

002401



**THE LAWS OF
ABIA STATE
OF NIGERIA
2005**

**MINISTRY OF JUSTICE
ABIA STATE**

All copyrights reserved by the
Government of Abia State of Nigeria

©

Section

25. Extinguishment of unclaimed rights
26. Extinguishment of rights for non-user
27. Rights not to be alienated without consent of Commissioner
28. Acts prohibited in proposed game reserve
29. Restriction of entry to game reserve
30. Offences in game reserve
31. Game sanctuary
32. Declaration of close season

PART 4 – RESTRICTION OF METHODS OF HUNTING
AND DESTROYING WILD ANIMALS

33. Restriction on killing fish
34. Prohibiting use of motor vehicle or aircraft to hunt or stampede animals

PART 5 – TRAFFIC IN TROPHIES

35. Possession of trophies
36. Onus of proof of lawful possession
37. Declaration of trophy
38. Disposal of trophy
39. Government ownership of animals
40. Disposal of animal which has become Government property
41. Finding remains of elephants or rhinoceros
42. Finding remains of other specially protected animals

PART 6 – GENERAL

43. Destruction of animals for necessity
44. Where animals killed for necessity is an elephant
45. Power to search for and seize animals
46. Power of arrest
47. Payment for information leading to conviction of offender
48. Eggs of specially protected birds
49. Prosecution
50. Regulations
51. Power of Court to confiscate arms or other instruments

SCHEDULES

CHAPTER 174

WILD ANIMALS LAW

A Law to provide for better control, conservation and management of wild animals and for connected purposes.

E.N. No 8 of 1965;
ABSN No. 1 of 1991.

[20th May, 1965] Commencement

PART I – PRELIMINARY

1. This Law may be cited as the Wild Animals Law.
2. In this Law –

Citation

Interpretation

“animal” means a vertebrate or invertebrate, dead or alive, or a part thereof, and not bird, reptile, fish, and the nest, egg or egg-shell thereof;

“fire-arm” has the same meaning as in section 2 of the Fire-arms Act;

“government” means the Government of Abia State of Nigeria;

“hunt” includes intentionally to cause injury or attempt to cause injury to an animal;

“Commissioner” means the Commissioner charged with responsibility for Wild Life Preservation;

“trophy” means a prohibited animal or specially protected animal whether alive or dead or anything which is part or produced from a prohibited animal or specially protected animal or part thereof, but does not include a part of such an animal which has by a *bona fide* process of manufacture lost its original identity;

“wild animal” means an animal not normally found in a domesticated state.

Appointment
of officers

3. For the purposes of this Law there shall be appointed a chief game warden, game wardens, and such other officers and employees as may be necessary.

Appointment
of Advisory
Committee

4. (1) So soon as may be after the commencement of this Law, the Commissioner may appoint a committee to be known as the Wild Animals Preservation Advisory Committee (hereinafter called the Advisory Committee).
- (2) It shall be the duty of the Advisory Committee to advise and make recommendations to the Commissioner on all matters and questions relating to the wild animals of Abia State of Nigeria.
- (3) The Advisory Committee shall consist of a Chairman who shall be the chief game warden, and such number of other members not exceeding eight, as the Commissioner may determine.
- (4) The members of the Advisory Committee may be paid such remuneration and allowances as the Commissioner may determine.

PART 2 – PROHIBITED ANIMALS, SPECIALLY PROTECTED ANIMALS, AND PROTECTED ANIMALS

Prohibited
animals. First
Schedule

5. The animals specified in the First Schedule are prohibited animals.

Permission to
hunt prohibited
animals

6. (1) The Commissioner may, on such conditions as he may specify, permit a person in writing to hunt a prohibited animal but so that such a permission shall be given only for important scientific purposes or for essential administrative reasons.
- (2) A person who hunts or is in possession of a prohibited animal otherwise than in accordance with a written permission of the Commissioner under this section is guilty of an offence.

Penalty: a fine of one thousand naira or imprisonment for three years or both.

7. The animals specified in the Second and Third Schedules are specially protected animals and protected animals respectively.

8. (1) The chief game warden may –

- (a) with the approval of the Commissioner, grant a licence to a person to hunt or be in possession of a specially protected animal; or
- (b) grant a licence to a person to hunt or be in possession of a protected animal.

