministry of Trade & Investment;
5 (v) Ministry of Justice (Legal Adviser);
6 (vi) Ministry of Labour & Productivity;
7 (vii) Standards Organization of Nigeria (SON);
8 (viii) Crop Life Nigeria (2 representatives);
9 (ix) Nigerian Society for Plant Protection (NSPP);
10 (x) Agricultural Research Council (ARC);
11 (xi) Nigeria Custom Service;
12 (xii) A representative of the Nigeria Farmers Association;
13 (xiii) Civil Society Organization;
14 (c) The Executive Secretary of the Council to be appointed by the
15 Minister.

16 (2) The supplementary provisions set out in the schedule to this Act
17 shall have effect with respect to the proceedings of the Council and the other
18 matters contained therein.

19 4.-(1) The Chairman shall hold office for four (4) years and may be re-
20 appointed by President for another term of four (4) years but not exceeding two
21 (2) terms.

22 (2) Other members of the Council shall be in office for a term of four
23 (4) years or may be reappointed for one term.

24 (3) Representatives can be recalled/withdrawn where his character
25 and behaviors are inconsistent and unacceptable by their nominating bodies.

26 (4) Allowances shall be paid to the members of the Council as may be
27 determined by the Council.

28 5.-(1) The Council shall be charged with the following functions:

29 (i) to register Pesticides for use in Nigeria as spelt out in the laws of
30 the Federation;

1 (ii) to regulate the sales of Pesticide and to license individuals and
2 organisations that market Pesticides in Nigeria;

3 (iii) to control all forms of advertisement of Pesticides in Nigeria;

4 (iv) to establish and operate laboratories for quality control and for
5 monitoring their residues in every agricultural commodity and the
6 environment;

7 (v) to formulate and implement any Pesticide policy both local and
8 International, including the applications of the "Prior Informed Consent"
9 procedure;

10 (vi) to regulate the manufacture, formulation, packaging, labelling,
11 transportation, distribution, storage and usage of Pesticides in Nigeria;

12 (vii) to control the form, type, quality and quantity of Pesticide
13 imported into Nigeria and exported to other countries;

14 (viii) to monitor, control and regulate the sales of Pesticide and to
15 license and promote individuals and/or Associations and organisations that
16 deal on and market pesticides in Nigeria;

17 (ix) to promote and formulate policies for safe and effective use of
18 Pesticides in Nigeria;

19 (x) to advise the Presidency/Ministry on all matters relating to the
20 registration, inspection and supervision of Pesticides in Nigeria;

21 (xi) to process, inspect, register and advice and collate all
22 necessary information on registered and approved Pesticides in Nigeria.

23 (2) The Council shall have the authority to cancel registration of
24 any Pesticide for which it has evidence that its continued use has
25 unacceptable hazard to human, health and environment.

26 (3) The Council may suspend, withdraw or cancel the Certificate of
27 Registration if:

28 (i) the grounds on which the pesticide product was registered were
29 later found to be false or incomplete; or

30 (ii) the circumstances under which the pesticide product was

1 registered no longer exist; or

2 (iii) any of the conditions or undertaking under which the pesticide
3 product was registered has been contravened; or

4 (iv) the standard of quality, safety or efficacy as prescribed in the
5 documentation for registration are not being complied with; or

6 (v) the premises in which the pesticide product is imported,
7 processed, manufactured, formulated or stored by or on behalf of the holder of
8 the Certificate of Registration are unsuitable for the importation, processing,
9 manufacturing, formulation or storage of the pesticide product.

10 (4) The Council shall have power to levy and charge for services
11 provided.

Duties of the
Executive
Secretary

12 6. The Secretary to the Council, who in addition to his functions shall
13 have such other administrative functions as may be assigned to him from time
14 to time by the Council.

Powers of the
Council

15 7. The Council shall have powers to:

16 (1) Do all things which this Act or any other enactment are required or
17 permitted to be done by the Council; and

18 (2) Do such other things as are necessary or expedient for the
19 performance of its functions under this Act.

Power to Co-opt

20 8. Where the Council desires to obtain advice from any person, group
21 of persons, association or organisation, upon any matter, it may co-opt such
22 person, group, association or organisation to be a member (s) for such meeting
23 or meetings as may be required and any such person etc, shall whilst co-opted,
24 have all the rights and privileges of a member of the Council except that he
25 shall not be entitled to vote or count towards a quorum.

Staff Regulation

26 9. The Council may subject to the provisions of this Act make staff
27 regulations relating generally to the conditions of service of the council and
28 without prejudice to the generality of the foregoing, such regulations may
29 provide for the appointment, promotion and disciplinary control (including
30 dismissal of employees of the Council and Appeals by such employees against

1 dismissal or other disciplinary measures.

2 10. The Council shall determine its condition of service including
3 pension and gratuities as appropriate for its employees.

Condition of
Service

4 11.-(1) It is hereby declared that service in the Council shall be
5 pensionable under the Pension Reform Act, and accordingly, employees of
6 the Council shall in respect of their service in the Council be entitled to
7 pension, gratuities and other retirement benefits as are prescribed there
8 under.

Pension Reform
Act, LFN, 2004

9 (2) Notwithstanding the provisions of 11(1) of this Act, nothing in
10 this Act shall prevent the appointment of a person to any office on terms
11 which preclude the grant of a pension or gratuity in respect of that office.

12 12. The Council may on the recommendation of the Executive
13 Secretary create such departments in the Council as it may deem fit for the
14 efficient discharge of the functions of the Council.

Departments of
the Council

15 13.-(i) The Council shall establish and maintain a fund which shall
16 be applied towards the discharge of its functions under this Act;

Funds of the
Council

17 (ii) There shall be paid and credited to the fund established
18 pursuant to sub-section (1) of this section, such sums as maybe provided by
19 the Government for the Council;

20 (iii) Any fees charged for services rendered by the Council, and all
21 other sums accruing to the Council by way of gifts, donations, testamentary
22 disposition, endowments and contributions from philanthropic persons and
23 organisations or otherwise whosoever.

24 14.-(i) The Council may accept gifts of land, money or other
25 property on such terms and conditions that is ethically acceptable to the
26 Council and as may be specified by the person or association or
27 organisations making the gift;

Power to accept
gift

28 (ii) The Council shall not accept any gift if the conditions attached
29 by the person or association or organisation making the gift are inconsistent
30 with the functions of the Council.

