

*Extraordinary*



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<i>S. I. No.</i>	<i>Short Title</i>	<i>Page</i>
34	Regulation for Hatchery Operations in Nigeria .. .. .	B453-461

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S.I. No. 34 of 2018

REGULATION FOR HATCHERY OPERATIONS IN NIGERIA

The Governing Council of the Nigerian Institute of Animal Science (NIAS), In exercise of the power conferred on it by sections 2 and 32 of the Nigerian Institute of Animal Science Act, CAP. N160 LFN 2007, as amended by the Nigerian Institute of Animal Science (Amendment) Act, 2015 and of all the powers enabling it in that behalf, by the approval of the Council of Nigerian Institute of Animal Science hereby makes the following Regulations :

PART 1

1.—This Regulation seeks to :

Ensure that the Process of Hatchery Operations, as well as Production, Handling, Transportation and Distribution of day old chicks are done in line with best practice that will improve welfare and liveability of the birds.

Scope and Objectives.

This Regulation aims at :

Objectives.

1. Ensuring that good quality parent Stocks are used for the Production of Day-Old-Chicks (DOCs).

2. Ensuring the Production of quality DOCs.

3. Ensuring the sustainable production of good quality local DOCs.

4. Ensuring that Hatchery Operations are done in line with Good Hygiene Practices.

5. Ensuring that low quality DOCs are not circulated.

6. Ensuring that DOCs are properly sexed to reduce sexing error to the barest minimum.

7. Ensuring that proper packaging and labeling are done to guarantee traceability in case of non-conforming products.

2. For the purpose of this Regulation, Hatcheries shall be categorized on the basis of their weekly output as.

Categorization of Hatcheries.

(a) Small Hatcheries with less than 56,000 DOCs

(b) Medium with 57,000-125,000 DOCs

(c) Large with more than 125,000 DOCs

3. No Person shall operate a Hatchery Business unless the Business entity and premises have been registered by the Institute in accordance with the provisions of this Regulation.

Registration of Hatchery.

Engagement of a Registered Animal Scientist by a Hatchery.

4.—(1) As from the commencement of this Regulation every Hatchery in Nigeria shall have in its employment, either permanently or on part time, at least one Registered Animal Scientist as a Technical Officer Supervising the operations of the Hatchery ;

(2) The Curriculum Vitae of such Officer shall form part of the Documents to be submitted for registration ; and

(3) Where a Hatchery operates without enlisting the services of a Registered Animal Scientist, all the Directors and the Managers of the Hatchery shall be taken to have committed the offence of impersonation of a Registered Animal Scientist and may be proceeded against in accordance with the provision of Section 19(7) of NIAS (Amendment) Act, 2015.

**PART 2**

Prohibition of Unregistered Hatchery.

5. As from the commencement of this Regulation :

(a) No person who hatches eggs or offers chicks for sale or does custom hatching shall operate a hatchery unless that hatchery has been registered by the Institute under this Regulation.

(b) No person shall offer for sale DOCs unless such DOCs originate from a hatchery duly registered by the Institute under this Regulation.

(c) An application for registration shall be made to the Registrar/CEO, Nigerian Institute of Animal Science who, following the applicant's satisfactory compliance with all stipulated conditions, shall recommend that the applicant be issued a Certificate of registration.

(d) Every Certificate of registration shall remain in force until revoked, suspended, or surrendered Save that such Certificate of Registration shall be subject to renewal every two years.

Issuance of Certificate of Registration for a Hatchery.

6. An applicant seeking to register a Hatchery shall submit to the Institute, plans and specifications of the Hatchery showing :

(a) Process flow ;

(b) all room dimensions and the positions of doors, windows, stairways and drains ;

(c) source of power, lighting, heating and ventilating systems ;

(d) the location of hatchery equipment ;

(e) the means of control of flies, rodents and other vermin ;

(f) biosecurity measures ;

(g) hatchery waste management.

7.—(1) Each Hatchery registered under this Regulation shall be :

Registered Hatchery Identification.

(a) identified by a name and address ; and

(b) assigned a registration number that is to be used only in respect of that hatchery.