(2) Subject to section 12, a person who hunts or is in possession of a specially protected animal or a protected animal except in accordance with a licence granted under this section is guilty of an offence.

Penalty: a fine of one thousand naira or imprisonment for six months or both.

9. (1) Where a person who holds a licence under section 8 is convicted of an offence under this Law, then –

- (a) the court convicting that person may, in addition to any other penalty imposed by this Law –
- (i) cancel the licence; or
- (ii) suspend it for a specified period; and
- (b) the person convicted shall produce the licence within such time as the Court may direct for the purpose of endorsement.

(2) A licence which is suspended under subsection (1) is, during the period of suspension, of no effect and shall for that term be retained in the custody of the Court.

(3) A person whose licence is suspended shall during the period of suspension be disqualified from holding a licence under this Law.

10. (1) Notwithstanding sections 6 and 8, a person shall not hunt the female of –

- (a) a prohibited animal;
- (b) a specially protected animal; or
- (c) a protected animal,

Specially
protected animals
and protected
animalsLicence to hunt
specially
protected
animals and
protected
animalsCancellation
and suspension
of licenceHunting of
female animals
with young
prohibited

when that animal is accompanied by its young or the young of the same species unless he is otherwise specially authorized so to do under this Law.

- (2) A person who without special authority hunts the female of an animal of the kind mentioned in subsection (1) in the circumstances mentioned in that subsection, is guilty of an offence.

Permission or
licence covers
assistants

11. (1) A permission in writing, or a licence issued under this Law covers –
- (a) the holder; and
 - (b) any other person employed by the holder to assist him.

- (2) Notwithstanding subsection (1) a person employed to assist the holder of a permission or licence shall not discharge any fire-arm in hunting the animals in respect of which the permission or licence is issued.

Killing animals
in self-defence

12. (1) Notwithstanding anything contained in this Law, a person commits no offence under this Law by reason only that in defence of himself or his property or other person he kills –
- (a) a prohibited animal; or
 - (b) a specially protected animal; or
 - (c) a protected animal.

- (2) A person who kills an animal of the kind mentioned in subsection (1) and in the circumstances specified in that subsection shall, not more than two weeks after the killing, report the killing to a game warden.

- (3) Where the holder of a written permission or a licence under this Law kills, in defence of life or property, an animal covered by the permission or licence, the killing shall be deemed to have been by virtue of such a permission or licence, as the case may be, and the holder of the permission or licence shall enter the animal killed against the number of the species of animals which he is authorized to kill by the permission or licence.

Exemption
from
permission or
licence

13. A person residing in any area of Abia State of Nigeria who is entitled to traditional hunting rights may hunt a protected animal in that area

without a licence provided his method of hunting does not involve a breach of a provision of this Law or the regulations made hereunder.

PART 3 – GAME RESERVES, GAME SANCTUARIES AND CLOSE SEASONS

14. Subject to this Law, the Ministry may by order –

Game reserves

- (a) declare an area to be a game reserve; or
- (b) define or alter the limits of a game reserve; or
- (c) declare that an area shall cease to be a game reserve.

15. (1) Before constituting an area a game reserve, the Commissioner shall publish a notice in the Abia State *Gazette* –

Notice of
intention to
create game
reserve

- (a) specifying, as nearly as may be, the situation and limits of the area which it is proposed to declare a game reserve;
- (b) declaring that it is intending to constitute that area a game reserve; and
- (c) appointing, by name, an officer to be a Game Reserve Settlement Officer (hereinafter referred as the Settlement Officer) for the proposed game reserve.

- (2) Upon the publication of a notice under subsection (1) the Settlement Officer shall –

- (a) immediately cause the particulars of the notice to be published –
 - (i) in a prominent position on the land it is intended to declare a game reserve, and
 - (ii) in the offices of the local government council having jurisdiction in the area, and to be read and interpreted to the inhabitants of the area in every Customary Court situated or having jurisdiction in the area, in the language or languages commonly spoken in that area;
- (b) invite persons having claims to any right or interest in, or respecting the land to be declared a game reserve to make those claims;
- (c) fix, and in the manner prescribed in paragraph (a) make known a period (not earlier than three months

from the publication of the notice) within which, and a place to or at which, persons or communities claiming those rights or interests shall either send to the Settlement Officer written statements of their claims or appear before him and state orally the nature and extent of their rights.