Borrowing
power, etc.

1 15.-(1) The Council may with the consent or in accordance with any
2 specific authority given by the Council, borrow by way of Loan or Overdraft
3 from any source approved by the Minister, such specified amount of money as
4 may be required by the Council for meeting its obligations and discharging its
5 functions under this Act.

6 (2) The Council may subject to the provisions of this Act and the
7 conditions of any trust created in respect of any property, invest all or any of its
8 funds with the consent or general authority of the Minister.

9 (3) The Council may invest any surplus funds of the Council in
10 securities prescribed by the Trustee Investments Act on such other securities as
11 may from time to time be approved by the Minister.

12 (4) Subject to the provisions of the Land Use Act, and any special or
13 general direction which the Minister may give in that behalf, the Council may
14 acquire or lease any land required for its purpose under this Act.

Accounts and
audits

15 16.-(1) The Council shall cause to be prepared, not later than 30th
16 September in year, an estimate of the expenditure and income of the Council
17 during the next succeeding year and when prepared they shall be submitted
18 through the Minister for approved by the Federal Executive Council.

19 (2) The Council shall cause to be kept proper accounts and proper
20 records in relation thereto and when certified by the Council such accounts
21 shall be audited as provided in sub-section (3) of this section.

22 (3) The accounts of the Council shall be audited by auditors appointed
23 from the list of auditors and in accordance with the guidelines issued by the
24 Auditor-General of the Federation and the fees of the auditor and the expenses
25 for the audit generally shall be paid from the funds of the Council.

Annual report

26 17. The Council shall not later than Six (6) months after the end of
27 each year submit through the Minister of Agriculture to the Federal Executive
28 Council a report on the activities of the Council and its administration during
29 the proceeding year and shall include in the report the audited accounts of the
30 Council and the auditors comments thereon.

1 18.-(1) Fee-for-service:

2 (a) Any application for the registration of a pesticide or existing
3 pesticide shall be submitted to the Council upon payment of a registration
4 fee;

5 (b) The Council shall publish within six months of the effective
6 date of this Act a schedule of registration service fees and the periods of
7 review. All registrants shall be subject to the same registration service fee
8 for each application submitted to the Council, without exception;

9 (c) Initial Screening. Not later than 21 days after receiving an
10 application and the required registration service fee, the Council shall
11 conduct an initial screening of the contents of the application. If the Council
12 determines that the application does not pass the initial screening, the
13 Council shall reject the application not later than 10 days after making the
14 determination. In conducting the initial screening, the Council shall
15 determine whether:

16 (i) the applicable registration service fee has been paid; and

17 (ii) the application contains all the necessary forms, data, and draft
18 labeling, including any necessary forms as required by Section 17(4) of this
19 Act;

20 (d) Registration service fees shall be used only to defray the
21 administrative costs associated with the review of pesticide registration
22 applications.

23 (2) Maintenance fees:

24 Each registrant shall pay an annual fee per registration. The
25 Council shall publish a schedule of that annual fee within six months of the
26 effective date of this act.

27 (3) Fee waiver:

28 In the case of a pesticide that is registered for a minor agricultural
29 use, the Council may reduce or waive the payment of the fee imposed if the
30 Council determines that the fee would significantly reduce the availability.

1 of the pesticide for the use.

Registration

2 19.-(1) Requirement of registration:

3 Except as provided by this Act, no person may distribute or sell to any
4 person any pesticide that is not registered under this Act.

5 (2) Categories of pesticide registration:

6 (a) Experimental User Permit:

7 (i) Experimental User Permits shall be granted to a product for which
8 only short-term toxicity and efficacy data are available. Products granted
9 experimental user permit shall be field and laboratory tested only by qualified
10 scientific and other recognized technical personnel for the purpose of
11 collecting or verifying toxicity and efficacy data;

12 (ii) Experimental user permit shall be granted on a product for a
13 period not exceeding three (3) years after which this permit status can be
14 renewed if application for full registration has not been approved.

15 (3) Full Registration:

16 (a) Full registration shall be granted to a product that has met all
17 requirements. Such registration shall be for a period of five (5) years only. After
18 this period, the registration status of the product shall be re-evaluated;

19 (b) Applicant for re-evaluation shall not be required to provide new
20 bio-efficacy and residue trial result from Nigerian Research Institute except
21 where there is a scientific concern as may be determined by the Council;

22 (c) A product denied full registration shall not be resubmitted for re-
23 consideration unless additional information to support claims accompanies
24 such requests;

25 (d) The Council shall operate fully equipped and functioning facilities
26 for efficacy data evaluation in order to effectively verify label claims and for
27 data submitted;

28 (4) Exemptions:

29 The following pesticides or related substances are exempt from all
30 requirements under this Act:

1 (a) Nitrogen stabilizers are substances intended to prevent or
2 hinder the process of nitrification, denitrification, ammonia volatilization,
3 or urea production through action affecting soil bacteria;

4 (b) Any instrument or contrivance which is intended for trapping,
5 destroying, repelling, or mitigating any pest or any other form of plant or
6 animal life (other than man and other than bacteria, virus, or other
7 microorganisms on or in living man), and any equipment used for the
8 application of pesticides;

9 (c) Antimicrobials are pesticides that are intended to disinfect,
10 sanitize, reduce or mitigate growth or development of microbiological
11 organisms, or protect inanimate objects, industrial processes or systems,
12 surfaces, water, or other chemical substances from contamination, fouling,
13 or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime;

14 (d) Plant-incorporated protectants are pesticidal substances
15 intended to be produced and used in a living plant, or in the produce thereof,
16 and the genetic material necessary for production of such a pesticidal
17 substance (e.g., genetically modified organisms and genetically modified
18 seeds);

19 (e) Pharmaceuticals and animal health products are products
20 intended for use against fungi, viruses, bacteria or other microorganisms on
21 or in living man or living animals;

22 (f) Liquid chemical sterilant products are any sterilant products
23 used on critical devices, (including any device which is introduced directly
24 into the human body, either into or in contact with the bloodstream or
25 normally sterile areas of the body) or semi-critical devices (including any
26 device which contacts intact mucous membranes but which does not
27 ordinarily penetrate the blood barrier or otherwise enter normally sterile
28 areas of the body);