(2) No operator shall use a registration number other than the number assigned to that hatchery.

8.— (a) Where any Hatchery is in operation and has not registered with the Institute in accordance with this Regulation, such Hatchery shall be served a Notice of 30 days to comply.

Non Compliance.

(b) Where a Hatchery registered under this Regulation, is non-compliant in its operations, with the stipulated guidelines issued by the Institute, such Hatchery shall be served a Notice of 60 days to comply.

9. The Registrar may revoke or suspend a Certificate of Registration if he is satisfied that the Hatchery has violated or failed to comply with any of the provisions of this Regulation after the expiration of the Notice.

Suspension and Revocation of Certificate of Registration

10. The Registrar shall revoke Certificate of Registration or suspend the operations of a non-compliant Hatchery until the Hatchery has complied with the relevant provision (s) of this Regulation.

Length of Suspension and Revocation of Certificate of Registration.

11. The operator of a registered Hatchery shall :

Hatchery Operations.

(a) acquire for incubation, or custom hatching only eggs from a NIAS certified breeder farm.

(b) inform the Institute on prescribed forms monthly after the time of hatching, the number and destination of DOCs ;

(c) not accept hatchable eggs unless they are packed in clean packing material and cases and the flock or registered breeder farm from which the eggs originated is clearly indicated on the case.

(d) maintain and retain for one year a record of each lot of eggs purchased for hatching or accepted or supplied for custom hatching, listing the name of the flock owner or operator with whom the transaction was completed, the date and number of eggs involved ;

(e) maintain a record satisfactory to the Institute listing :

(i) all egg purchases ;

**B 456**

- (ii) the results of hatching or custom hatching, including the number of eggs set and chicks hatched ;
  - (iii) chick purchases and sales ;
  - (iv) the disposal of surplus chicks ; and
  - (v) such additional information as the Institute may require.
- (f) report monthly to the Institute on the appropriate forms, statistical information on eggs set and chicks hatched and such additional information as the Institute may require ;
- (g) not incubate hatchable eggs that are not clean and sound in shell ;
- (h) not sell or offer for sale DOCs or turkey poults unless they are vigorous, healthy and uniform in size ;
- (i) keep all setters and hatchers in good working conditions ;
- (j) keep the hatchery building and all equipment in sanitary condition at all times ;
- (k) after each hatch, thoroughly clean the interior and exterior of all hatchers and all parts of the hatcher ;
- (l) promptly remove from the hatchery, refuse from each hatch and dispose of it in a manner satisfactory to the inspector and not allow such refuse to become available for human food ;
- (m) thoroughly clean refuse containers after the refuse from each hatch is removed and equip the refuse containers with tight-fitting lids ;
- (n) ensure that hatchery personnel are clothed in clean garments ;
- (o) provide washroom facilities for hatchery personnel ;
- (p) fumigate eggs and incubators according to procedures recommended by the Institute or the Manufacturer of the incubator ;
- (q) not make alterations to the hatchery or hatchery equipment unless he has first submitted to the Institute the plans and specifications for the alterations and the Institute has approved those plans ; and
- (r) design the hatchery in a way to create different entry and exit points for hatchable eggs and DOCs, respectively ;
- (s) prepare and submit for assessment, a Standard Operating Procedure (SOP) for all operations in the hatchery. These operations include, but are not limited to, receiving of eggs, candling of eggs, setting of eggs, sexing of DOCs, and packaging of DOCs etc ;
- (t) have evidence of hygiene audit.

12. The Operator of a registered hatchery shall ensure that :

Labelling.

(a) chicks are packed in clean, standard boxes that conform to the applicable requirements for boxes set specified by the Institute.

(b) the boxes are constructed to afford proper ventilation and shall have new chick box pads in each section ; and

(c) every box of chicks packed by or shipped from the hatchery bears the abbreviation "NIAS Reg. No." followed by the number allotted to that hatchery by Institute, all in block letters not less than 6mm high, batch number and date of hatch.

13.—(1) An Operator shall furnish the Institute prior to January 1st of every year, with a list of the names and address of all persons acting as his agents/distributors and shall, whenever a name or address is changed, inform the Institute of the change.

