

A BILL

FOR

A LAW TO PROVIDE FOR THE LICENSING AND CONTROL OF INDUSTRIAL GOODS, QUARRY HAULAGE AND FOR CONNECTED PURPOSES

BE IT ENACTED by the House of Assembly of Kwara State of Nigeria and by the authority of same as follows –

() Date of Commencement

1. Registration and licensing

As from the commencement of this law no person shall dig, excavate, extract from the soil or carry on the following trades unless he is first registered by the licensing authority and has also obtained a license in respect of the trade:

- (a) Small scale industry
- (b) Medium scale industry
- (c) Large scale industry
- (d) Haulage of industrial goods
- (e) Haulage of Quarry materials

2. Registration and licensing fee

- 1) The registration and licensing fee shall be as prescribed in the schedule of this law.
- 2) The licensee shall pay all permit fees or tariffs and such other fees and dues as may be prescribed by the licensing authority in respect of their operations.

3. Application for License

An application for the grant of a license under this Law shall be made to the Licensing authority in such form or manner and shall contain or be accompanied by such information, document and other materials as may be prescribed by the licensing authority

4. Criteria for licence

Where an application is made to the licensing authority in accordance with section 3 of this Law, the licensing authority shall if satisfied that the applicant is-

(a) Capable of complying with such conditions as may be imposed or attached to the license ;

(b) In all other respects a suitable person to be granted a license,

issue a license subject to the payment of the prescribed fees as contained in the schedule.

5. Duration of licence

(1) A licence issued by the licensing authority shall be for the duration of one year beginning from the day when it was issued and shall subsequently be renewed annually.

(2) When renewing a licence the licensing authority may vary the conditions attached to the licence and may impose additional conditions.

(3) The licensee shall pay the renewal fee specified in the schedule for the renewal of a licence.

6. Power to vary Conditions

The licensing authority may vary or revoke at any time any condition attached to a licence.

7. Refusal to grant license

The licensing authority may in its discretion refuse to grant-

(a) a licence;

(b) renew a licence ; or

(c) cancel a licence that has been issued.

8. Cancellation of a licence

(1) Where the licensing authority has reasonable grounds to believe that the licensee has failed to comply with any required conditions, regulations or the provisions of this Law, the licensing authority may after giving the licensee the opportunity of being heard or make a representation by notice in writing within 14 days to remedy the contraventions specified in the notice.

(2) The licensing authority may cancel a license if the license fails to make any representation within the specified period in subsection (1) above.

9. Appeals against refusal, cancellation or withdrawal of licence

(1) Any person aggrieved by -

(a) the refusal of the licensing authority to grant or renew a licence;
or

(b) The cancellation of a licence,

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may within thirty days after receiving from the licensing authority notification of its decision appeal to the commissioner

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- (2) Where the licensing authority has cancelled a license under section 9 of this law, the cancellation shall not have effect until the expiry of the period within which an appeal against such cancellation may be made or if an appeal has been made.

10. Replacement of license

Any licensee whose license has been lost or destroyed may on presentation of an affidavit and payment of the prescribed fee, obtain a certified true copy of the licence from the licensing authority.

11. Licence issued on evidence of tax payment

The licensing authority shall not issue out a licence unless evidence of tax payment for the last three years is produced by the licensee.

12. Prohibition of transfer of licence

- (1) A licence shall not be transferred by any licensee to another person except with the approval of the licensing authority.
- (2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on conviction to a fine of not more than ten thousand naira or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

13. Revocation of licence

- (1) The licensing authority shall revoke a licence if-
 - (a) Satisfied upon complaint by the Commissioner of Police or any other person to the licensing authority that it is a proper case for revocation;
 - (b) In the opinion of the licensing authority it is in the public interest to revoke the license; or
 - (c) On the order of the Court that the licence be revoked.
- (2) Where a licence granted under this Law is revoked or expires and the holder of the licence fails to surrender it when called upon to do so, a police officer or a person or persons authorised by the licensing authority may require him to produce it and may seize it and deliver it to the licensing authority.
- (3) If a person who is required under subsection (2) of this section to produce a licence fails to do so then, unless within five days beginning with the day next after that on which the production of the licence was required, it is produced, he shall be guilty of an offence and shall be

liable on conviction to a fine of not more than ten thousand naira or a term of imprisonment not exceeding six months or to both fine and imprisonment.

14. Protection Staff

There shall be such number of protection staff of which there shall not be less than two to each bit.

15. Functions of protection staff

The protection staff shall-

- (a) Monitor;
- (b) Inspect the activities of licensees;
- (c) Have power to arrest and hand over to the police any person that contravenes the provisions of this Law;
- (d) report cases of non-compliance with the provisions of this Law or any other regulation to the Licensing authority.

16. Penalty for contravention of section 1

Any person who contravenes the provisions of section 1 of this Law shall be guilty of an offence and shall be liable on conviction to a fine of not more than fifty thousand naira or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

17. Confiscation of equipment

Without prejudice to section 15 a protection staff shall have the right to recommend to the licensing authority confiscate equipment used by the licensee.

18. Time of Operation

- (1) A licensee shall only operate at such time and hour as the licensing authority may specify.
- (2) Any person who contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on conviction to a fine of not more than fifty thousand naira or a term of imprisonment not exceeding two years or to both such fine and imprisonment.

19. Jurisdiction

Offences arising from the provisions of this Law shall be tried in the state revenue court.

20. Regulations

The Commissioner may make regulations providing for any matter which appears to him to be necessary for the purpose of giving effect to the provisions of this Law.

21. Interpretation

In this Law unless the context otherwise requires-

“**Commissioner**” means Commissioner charged with the responsibility of industry matters and issues connected thereto;

“**Confiscation**” means seizure and forfeiture

“**licensing authority**” means the department in the ministry charged with industry matters .

“**Protection staff**” means such staff of the department in the ministry appointed for that purpose.

“**Small scale industry**” means a company or organization with 11 to 35 employees.

“**Mediums scale industry**” means a company or organization with 36 to 100 employees.

“**Large scale industry**” means a company or organization with more than 100 employees.

“**State**” means Kwara State