29 (g) An article or substance treated with, or containing, a pesticide to

1 protect the article or substance itself, if the pesticide is registered for such use;

2 (h) Pheromones and identical or substantially similar compounds
3 labeled for use only in pheromone traps, and pheromone traps in which those
4 compounds are the sole active ingredients;

5 (i) Embalming fluids, products used to preserve animal or animal
6 organ specimens, or products used to preserve the integrity of milk, urine,
7 blood, or other body fluids for laboratory analysis;

8 (j) Products consisting of foods and containing no active ingredient,
9 which are used to attract pests;

10 (k) Natural cedar blocks, chips, shavings, balls, chests, drawer liners,
11 paneling, and needles;

12 (l) Other pesticides regulated by another Ministry;

13 (m) A fertilizer product not containing a pesticide;

14 (n) The Council may issue an experimental use permit to any person
15 making an experimental use application, provided that the Council determines
16 the experimental use permit is required in order to accumulate information
17 necessary for the registration of a pesticide under this Act. Use of a pesticide
18 under an experimental use permit shall remain under the supervision of the
19 Council and shall be subject to such terms and conditions and be for such
20 period of time as the Council may, from time to time, prescribe in the permit.

Protection of
Regulatory Data

21 20.-(1) With respect only to information pertaining to an active
22 ingredient, an application may include citations to previously submitted data,
23 which the Council may consider in accordance with subparagraphs (d)(ii) and
24 (iii).

25 (2) Exclusivity. Data submitted to support the application for the
26 original registration of a pesticide, or an application for an amendment adding
27 any new use to the registration and that pertains solely to such new use, shall
28 not, without the written permission of the original data submitter, be
29 considered by the Council to support an application by another person during a
30 period of ten years following the date the Council first registers the pesticide.

1 The period of exclusive data use shall be extended one additional year for
2 each three minor uses registered within seven years of the commencement
3 of the exclusive use period, up to a total of three additional years.

4 (3) Exclusivity shall also be fully applicable to any new data
5 submitted pursuant to subsection (i) to the Council subsequent to the
6 registration of a pesticide, for a period of ten years following the date of
7 submission of such data to the Council.

8 (4) Failure to comply with these provisions shall result in denial of
9 application or cancellation of registration.

10 21.-(1) The Council shall publish guidelines no later than six
11 months following the effective date of this Act specifying the type of
12 information which will be required to support the registration of a pesticide
13 and shall revise such guidelines from time to time.

Data
Requirements

14 (2) Where the Council requires any additional information, it shall
15 allow sufficient time for applicants to obtain such additional information. If
16 additional data are required to maintain an existing registration of a
17 pesticide, the Council shall notify all existing applicants for and registrants
18 of the pesticide to which such determination relates.

19 (3) The Council may decide that for certain types of pesticides that
20 have been shown to be of low risk, a fast-track registration procedure can be
21 followed and under this procedure, submission of a limited set of data may
22 suffice.

23 22.-(1) All information submitted by the applicant for registration
24 must be treated as proprietary data by the Councils and some of the
25 information may also be confidential, including the analytical profile of the
26 technical grade active ingredient, the composition of the pesticide
27 formulation, the manufacturing process of the active ingredient and the
28 formulation, or commercial (trade/sales) information.

Proprietary/
Confidential
Information

29 (2) Data concerning health and environmental effects are not
30 confidential and can be accessed by the public, provided the Council takes

1 effective measures to ensure that third parties cannot use such information and
2 data for commercial purposes, including in support of any subsequent pesticide
3 application.

4 (3) The Council shall take all necessary measures to keep an
5 application and supporting data provided by an applicant or registrant
6 confidential during the registration process. The Council shall not allow
7 another applicant to register its products on the basis of data it does not own and
8 for which it has no authorization for use for registration purposes from the data
9 owner.

10 (4) The Council may provide a list of pesticide-related (primarily
11 health and environmental) information that is not considered confidential once
12 registration has been granted. After evaluation by the Council, a summary of
13 the data on health and environment shall be made available publically for
14 access and consultation.

15 23.-(1) Registration procedure is the process where the Council
16 approves the sale and use of a pesticide following the evaluation of
17 comprehensive scientific data demonstrating that the product is effective for
18 the purpose intended and not unduly hazardous to human or animal health or
19 the environment.

20 (2) The registration process requires that the Council shall:

21 (a) require the applicant for registration to submit comprehensive
22 Scientific data on toxicity and efficacy of the product to be registered to prove
23 that the product is effective for the intended use and not unduly hazardous to
24 human and the environment;

25 (b) require the applicant to provide evidence of field bio-efficacy and
26 residue trial result from the relevant research institute in Nigeria;

27 (c) provide standard label format and require the applicant to meet
28 label requirements with respect to each product intended for registration;

29 (d) grant registration certificate to a product if the product has met all
30 registration requirements as stipulated above and by the Council.

1 (3) The Applicant for registration shall:

2 (a) submit to the Council, comprehensive scientific data on the
3 toxicity and efficacy of the product intended for registration in Nigeria.
4 Such efficacy data must be based on research findings conducted in Nigeria
5 and or as may be determined by the Council;

6 (b) provide scientific information to satisfy the Council on label
7 claims;

8 (c) provide the Council, on request, all information and material
9 for analysis of product necessary for confirmatory tests by the Council;

10 (d) any other information that may be required by the Council.

11 24.-(1) Registration Requirements:

12 The applicant for registration must furnish documented proof to
13 support the claims made for the proposed product. Data required to support
14 registration may include the following:

15 (a) Toxicity Tests:

16 Toxicity tests on the proposed formulation must be conducted to
17 show that the use of the product would not be injurious to human, livestock,
18 wildlife and the environment when warnings and cautions are carefully
19 followed. The extent of toxicological data required will vary with the nature
20 and proposed usage of the product. Toxicity studies normally include:

21 (i) Acute mammalian studies;

22 (ii) Oral;

23 (iii) Dermal/skin;

24 (iv) Inhalation;

25 (v) Eye irritation.

26 (b) Sub acute Studies:

27 (i) Oral 90 days;

28 (ii) Dermal 21 days;

29 (iii) Inhalation 14 days.