Agents/  
Distributors  
and Brokers.

(2) An agent or a person selling chicks on his own account or for the operator of a registered hatchery shall keep and make available for inspection accurate records of the source of the chicks, purchases and sales.

14. No operator of a registered hatchery shall :

Sales and  
Advertising.

(a) Use any term, description or breeding designation in respect of hatchable eggs, chicks, or a hatchery, unless such which complies with the claim about such hatchable eggs, chicks, or hatchery ;

(b) have any business connection with or use his name or his firm's name in connection with any hatchery in operation, other than as a registered hatchery ; or

(c) advertise or offer for sale, chicks as sexed chicks unless the percentage of accuracy of the sexing is stated and guaranteed ; or

(d) advertise, sell, or offer for sale chicks hatched in the hatchery under any name or registration number other than the name and registration number set out in his Certificate of Registration.

15. (a) Flocks supplying hatchable eggs to the hatchery shall be kept separate from all other poultry.

Hatchery  
Supply  
Flock.

(b) No hatchable-eggs, chicks, poults shall be sold from a registered hatchery while it is under quarantine ;

(c) Eggs meant for hatching should be in line with the specifications in the guidelines on hatchery.

**B 458**

Hatchable  
Eggs.

**16.** Vehicles used for transportation and distribution of hatchable eggs shall be :

(a) Clean, disinfected and well refrigerated to ensure preservation of the hatchable eggs

(b) Hatchable eggs should be transported in disinfected Trays.

DOCs.

**17.** Vehicles used for transportation and distribution of day old chicks shall be :

(a) Clean, disinfected and well ventilated to provide adequate comfort for the chicks ;

(b) Accompanied by relevant documents such as waybills, stating hatchery of origin, quantity, type and destination ;

(c) DOCs should be transported in new disposable trays.

Detention.

**18.—(1)** An inspector may place under detention for a period not exceeding 2 hours, packages, hatchable eggs, or chicks that do not comply with this Regulation by attaching to each lot a numbered tag, hereinafter referred to as a "detention tag", on which shall be clearly written :

(a) the words "under detention, Nigerian Institute of Animal Science" ;

(b) a brief description of the lot being detained ;

(c) the reason for detention ;

(d) the date ; and

(e) the inspector's name and signature.

(2) At the expiration of two hours of detention and upon failure to comply, such packages, hatchable eggs or chicks that do not comply with this Regulation shall be confiscated by the inspector. Such confiscation shall not exonerate a person who is in such contravention from the applicable penalty under this Regulation.

(3) Immediately after attaching the detention tag the inspector shall deliver or mail to the owner of the packages, hatchable-eggs or chicks, or his agent, a notice of detention and, where the packages, hatchable-eggs or chicks are on premises other than that of the owner, a copy of the notice of detention shall also be delivered or mailed to the person on whose premises the packages, hatching-eggs, or chicks are located.

(4) Notwithstanding the provision of the subsection (2) above, an inspector may make such orders and give such directions as he/she considers necessary for the proper preservation and safeguarding of packages, hatchable-eggs or chicks on which a detention tag has been placed and a person to whom such an order is made or direction given shall comply with its terms.

(5) Except as authorized in writing by the Institute, no person shall alter or remove a detention tag placed on packages, hatchable eggs or chicks by an inspector.

(6) Where an inspector is satisfied that the packages, hatchable eggs or chicks held under detention comply with this Regulation, he shall complete a notice of release.

(7) The inspector shall deliver or mail a copy of the notice of release to the owner of the packages, hatchable-eggs or chicks and a copy to the person on whose premises the packages, hatchable-eggs or chicks are located.

(8) The Institute or any of her agents or inspectors shall not be held liable for any damage which occurs to packages, hatchable-eggs or chicks while in detention, for failure to comply with any provision of this Regulation, or for any loss whatsoever, sustained by the owners of such packages, hatchable-eggs or chicks arising from such detention.

**19.—**(1) Notwithstanding the provisions of any section of this Regulation, an Inspector, shall have the right to enter into a hatchery operation premises whether or not such hatchery operation premises is registered by the Institute for the purposes of ensuring compliance to the provisions of this Regulation.

