

CASSAVA FLOUR (MANDATORY INCLUSION IN FLOUR PRODUCTION) BILL, 2022 SB923

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CASSAVA FLOUR (MANDATORY INCLUSION IN FLOUR PRODUCTION) BILL, 2022 SB. 923
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**A BILL
FOR
AN ACT TO PROVIDE A LEGAL AND REGULATORY FRAMEWORK FOR THE INCLUSION OF
CASSAVA FLOUR IN EDIBLE FLOUR PRODUCTION, TO ENCOURAGE CASSAVA FARMING,
CREATE A SUSTAINABLE MARKET FOR CASSAVA FLOUR AND FOR OTHER RELATED MATTERS**

Commencement
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BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows –

**PART I
OBJECTIVES AND APPLICATION**

1. Objectives

The objective of this Bill is to -

- (a) provide a legal and regulatory framework for the mandatory inclusion of cassava flour into edible flour production in Nigeria;
- (b) provide incentives to encourage cassava farming; and
- (c) create a sustainable market for cassava flour.

2. Application

The provisions of this Bill shall apply throughout the Federal Republic of Nigeria

**PART II
NATIONAL CASSAVA POLICY COORDINATION COUNCIL**

3. Establishment of the National Cassava Policy Coordination Council

- (1) There shall be established a body to be known as the National Cassava Policy Coordination Council (in this Bill referred to as 'the Council').
- (2) The Council shall be a body corporate -
 - (a) with perpetual succession and common seal;
 - (b) may sue or be sued in its corporate name; and
 - (c) shall acquire, hold or dispose of property (whether movable or immovable).

4. Membership of the Council

- (1) The Council shall consist of -
 - (a) the Minister for Agriculture as Chairman
 - (b) the Minister for Industry, Trade and Investment;
 - (c) the Minister for Science and Technology;
 - (d) the Director – General of NAFDAC;

- (e) one representative each not below the rank of a Director or its equivalent from the following bodies -
 - (i) Flour Millers Association of Nigeria,
 - (ii) Bakers Association of Nigeria,
 - (iii) Cassava Farmers Association of Nigeria,
 - (iv) the Organised Labour;
 - (v) Cassava Research Institutes, and
 - (vi) Civil Society organisations
- (f) three other persons with recognised qualification and experience in the field of Agriculture; and
- (g) the Director – General of the Council.

(3) The Council may co-opt or invite any person to attend and participate at any of its meetings provided that the person so co-opted or invited shall only be in attendance and shall not count towards the *quorum* or votes at the meeting.

(4) The office of a member of the Council shall become vacant where –

- (a) his term of office expires;
- (b) he resigns his appointment as a member of the Board by a notice in writing under his hand addressed to the President; or
- (c) he dies.

(4) The President may on the recommendation of the Minister remove a Member of the Council from office where –

- (a) he is incapable of carrying out his duties due to mental or physical infirmity;
- (b) he has been declared bankrupt or he makes compromise with his creditors;
- (c) he has been convicted of a felony or any offence involving fraud or dishonesty;
- (d) he is guilty of gross misconduct relating to his duties; or
- (e) in the case of an *ex – officio* member, he ceases to hold the office on the basis of which he became a member of the Board.

(5) Notwithstanding the provisions of subsection (4) of this section, the President may remove or suspend a member from the Council if he is satisfied that it is not in the interest of the Council or of the public for the person appointed to continue in office.

(6) Where a vacancy occurs in the membership of the Council, it shall upon the recommendation of the Minister, be filled by an appointment by the President of a successor

to hold office for the remainder of the term of office of his predecessor and the successor shall represent the same interest as that member whose exit created the vacancy.

(7) The Minister may for the purpose of policy development in particular and generally for the proper implementation of the provisions of this Bill, constitutes Technical and Advisory Committees to include a representative each from the Federal Ministry of Agriculture and other relevant Ministries, Departments and Agencies and such other organizations, trade and manufacturer associations, as deemed appropriate by the Minister.