30 (c) Other studies which may be required include:

Criteria for
Pesticide
Registration and
Establishment
Tolerances

- 1 (i) Neurotoxicity;
- 2 (ii) Tetratogenicity;
- 3 (iii) Effects on reproduction;
- 4 (iv) Synergism;
- 5 (v) Potentiation;
- 6 (vi) Metabolism;
- 7 (vii) Avian and fish toxicity;
- 8 (viii) Tolerance by beneficial insect.

9 (d) Physical chemical properties:

- 10 (i) Colour;
- 11 (ii) Boiling point;
- 12 (iii) Flash point;
- 13 (iv) Physical state;
- 14 (v) Density;
- 15 (vi) Vapour pressure;
- 16 (vii) Solubility;
- 17 (viii) Stability.

18 (e) Efficacy Data:

19 Biological tests under field and laboratory trials conducted to
20 determine if the product will control the pests named on the label, when used as
21 directed, without causing significant adverse effects to the crop and
22 environment being treated. The following factors are considered in
23 determining efficacy:

- 24 (i) Effectiveness. The product must be effective for the intended
25 purpose when as used directed;
- 26 (ii) Phytotoxicity;
- 27 (iii) Translocation within the plant being treated;
- 28 (iv) Persistence in soil, water air or plants;
- 29 (v) Compatibility with other pesticides.

30 (2) The Council shall determine whether or not to approve the

1 registration of the product after evaluation of the data submitted as well as
2 other applicable data.

3 (3) General Labelling Requirements:

4 (a) Name of product;

5 (b) Name and address of Manufacturer, Importer/Distributor;

6 (c) Pack size/net contents;

7 (d) Active ingredient statement;

8 (e) The shelf-life indicating date of manufacture and date of
9 expiration;

10 (f) Name and percentage (by weight) of each active ingredient, and
11 total percent of inert ingredients, or name of each active and each inert
12 ingredient in descending order, and relative abundance in each category and
13 the total percentage of inert ingredients;

14 (g) Warnings or caution statement in respect of:

15 (i) Ingestion;

16 (ii) Skin absorption;

17 (iii) Inhalation;

18 (iv) Eye irritation;

19 (v) Flammability or explosiveness.

20 (h) The required signal word as "DANGER", "WARNING", or
21 "CAUTION" and the statement "Keep Out of Reach of Children", must
22 appear on the front panel and meet the minimum type size requirements. The
23 front panel of the label of economic poisons which are highly toxic to human
24 must show:

25 "POISON" in red on a contrasting background

26 "DANGER"

27 Skull and Crossbones

28 Statement of antidote, including directions to call a physician immediately
29 (in immediate vicinity of skull and crossbones and "POISON").

30 (i) The registration number assigned to the product by the Council;

- 1 (j) Directions for use which are adequate to protect the public;
- 2 (k) Application rate;
- 3 (l) Waiting period and reentry interval;
- 4 (m) Safety statements and pictograms.
- 5 (4) Other Required information:
- 6 (a) Data to support any or all claims on the labelling;
- 7 (b) A complete statement of the composition of the products,
- 8 including the percentage by weight of each of the active ingredients, if such
- 9 information does not appear on the label;
- 10 (c) Any pertinent information about inert ingredients;
- 11 (d) Any other information pertaining to physical or biological
- 12 properties of the product etc.
- 13 (5) Data Requirements for Pesticide Tolerance;
- 14 The criteria and data requirements for establishing tolerances are data
- 15 and other information provided, when evaluated as a whole, should establish
- 16 the safety of the proposed pesticide tolerance.
- 17 (6) The chemical residue data in pesticide petitions must meet two
- 18 major requirements:
- 19 (a) If the residue data must delineate the identity and magnitude of
- 20 the residues and must show that, under the proposed conditions of use, the
- 21 proposed tolerance is suitable (i.e. will not be exceeded but is not higher than
- 22 acceptable);
- 23 (b) the analytical methods used to obtain the residue data must be
- 24 valid and must afford a measure of the total toxic residue. A suitable method
- 25 must be provided for enforcing the proposed tolerance.
- 26 (7) Chemical Composition of Pesticide:
- 27 The identity and complete composition, including minor components
- 28 and impurities, as well as accepted chemical (or biological) and common
- 29 names are required. Specifications must be furnished if required to establish
- 30 identity or to limit impurities;

1 (8) Conditions of Use:

2 Complete proposed directions for use must include proposed
3 limitations and restrictions, such as usage in feeds for livestock, must be
4 reasonable, practicable, and in conformity with accepted practices.

5 (9) Analytical Methods:

6 The Applicant must present or refer to a method suitable for
7 confirming the proposed tolerance.

8 25.-(1) (a) The Council shall by regulation establish a procedure
9 for accomplishing the periodic review of registrations;

10 (b) The regulations shall stipulate the review of pesticide
11 registration in every 15 years. Within six months of the effective date of this
12 Act, the Council shall establish re-registration procedures to ensure the
13 periodic review of registered pesticides;

14 (c) The Council shall, within six months of coming into force of the
15 regulation, establish re-registration procedures to ensure the periodic
16 review of registered pesticides.

17 (2) If the Council determines that additional data are required to
18 maintain an existing registration of a pesticide, the Council shall notify all
19 existing registrants of the pesticide to which the determination relates, and
20 all applicants for such registrations.

21 (3) (a) Each registrant or applicant for registration of pesticide
22 shall provide evidence within 90 days after receipt of notification;

23 (b) Two or more registrants or applicants may agree to develop
24 jointly, or to share in the cost of developing, such data if they agree and
25 inform the Council of their intent within 90 days after notification.

26 (4) (a) The Council shall issue a notice of intent to suspend the
27 registration of a pesticide if a registrant fails to comply with this clause, and
28 may include in the notice such provisions as the Council deems appropriate
29 concerning the continued sale and use of existing stocks of such pesticide;

30 (b) Any suspension proposed under this section shall become final

Review and
Additional Control/
registration

1 at the end of 30 days from receipt by the registrant of the notice, unless during
2 that time a request for hearing is made, or the registrant has satisfied the
3 Council that the registrant has complied with the requirements that served as a
4 basis for the notice.

5 (5) Any data submitted under this section shall be subject to the
6 provisions of Section 17(5) of this Act.