Monitoring  
and  
Surveillance.

(2) Where an Inspector in furtherance of subsection (1) is refused entry into a hatchery operation premises whether or not such premises is registered by the Institute, such refusal shall be treated as a contravention of the provisions of this Regulation and an Inspector shall consequently direct forceful entry into such premises.

**20.—**(1) A person who contravenes a provision of this Regulations is guilty of an offence and liable on conviction :

Penalty.

(a) in the case of non-registration, to an imprisonment of 3 months or option of fine of ₦5,000,000 shall apply ;

(b) in the case of an individual, to a fine not exceeding ₦50,000 for first offenders and ₦100,000.00 for subsequent offenders or to imprisonment for a term not exceeding 12 months or both fine and imprisonment ; and

(c) in the case of a body corporate, to fine not exceeding ₦250,000.00 for first offenders and ₦1,000,000.00 for subsequent offenders.

(d) in the case of a severe offence and infraction on the provisions as set out in this Regulation, the Hatchery shall be sealed for a period it takes for an investigation to be completed.

(2) Where the offender or one of the offenders is a Registered Animal Scientist, the provision of Part V and Schedule of Nigerian Institute of Animal



Science Act, 2007 (as amended) on professional discipline shall be applicable to him/her ;

(3) Where the offence under this Regulation is committed by a body corporate or firm or other association of individuals, every :

(a) director, manager, secretary or other similar officer of the body corporate ;

(b) Partner or Officer of the firm ;

(c) Trustee of the body concerned ;

(d) Person concerned in the Management of the affairs of the association ; or

(e) Person who was purporting to act in a capacity referred to in this paragraph ;

Is severally guilty of that offence and liable to be proceeded against and punished for that offence.

Interpretation.

In this Regulation :

“*Act*” means the Nigerian Institute of Animal Science Act, CAP. N160 LFN 2007 as amended ;

“*Agent/Distributor*” means a person, other than a hatchery operator, who sells chicks or receives consignments of chicks for resale or distribution ;

(DOCs) “*Day-Old-Chicks*” means newly hatched chicken within the first 48 hours of hatching ;

“*Certificate of Registration*” means a permit issued by the provision of this Regulation to operate a hatchery ;

“*Chicks*” means chickens or turkeys less than 30 days old ;

“*Custom hatching*” means the hatching of eggs in a registered hatchery for payment where the eggs are not the property of the hatchery operator ;

“*Hatchery*” means a building or portion of a building equipped with an incubator and used for incubation of hatchable poultry eggs ;

“*Hatchery Business Entity*” includes all operators dealing with any or all of operations from egg setting to final supply of DOCs to the farmer. This includes hatchery operators, DOCs Distributors, DOCs transporter ;

“*Hatchable-eggs*” means eggs intended for the production of chicks ;

“*Hatchery Supply Flock*” means the breeder farms from where fertile eggs are collected for the hatchery ;

“*Inspector*” A person authorized by the Institute to enforce compliance with this Regulation ;

“*Institute*” means the Nigerian Institute of Animal Science.

“*Operator*” means the person who is in charge of operations of a hatchery and includes the owner of the hatchery ;

“*Package*” means an inner or outer receptacle or covering used for containing, wrapping or covering hatchable-eggs or chicks ;

“*Refuse/Hatchery Wastes*” means infertile eggs, dead embryos, egg shells, low quality chicks and other debris associated with the operation of a hatchery ;

“*Registered Hatchery*” means a hatchery in respect of which a Certificate of Registration has been issued under this Regulation ;

“*Sexed Chicks*” means chicks the sex of which has been determined by examination ;

“*Turkey Poults*” means newly hatched turkey ;

“*Hatchery Operation Premises*” means any premises where any or all of operations of a hatchery from egg setting to final supply of DOCs are carried out. This includes transportation of DOCs.

This Regulation may be cited as the Hatchery Operations Regulation in Nigeria, 2018. Citation.

MADE at Abuja this 11th day of December, 2018.

GOVERNING COUNCIL  
*Nigerian Institute of Animal Science*