5. Functions and powers of the Council

The Council shall be responsible for-

- (a) initiating, formulating, reviewing and implementing national composite policy on cassava from time to time;
- (b) the proper implementation of the provisions of this Bill;
- (c) prescribing the quantity of cassava flour that shall be included by makers of edible flour in line with the provisions of this Bill;
- (d) register and maintain the data base of all commercial and industrial makers, commercial users and producers of edible flour in Nigeria;
- (e) ensure that all bakers and users of edible flour comply with the prescribed quantity of cassava prescribed by the Committee under this Bill or Regulations made pursuant to the provisions of this Bill.
- (f) mobilizing internal and external resources, including technical assistance for cassava farmers, their support institutions, associations and non-governmental organizations, marketing their products and services;
- (g) monitoring the implementation of and compliance with Federal Government directives, incentives and facilities for the development cassava in Nigeria; and
- (h) carrying out such other activities as are necessary, incidental or expedient for giving full effect to the functions of the Council under this Bill.

PART III MANDATORY INCLUSION OF CASSAVA IN EDIBLE FLOUR PRODUCTION

6. Inclusion of cassava flour into edible flour production

- (1) As from the commencement of this Bill, it shall be mandatory for makers of edible flour in Nigeria to include to their output a proportion of cassava flour into the production of edible flour.
- (2) The percentage of cassava flour required to be included into edible flour under subsection (1) of this section shall be as may be prescribed by the Council is a Regulation published in the Federal Gazette.

(5) Any person engaged in the production or importation of edible flour in Nigeria shall include the prescribed percentage of cassava flour into edible flour produced or imported into Nigeria

7. Incentives to producers of mixed wheat and cassava flour

The Minister may, upon the approval of Federal Executive Council, and -

- (a) by order published in the official gazette grant appropriate incentives to encourage cassava farmers, milling industries and other entities concerned with the manufacturing of edible cassava flour in Nigeria; and
- (b) set the qualifying criteria for milling industries and other corporate entities concerned in the production, manufacturing, importation and exportation of cassava to benefit from the incentives referred to in paragraph (a) of this section.

8. Quality control and standardization

The National Agency For Food and Drug Administration and Control shall -

- (a) be responsible for setting the standards required for the production of edible flour in Nigeria mixed with required percentage of cassava and ensure compliance with set standards; and
- (b) in accordance with its statutory powers, be charged with the responsibilities for ensuring compliance with the provisions of this section of this Bill.

PART IV
OFFENCES AND PENALTIES

9. Offences and penalties

- (1) Any person who being a producer, manufacturer or importer of edible flour into Nigeria who contravenes the provision of section 8 of this Bill or regulations made pursuant to this Bill commits an offence and is liable on conviction to -
 - (a) a fine of not less than N5,000,000.00;
 - (b) suspension of operation for a period of not more than five years; or
 - (c) to both such fine and suspension.
- (2) Where the offence referred to in subsection (1) of this section is committed by a body corporate, every director, manager or secretary of the corporate body shall be liable on conviction, to a term of imprisonment of not less than one year without option of fine.

PART SIX

MISCELLANEOUS

10. Jurisdiction

Offences arising from the contravention of the provision of this Bill shall be tried at the Federal High Court, High Court of a State or High Court of the Federal Capital Territory.

11. Regulations

- (1) The Council shall with the approval of the Minister make such regulations as are necessary for giving full effect to the provisions of this Bill.
- (2) Regulations made pursuant to subsection (1) of this section shall not have effect until it is published in the Federal Gazette.

12. Interpretation

In this Bill -

“Makers of edible flour” means any person who is in the business of producing edible flour either as a baker, miller for any use including in the production of pasta, confectioneries, etc.

“Minister” means the Minister in charge of Agriculture;

“NAFDAC” means National Agency For Food and Drug Administration and Control; “other relevant agencies” includes Standard Organization of Nigeria;

“Person” includes natural and juristic person;

“Relevant Associations” includes a representative of the Flour Millers Association of Nigeria, Cassava Growers Association of Nigeria, Cassava Flour Processors Association of Nigeria, Bakers Association of Nigeria;

“Sector” includes the agricultural sector or other related sectors; and

“Trade and manufacturer associations” include representatives of the Manufacturers Association of Nigeria and the organized labor.

13. Short Title

This Bill may be cited as the Cassava Flour (Mandatory Inclusion into Edible Flour Production) Bill, 2022.

EXPLANATORY MEMORANDUM

This Bill seeks to provide a legal and regulatory framework for the mandatory inclusion of cassava flour in edible flour production in line with the policy of the Federal Government to encourage cassava farming, create sustainable market for cassava, cassava products and derivatives and for related matters.