7 (6) The Council may at any time require data concerning any
8 ingredient which the Council has reason to believe may pose an unreasonable
9 adverse risk to human health or the environment.

10 (7) (a) The Council shall periodically review the pesticides marketed
11 in Nigeria, their acceptable uses and their availability to each sector of the
12 public, and conduct special reviews when indicated by scientific evidence;

13 (b) The Council may carry out health surveillance programs
14 concerning populations who are occupationally exposed to pesticides,
15 investigate as well as document cases of poisoning.

16 (2) Additional Information:

17 (1) If the registrant possesses or receives information relevant to the
18 assessment of the risks or benefits, or the unreasonable adverse effects of any
19 pesticide for which he holds a certificate, such information must be reported to
20 the Council within 30 days after the registrant first possesses or obtains actual
21 knowledge of:

22 (a) toxicological and ecological studies showing adverse effects of
23 the pesticide;

24 (b) discontinued studies, if submission of such information
25 concerning the study would have otherwise been required under this Act;

26 (c) information showing a correlation between exposure to a pesticide
27 and observed adverse effects in humans;

28 (d) information on the presence of the pesticide in water, food or feed
29 at a level in excess of established levels;

30 (e) information showing the existence of any metabolite or degradate

1 of a pesticide product not previously reported or at levels higher than any
2 previously reported and of toxicological or ecological significance;

3 (f) information about incidents affecting humans or other non-
4 target organisms:

5 (a) when the registrant has been informed that the person or non-
6 target organism suffered a toxic or adverse effect, or is likely to suffer a
7 delayed or chronic adverse effect in the future, and

8 (b) the registrant has or could obtain information concerning where
9 the incident occurred, the pesticide or product involved, and the name of a
10 person to contact regarding the information.

11 (2) Where registrants or applicants possess or receive information
12 described in this section following submission of an application must report
13 such information to the Council within 30 days after the applicant first
14 possesses or obtains actual knowledge of such information.

15 (3) The registrant or applicant need not submit information which
16 is clearly erroneous, previously submitted, published, or concerning only
17 former inerts, contaminants or impurities which have been eliminated from
18 the registered product.

19 27.-(1) The Council shall, within six months of coming into force
20 of this Act, issue requirements and procedures to be followed by any person
21 who stores, transports, or disposes of stocks of a registered pesticide, or any
22 pesticide the registration of which has been suspended or canceled.

Storage, Disposal
and Transportation

23 (2) The Council shall, within six months of the effective date of this
24 Act, issue requirements and procedures to be followed by any person who
25 stores, transports, or disposes of stocks of any container of a pesticide, any
26 rinsate containing the pesticide, or any other material used to contain or
27 collect excess or spilled quantities of the pesticide.

28 28.-(1) Suspension:

Suspension and
Cancellation

29 (a) If the Council determines that action is necessary to prevent an
30 imminent danger during the time required for cancellation procedures

1 described in this section, the Council may, by order, suspend the registration of
2 the pesticide immediately;

3 (b) No order of suspension may be issued under this section unless the
4 Council has issued, or at the same time issues, a notice of intention to cancel the
5 registration. The Council shall notify the Registrant prior to issuing any
6 suspension order, including findings pertaining to the question of "imminent
7 danger," and the registrant shall then have an opportunity for an expedited
8 hearing before the Council on the question of whether an imminent danger
9 exists and how to mitigate it;

10 (c) Notwithstanding Section 9(a) (2), whenever the Council
11 determines that an emergency exists that does not permit the Council to hold a
12 hearing before suspending, the Council may issue a suspension in advance of
13 notification to the registrant. The Council shall proceed to issue the
14 notification within 90 days of issuing an emergency order, or such emergency
15 order shall expire.

16 (2) Cancellation:

17 (a) A registrant may, at any time, request that a pesticide registration
18 of the registrant be canceled or amended to terminate one or more pesticide
19 uses and such request shall be granted by the Council along with provisions for
20 existing stocks of the pesticide determined in consultation with the registrant;

21 (b) If it appears to the Council that a pesticide or its labeling or other
22 material required to be submitted does not comply with the provisions of this
23 Act, or, when used as directed, generally causes unreasonable adverse effects
24 on the environment, the Council may issue a notice of the Council's intent
25 either:

26 (a) to cancel its registration or to change its classification together
27 with the reasons (including the factual basis) for the Council's action, and, if it
28 determines that the intention is justified,

29 (b) to hold a hearing to determine whether or not its registration
30 should be canceled or its classification changed. The hearing and judicial

1 review procedures described at Section 6 (1)(3)(C) shall be applicable.

2 (3) Existing Stocks:

3 The Council may permit the continued sale and use of existing
4 stocks of a pesticide whose registration is suspended or canceled under such
5 conditions, and for such uses as the Council determines that such sale or use
6 is not inconsistent with the purposes of this Act.

7 29.-(1) Any pesticide imported into Nigeria shall be registered, or
8 otherwise exempted from registration, consistent with the requirements of
9 this Act.

Imports, Exports
and Rotterdam
Convention
Implementation

10 (2) Any pesticide or active ingredient used in producing a pesticide
11 intended for export to any foreign country shall be subject to the
12 requirements of subparagraph (c) (i)-(ii) below.

13 (3) Implementation of Rotterdam Convention Concerning
14 Hazardous Chemicals and Pesticides in International Trade ("Rotterdam
15 Convention"):

16 (a) In accordance with Article 11 of the Rotterdam Convention,
17 exporters shall ensure that exports of substances listed on Annex III to
18 countries that are Parties to the Rotterdam Convention comply with import
19 responses provided by those countries. Where the importing Party has not
20 submitted a response, export is allowed provided that, at the time of import,
21 the pesticide is registered in the importing Party; or it is a chemical for which
22 evidence exists that it has previously been used in, or imported into, the
23 importing Party and in relation to which no regulatory action to prohibit its
24 use has been taken; or explicit consent to the import has been sought and
25 received by the exporter through a designated national authority of the
26 importing Party;

27 (b) Where a pesticide produced for export has been banned or
28 severely restricted for domestic use in Nigeria, the Council shall provide an
29 export notification to the importing Party in accordance with article 12 of the
30 Rotterdam Convention. The export notification shall include the

1 information set out in Annex V of the Rotterdam Convention;

2 (c) In accordance with article 10 of the Rotterdam Convention, the
3 Council shall ensure that it has transmitted to the Secretariat of the Convention
4 a response concerning the import of each pesticide listed on Annex III of the
5 Convention. The response shall identify whether the pesticide may be
6 imported, may not be imported, or may be imported only subject to conditions.
7 If the Council takes a decision not to consent to import of a pesticide or to
8 consent to its import only under specified conditions, it shall ensure that
9 imports or domestic production of the pesticide for domestic use are subject to
10 the same prohibition or conditions.