Inquiry

16. As soon as may be after the expiration of the period fixed under paragraph (c) of subsection (2) of section 15 the Settlement Officer shall conduct an inquiry into -

- (a) the limits and boundaries of the area specified in the notice under subsection (1) of section 15; and
- (b) the substance of all claims to rights in, over, or affecting the land in the area specified in that notice, and upon the completion of the inquiry, shall compile a report thereof in which he shall -
 - (i) determine the limits of the land specified in the notice; and
 - (ii) determine, with all such particulars as may be necessary to define their nature, duration, incidence and extent, all claims submitted to him or otherwise brought to his knowledge in respect of the area specified in that notice, and state whether he admits or rejects them wholly or in part.

Judicial powers of the inquiring officer

17. (1) For the purpose of an inquiry under section 16, the Settlement Officer may procure all such evidence, written or oral, and examine all such persons and witnesses as he may consider necessary and, without prejudice to the generality of the foregoing, may -
 - (a) require the evidence of a witness to be made on such oath as could be required of the witness if he were giving evidence in a Magistrate's Court;
 - (b) summon a person in Abia State to attend an inquiry in order to give evidence, and examine him as a witness or require him to produce a document or other thing in his possession;

- (c) issue a warrant to compel the attendance of a person who has -
 - (i) been summoned to attend under paragraph (b), and
 - (ii) failed to do so, and
 - (iii) not excused the failure to the satisfaction of the Settlement Officer;
- (d) order the person mentioned in paragraph (c) to pay the cost of compelling his attendance incurred by reason of his refusal to obey the summons and in addition impose on him a fine not exceeding one hundred naira which shall be recoverable in like manner as a fine imposed by a Magistrate's Court;
- (e) enter any land for the purpose of obtaining information or evidence.

- (2) A person summoned under this section who, without lawful excuse or justification -
 - (a) refuses to attend as a witness; or
 - (b) neglects to make an answer or to produce a book, paper or other document in his possession which he is requested to make or produce, as the case may be, is guilty of an offence.

Penalty: a fine of one thousand naira.

18. Upon the completion of the inquiry the Settlement Officer shall submit a report to the Commissioner through the chief game warden.

Submission of report of inquiry

19. Where the chief game warden is of the opinion that the exercise of any rights or claims admitted would -

Power of the Commissioner with respect to rights admitted

- (a) stultify the object of the proposed game reserve; or
- (b) seriously hinder the efficient management of the game reserve.

he shall advise the Commissioner accordingly and thereupon the Commissioner may either -

- (c) extinguish those rights or claims upon the payment of adequate monetary compensation or the granting, in

exchange, of similar rights on other similarly situated land within or without the final boundaries of the proposed game reserve; or

- (d) confine or restrict those rights or claims to a specified area either within or without the final boundaries of the proposed game reserve, or restrict the exercise of those rights to specified times of the year; or
- (e) amend the boundaries of the game reserve so as to exclude therefrom the area over which those rights or claims have been admitted; or
- (f) add such rights as he considers just and equitable notwithstanding that the Settlement Officer has not admitted them; or
- (g) adopt wholly or in part a combination of any two or more of the foregoing methods of dealing with admitted rights or claims.

Notice as to
final
boundaries and
settlement of
rights and
claims

20. (1) The Commissioner shall, after considering the report and settling rights and claims in the manner prescribed under section 19 publish a notice in the *Abia State Gazette* specifying -
- (a) the lands which it is finally intending to constitute a game reserve;
 - (b) the rights which may be exercised within the game reserve and the area to which the exercise is confined or restricted; and
 - (c) other special conditions affecting the game reserve.
- (2) The notice shall be made known to the people of the area in the manner described in section 15 and be communicated to every person who, or to the representative of every community which, made a claim to the Settlement Officer.

Appeal

21. (1) Where a person who has made a claim on his own behalf, or the representative of a community which has made a claim, is aggrieved by the settlement of his claim or right as decided by the Commissioner, he may, within three months of the publication of the notice under section 20, appeal to the High

Court having jurisdiction in the area of the proposed game reserve against the decision of the Commissioner.

- (2) The decision, on appeal, of the High Court shall be final.
- (3) Subject to this section, the Chief Judge may make rules of Court providing for the conduct of appeals before the High Court and for the procedure to be followed and the method of tendering evidence in the appeals.

22. (1) If there is no appeal at the expiration of the period specified in section 21 or, if there has been an appeal, after the determination of the appeal, the Commissioner may make an order constituting as a game reserve the land in respect of which an enquiry has been held.

Order
establishing
game reserve

- (2) The order shall -
 - (a) define the limits of the land which constitutes the game reserve; and
 - (b) set forth rights which may be exercised within the game reserve and the area to which the exercise is confined or restricted, including such rights, if any as may have been established by the High Court upon an appeal; and
 - (c) contain such other conditions affecting the lands as the Commissioner may impose.
- (3) The order shall be published in the *Abia State Gazette* and shall be made known to the people of the area by the Settlement Officer in the manner prescribed by paragraph (2) of section 14.
- (4) Unless the Commissioner otherwise indicates, the date of publication of the order in the *Abia State Gazette* is the date on which the land becomes a game reserve.

23. (1) The Commissioner may from time to time revise or modify, by order, an order made under section 22, after such inquiry as he may think fit.

Modification of
orders

- (2) In revising or modifying an order, the Commissioner may do all or any of the following acts -
 - (a) exercise the powers conferred by section 19;

- (b) admit such rights as he may consider just and equitable;
- (c) declare that the whole or any part of the game reserve shall cease to be a game reserve.
- Closure of ways and water-courses 24. Subject to this Law or other written law the Commissioner may close -
- (a) a way; or
- (b) a watercourse;
- situate in a game reserve if another way or watercourse which is, in his opinion, equally convenient exists or is provided.
- Extinguishment of unclaimed rights 25. (1) Subject to this section a right in, over, or affecting any land constituted a game reserve which is claimed or which is not in any way brought to the knowledge of the Settlement Officer at the time of an inquiry under section 19 shall, for the purposes of this Law, be deemed extinguished as from and including the date of commencement of an order made under section 22.
- (2) Notwithstanding anything contained in this Law a person may, within one year from the date of the publication of a notice under section 20, claim any right of which he was possessed at the time of an inquiry under section 16 but which, for sufficient reason shown to the Commissioner, he failed to claim, and the Commissioner may admit and deal with the right in such manner as he is empowered to do under section 19.
- Extinguishment of right, for non-user 26. A right in a game reserve which is not exercised for a period of ten years shall be deemed to have been extinguished.
- Rights not to be alienated without consent of Commissioner 27. (1) A person shall alienate, whether by sale, mortgage, or transfer, a right affecting land included in a game reserve without the prior consent of the Commissioner and a sale, mortgage, or transfer effected without such a consent shall be null and void.
- (2) A person who contravenes subsection (1) is guilty of an offence.

- Penalty: a fine of five thousand naira or imprisonment for two months or both.
- (3) The Commissioner may extinguish a right which a person attempts to alienate contrary to subsection (1).
28. (1) During the period between the publication of the notice referred to in subsection (1) of section 15 and the order constituting the game reserve in accordance with section 22, a person shall not acquire any right within the lands specified in the notice otherwise than by succession or under a grant or contract in writing entered into with the approval of the Commissioner.
- (2) Save as hereinafter provided, during the period specified in subsection (1) a person shall not, within the lands affected by the notice referred to in that subsection -
- (a) erect a new dwelling house; or
- (b) clear any land for farming or cultivation; or
- (c) cut a tree; or
- (d) hunt, capture, or kill a wild animal.
- (3) Nothing in subsection (2) shall be deemed to prohibit an act done with the permission in writing of a game warden.
- (4) A person who contravenes subsection (1) or (2) is guilty of an offence.
- Penalty: a fine of two thousand naira or imprisonment for six months; or both.
29. (1) A person, other than a game warden or other employee of Government on duty, shall not enter a game reserve except under the authority of this Law or the regulations made hereunder.
- (2) A person who contravenes this section is guilty of an offence.
- Penalty: a fine of five thousand naira or imprisonment for two months or both.
30. (1) A person who, in a game reserve, and without an authority under this Law or the regulation made hereunder -
- (a) hunts or takes possession of a wild animal; or