Manufacturing,
Registration and
Record Keeping

11 30. No person shall manufacture any pesticide or active ingredient
12 used in producing a pesticide unless the establishment in which it is
13 manufactured has obtained the appropriate Manufacturing Permit, if required
14 by separate manufacturing legislation. Any manufacturer may seek a pesticide
15 registration from the Council once it has complied with such legislation.
16 Persons who manufacture pesticides must keep records for a specified period.
17 Such persons must make their books and records available for inspection by the
18 Council at reasonable times. The Council shall keep records of all of its
19 decisions and deliberations.

Pesticide Sales
and Distribution

20 31. The Council shall, within six months of the coming into force of
21 this Act, shall publish quality standards, including a certification requirement,
22 for all pesticide retailers and distributors. Following such publication, the sale
23 or distribution of a pesticide without the required retailer/distributor
24 certification shall be prohibited.

Advertising and
Marketing

25 32.-(1) Advertising:

26 (a) Only pesticides which are registered may be advertised;

27 (b) Any claims made in the advertising of a pesticide must be
28 consistent with the claims accepted by the Council.

29 (2) Marketing:

30 (a) Only pesticides manufacturers and importers or their accredited

1 registered distributors shall market pesticides in Nigeria and in approved
2 premises;

3 (b) Pesticide can only be procured/purchased from registered,
4 authorized and licensed (Accredited) Dealer and Agents;

5 (c) All manufactures and importers shall register their accredited
6 Dealers and Agents with the Council;

7 (d) It shall be an offence to store or sell pesticides in the same
8 premises in which foodstuff, animal feeds and drugs are sold or displayed;

9 (e) The Council shall have the power to de-register any
10 manufacturer, importer, accredited Distributor/Dealer/Agent who
11 contravenes any of the provisions and guidelines with respect to safe,
12 effective use, transportation, storage and handling of pesticide;

13 (f) No Manufacturer, Importer, Distributor, Dealer and Agent shall
14 display or sell any pesticide that has been de-registered, banned or expired.

15 **33.-(1) Offences:**

Enforcement

16 It is unlawful for any person to:

17 (a) sell or distribute a pesticide which is not registered or which has
18 not been given provisional clearance by the Council;

19 (b) sell or distribute a pesticide without an approved label attached
20 to it;

21 (c) sell or distribute a pesticide which is misbranded or which does
22 not meet the specifications as stated when the product was registered;

23 (d) detach, alter, deface, or destroy any label on the container of a
24 pesticide product;

25 (e) repackage or transfer the contents of a pesticide product unless
26 the new container is labeled with an approved label and unless the operation
27 is carried out in a registered manufacturing establishment;

28 (f) advertise a pesticide which is not registered, or in a manner that
29 is misleading or inaccurate;

30 (g) supply a pesticide which is packaged in a container which has

1 deteriorated, or has been damaged so as to be dangerous in storage or transport,
2 or when opened for use;

3 (h) use a pesticide in a manner which is not consistent with the
4 conditions on the approved label;

5 (i) make false statements or provide false information in the
6 application for registration, or licensing and certification or in required reports
7 or records;

8 (j) knowingly release confidential information;

9 (k) Sell or use a product with experimental user permit.

10 (2) Penalties:

11 (a) For any registrant, commercial applicator, wholesaler, dealer,
12 retailer, or other distributor who violates any provision of this Act, the Council
13 may impose a civil penalty of not more than One Million Naira (N1,000,000)
14 or imprisonment for a term not exceeding Two (2) years, or both for each
15 offense;

16 (b) Any private applicator or other person who violates any provision
17 of this Act subsequent to receiving a written warning from the Council or
18 following a citation for a prior violation may be imposed a civil penalty by the
19 Council of not more than One Million Naira (N1,000,000) or imprisonment for
20 a term not exceeding Two (2) years, or both for each offense;

21 (c) Any registrant, applicant for a registration or producer who
22 knowingly violates any provision of this Act shall be fined not more than ten
23 Million Naira or imprisoned for not more than Five (5) years, or both. Any
24 private applicator or other person who knowingly violates any provision of this
25 Act shall be guilty of a misdemeanor and shall on conviction be fined not more
26 than One Million Naira (N1,000,000), or imprisoned for more than two (2)
27 years, or both.

28 (3) Enforcement of Compliance:

29 (a) There shall be an Inspectorate division of the Nigerian Pesticide
30 Council that shall have responsibility to monitor compliance with this Act. The

1 Department shall have appropriate laboratory facilities for analysis;

2 (b) The Council shall designate certain technically qualified
3 personnel of the Pesticide Inspectorate Division as pesticide inspectors and
4 pesticide analysts;

5 (c) A person shall not be designated a pesticide inspector unless
6 he/she is a graduate with at least a BSc. or HND in Agriculture, Chemistry,
7 Biochemistry or any other related discipline;

8 (d) A person shall not be designated a pesticide analyst unless-

9 (i) he/she is a graduate in chemistry with advanced degree in
10 organic chemistry;

11 (ii) produces evidence of technical post-graduate training in
12 analytical chemistry and pesticide residue analysis;

13 (iii) has at least five years of continuous post-graduate working
14 experience in pesticide residue analysis.

15 (e) A Pesticide Inspector may, in the course of his duty, at any
16 reasonable time and on the production of his/her certificate of designation if
17 required:

18 (i) enter (if need by force) any premises in which he reasonably
19 believes that any product to which this Act or the regulation apply is
20 manufactured, formulated, prepared, preserved, packaged, re-packaged,
21 stored or sold;

22 (ii) examine any product in the premises which appears to him to be
23 a product to which the Product or the regulations apply or anything in the
24 premises which he reasonably believes is used for the manufacture,
25 formation, preparation, packaging, storage or sale of the product;

26 (iii) open and examine any container which he believes contains a
27 pesticide, take a sample of specimen of any product to which this Act applies
28 for further examination;

29 (iv) Examine any books; documents, facilities, and any other

1 infrastructure relevant to the enforcement of this Act have been contravened;
2 (v) seize, and when necessary dispose of pesticides or containers
3 where he reasonably believes that the provisions of this Act has been
4 contravened;

5 (vi) a seized product found on examination by the pesticide
6 Inspectorate department to conform with the requirements of this Act shall be
7 returned from whom it was seized;

8 (f) No person shall obstruct or resist a pesticide inspection officer in
9 the execution of his duty under this Act without the authority of an inspecting
10 officer remove, alter or interfere in any way with any product seized under this
11 Act.

12 34. The Council may exempt any of the government agencies from
13 any provision of this Act if the Council determines that emergency conditions
14 exist which requires such exemption. The Council may allow certain pesticides
15 that are not registered to be used in emergency situations to control certain pest
16 outbreaks in agriculture or public health under exceptional circumstances. The
17 Council shall publish procedures regarding the approval for the use of such
18 pesticides under this section.

19 35.--(1) Preemption:

20 No local authority shall impose or continue in effect any requirements
21 for the labeling, packaging, testing or registration of a pesticide in addition to or
22 different from those required under this Act. All claims under any law other
23 than this Act which seek to challenge the registration of a pesticide issued under
24 this Act are expressly preempted.

25 (2) Repeal:

26 (a) This act repeals any Act, statute and any other legislation that is
27 inconsistent with the provision of this act and shall be declared Null and Void to
28 the extent of its inconsistency;

29 (b) Any approval granted under the repealed enactment shall continue
30 to be in force notwithstanding the repeal.

Emergency
Conditions

Preemption and
Repeal

1 36. The Minister of Agriculture may by order make such
2 transitional provisions as it appears to him necessary or expedient to give
3 full effects to the provisions of this Act. Transitional
Provision

4 37. The Council may make regulations: Regulation
5 (1) Providing for anything requiring to be prescribed under this Act
6 generally for carrying out the principles and objectives of this Act.

7 (2) Any instrument issued under sub-section (1) of this section
8 shall be under the signature of the Chairman of the Council or any other
9 officer of the Council as may be designated by the Chairman.

10 38. In this Bill: Interpretation

11 ACTIVE INGREDIENT: The biologically active part of the pesticide;

12 ADJUVANT: Any adhesive, deposit, builder, emulsifying agent, spreading
13 agent, synergist or wetting agent intended to be used as an aid to the
14 application or effect of a pesticide;

15 APPLICANT: The party (manufacturer, importer or their representative)
16 that makes an application for registration of a pesticide to the Nigeria
17 Pesticide Council;

18 CAPITAL means all cash contributions, plant, machinery, equipment,
19 building, spare parts, raw materials and other assets other than goodwill;

20 COUNCIL means the Nigerian Pesticide Council established under Section
21 (1) of this Act;

22 ENVIRONMENT includes water, air, land, all plants, man, and or her living
23 animals and other organisms;

24 FORMULATION: The combination of various ingredients designed to
25 render the product useful and effective for the purpose claimed; the form of
26 the pesticide as purchased by users;

27 INERT INGREDIENT: An ingredient which is not an active ingredient;

28 INGREDIENT STATEMENT: A statement which contains the name and
29 percentage of each active ingredient, and the total percentage of all inert
30 ingredients, in the pesticide;

1 LABEL: The written, printed or graphic matter on, or attached to, the pesticide;
2 or the immediate container thereof and the outside container or wrapper of the
3 retail package of the pesticide. Includes all other written, printed or graphic
4 matter accompanying the pesticide at any time, or to which reference is made
5 on the label or in literature accompanying the pesticide, except current
6 government publications.

7 MANUFACTURER: A corporation or other entity in the public or private
8 sector, or any individual engaged in the business or function (whether directly
9 or through an agent or through an entity controlled by or under contract with it),
10 of producing a pesticide active ingredient or preparing its formulation product.

11 MISBRANDED: A pesticide is misbranded if:

12 (i) its labeling bears any statement, design or graphic representation
13 relative thereto or to its ingredients which is false or misleading in any
14 particular;

15 (ii) it is an imitation of, or is offered for sale under the name of,
16 another pesticide;

17 (iii) its label does not bear the registration number assigned by the
18 Council to each establishment in which it was produced;

19 (iv) in the case of a pesticide intended for export, the label does not
20 conform to any existing export regulations.

21 PERSON means an individual and shall include corporate body, a limited
22 liability company, a charitable organization, or association of a partnership of
23 any number of persons.

24 PEST: means any insect, rodent, nematodes, fungus, weed or any other form of
25 plant or animal or virus or bacteria or other micro organisms which the
26 chairman declares and scientifically justifies as a pest;

27 PESTICIDE: Any substance or mixture of substances intended for preventing,
28 destroying or controlling any pest, including vectors of human disease, or
29 unwanted species of plants or animals causing harm during or otherwise
30 interfering with the production, processing, storage, transport, or marketing of

1 food, agricultural commodities, wood and wood products, or animal
2 feedstuffs; any substance or mixture of substances intended for use as a plant
3 regulator, defoliant, desiccant, or agent for thinning fruit or preventing the
4 premature fall of fruit; or any substance or mixture of substances applied to
5 crops either before or after harvest to protect the commodity from
6 deterioration during storage and transport;

7 PESTICIDE COUNCIL: The Evaluation and Adjudication Board of
8 Pesticide Registration, which is the legally appointed body that takes the
9 final decision on the request for registration;

10 PICTOGRAM: A symbol which conveys a message without words;

11 PLANT GROWTH REGULATOR: Any substance or mixture of substances
12 intended, through physiological action, for accelerating or retarding the rate
13 of growth or rate of maturation of a plant. This term shall not include
14 substances intended as plant nutrients, trace elements, nutritional
15 chemicals, plant inoculants, and soil amendments. This term shall also not
16 include any nutrient mixtures or soil amendments that are commonly known
17 as vitamin-hormone horticultural products, intended for improvement,
18 maintenance, survival, health, and propagation of plants, and that are not for
19 pest destruction and are nontoxic, non-poisonous in the undiluted packaged
20 concentration;

21 POLLUTION means man- aided alteration of the chemical, physical,
22 ecological or biological quality of the environment.

23 REGISTRANT: A person who has registered any pesticide pursuant to the
24 provisions of this Act;

25 REGISTRATION: The process whereby the responsible national
26 government authority approves the sale and use of a pesticide following the
27 evaluation of comprehensive scientific data demonstrating that the product
28 is effective for the purposes intended and is protective against any
29 unreasonable adverse effects on human health or the environment;

30 RESIDUE means the amount of Pesticides that may remain in or on food,

1 animal feed and or the environment;

2 RESPONSIBLE AUTHORITY means the statutory body in charge of
3 evaluation and approval of requests for registration and any other competent
4 department specifically authorized by law to regulate the manufacture,
5 distribution or use of pesticides and more generally for implementing pesticide
6 legislation in this case, "Nigeria Pesticide Council";

7 WASTE include industrial products that are no more usable and have become
8 obsolete and could be solid, liquid or gases that are found to contain substances
9 such as Sulphur dioxide, Oxides or Nitrogen, Hydrogen sulphide, Carbon
10 monoxide, Ammonia, corrosive, reagent, flammable liquid and solid, poison,
11 Poly-chloringlodhiphenyls, Dynocyanide, Methyl-melamine, Ethylacetate,
12 toxic substance radioactive materials, asbestos, expired pesticides and their
13 containers and contaminated pesticides containers.

Citation

14 39. This Bill may be cited as the Nigerian Pesticide Council Bill,
15 2021.

16 SCHEDULE I

17 SUPPORTING STAFF OF THE COUNCIL

18 1. The Council shall have an Executive Secretary who should be a
19 Scientist with at least twelve (12) years experience in the field of pesticide. The
20 Executive Secretary will implement policies, decisions and directives of the
21 Council. The Council shall have the following Directorate who shall report to
22 the Executive Secretary:

23 *Director Technical Services*

24 2. The Director Technical shall be a Scientist with vast knowledge in
25 field of pesticide with at least ten (10) years experience. The Director shall
26 advise the Council through the Executive Secretary on all matters of Pesticide
27 Registration.

28 *Director Finance & Administration*

29 3. The Director Finance & Administration shall be a graduate with at
30 least 10 years experience in the field of Accounting & Finance. He shall advise

1 the Council through the Executive Secretary on all matters of finance and
2 administration.

3 *Director Inspectorate Division*

4 4. The Director for Inspectorate Division shall be a qualified and
5 competent Scientist with at least ten (10) years experience in the field of
6 pesticide. He shall advise the Council through the Executive Secretary on all
7 matters of regulation of toxicity, efficacy and monitoring of pesticide. There
8 shall be a Central Laboratory and six (6) zonal laboratories to represent the 6
9 Geopolitical zones of Nigeria. The Central Laboratory, Library and Data
10 Bank shall be under this directorate.

11 *Director Planning & Training*

12 5. The Director Planning & Training shall be a Scientist with vast
13 knowledge in field of pesticide with at least ten (10) years experience. The
14 Director shall advise the Council through the Director General / Executive
15 Secretary on all matters of general planning and trainings.

16 6. Each zonal laboratory will be appropriately staffed for the
17 discharge of its functions and to be headed by a Chief Scientific Officer, with
18 appropriate training in pesticides and or pest control who will be responsible
19 to the Director Inspectorate Division.

20 SCHEDULE II

21 SUPPLEMENTARY PROVISION RELATING TO THE COUNCIL, ETC

22 *Proceedings of the Council*

23 1. Subject to this Act, and Section 41 of the Interpretation Act, the
24 council may make standing orders regulating its proceedings or those of any
25 of its committees.

26 2. The quorum of the Council shall be Five(5) members, including
27 the chairman or in his absence the person elected to preside, and Two other
28 members from the public sector and also two from the non-public sector.
29 The quorum of any committees of the council shall be determined by the
30 Council:

1 (i) The Council shall meet once a quarter in each calendar year and
2 subject thereto, the council shall meet whenever it is summoned by the
3 Chairman, and if the Chairman is required to do so by notice given to him by
4 not less than four other members (2 from public and 2 from non-public sector),
5 he shall summon a meeting of the Council to be held within 14 days from the
6 date on which the notice is given;

7 (ii) At any meeting of the Council, the chairman shall preside but if he
8 is absent, the members present at the meeting shall elect one of their number to
9 preside at the meeting;

10 (iii) Where the Council desire to obtain the advice of any person or
11 group on a particular matter, the council will co-opt him or group to the Council
12 for such period as it thinks fit but such a person who is in attendance by virtue of
13 this sub-paragraph shall not be entitled to vote any meetings of the Council and
14 shall not count towards a quorum;

15 (iv) The decision of the Council shall be by simple majority.

16 *Appointment of Ad-hoc committee*

17 3.-(i) The Council may appoint one or more committees to carry out,
18 on behalf of the Council, such of its functions as the council may determine;

19 (ii) A committee appointed under this paragraph shall consist of such
20 number of persons (not necessarily members of the Council) as may be
21 determined by the Council and a person other than a member of the Council
22 shall hold office on the committee in accordance with the terms of his/her
23 appointment;

24 (iii) The decision of a committee of the Council shall be of no effect
25 until it is confirmed by the Council.

26 *Miscellaneous*

27 4.-(i) The fixing of the seal of the Council shall be authenticated by the
28 signature of the Chairman or any person specifically authorized to act for that
29 purpose by the Council;

30 (ii) Any contract or instrument which, if made or executed by a person

1 not being a body corporate, will not be required to be under seal and may be
2 made or executed on behalf of the Council by the chairman or any person
3 specifically authorized to act for that purpose by the Council;

4 (iii) The document purporting to be a document duly, executed
5 under the seal of the council shall be received in evidence and shall unless
6 and until the contrary is proved, be presumed to be so executed;

7 (iv) The validity of any proceeding of the Council or of a
8 committee thereof shall not be adversely affected by any vacancy in the
9 membership of the Council or committee, or by any defect in the
10 appointment of a member of the Council or of a committee, or by reason that
11 a person not entitled to do so took part in the proceedings of the Council or
12 committee.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for establishment of the Nigerian Pesticide Council.