Acts prohibited in proposed game reserve

Restriction of entry to game reserve

Offences in game reserve

- (b) takes any forest produce; or
 - (c) uproots, burns, or strips the bark or leaves, or otherwise damages a tree; or
 - (d) sets fire to grass or herbage, or kindles a fire without taking due precaution to prevent its spreading; or
 - (e) pastures cattle or permits cattle to trespass; or
 - (f) digs, cuts, turns or cultivates the soil or makes a farm or plantation; or
 - (g) constructs a dam or weir across a river or stream or otherwise obstructs the channel of a river or stream; or
 - (h) resides in or erects a new building or makes a camp; or
 - (i) fishes or attempts to kill a fish; or
 - (j) sets a snare, net, trap, or other instrument for the purpose of catching or killing an animal or which is likely to catch, kill or injure an animal; or
 - (k) drives or stampedes or in any way disturbs unnecessarily an animal.
- is guilty of an offence.

Penalty: a fine of two thousand naira or imprisonment for six months or both.

- (2) Nothing in this section shall be deemed to prevent the chief warden or a game warden acting on the instructions of the chief game warden from doing an act prohibited by subsection (1).

(Cap 83)

- (3) In this section, "forest produce" has the meaning assigned to it in the Forest Law.

Game
sanctuary

31. (1) A local government council may, with the approval of the Commissioner –
- (a) declare an area to be a game sanctuary, or
 - (b) declare that a game sanctuary shall cease to be a game sanctuary.

- (2) Save as otherwise provided in this Law or in the regulations made hereunder, a person who hunts a wild animal within the limits of a game sanctuary, is guilty of an offence.

Penalty: a fine of two hundred naira or imprisonment for six months or both.

32. (1) The Commissioner may from time to time by order declare a period of time to be a close season for any animal, whether a prohibited animal, a specially protected animal or a protected animal or other wild animal, and the declaration may be –

Declaration of
close season

- (a) general –
- (b) restricted to the limits of the area defined in the order.

- (2) Where a period of time has been declared a close season for an animal, a person who hunts that animal within the area in respect of which the close season applies, is guilty of an offence.

Penalty: a fine of two thousand naira or imprisonment for six months or both.

PART 4 – RESTRICTION ON METHODS OF HUNTING AND DESTROYING WILD ANIMALS

33. A person who kills or captures any fish with poison or, without the permission in writing of the Commission, with any dynamic or other explosive or any electrical method or device, is guilty of an offence.

Restriction on
killing fish

Penalty: a fine of two thousand naira or imprisonment for six months, or both.

34. (1) A person who –
- (a) shoots a wild animal from an aircraft or from a vehicle or craft propelled by mechanical means; or
 - (b) uses an aircraft or mechanically propelled vehicle in such a manner as to drive away, stampede or disturb a wild animal.
- is guilty of an offence.

Prohibiting use
of motor
vehicle or
aircraft to hunt
or stampede
animals

Penalty: a fine of five thousand naira or imprisonment for two months or both.

- (2) Nothing in this section shall be deemed -
- to prevent a person from shooting, in accordance with this Law or the regulations hereunder, a wild fowl or crocodile from a launch or other river craft; or
 - to affect the right of an occupier of land used for public purpose to use a motor vehicle or aircraft for the purpose of driving away, capturing or destroying an animal found on such a land where the driving away, capture, or destruction is not contrary to a written law.

PART 5 - TRAFFIC IN TROPHIES

Possession of trophies

35. (1) A person shall not possess a trophy or manufacture anything from a trophy unless -
- the trophy has been obtained in accordance with this Law and is registered as a trophy in accordance with section 37; or
 - the person is specifically authorized in writing by the Commissioner or other person appointed by the Commissioner for the purpose, to possess the trophy.
- (2) A person who contravenes the provisions of subsection (1) is guilty of an offence.

Penalty: a fine of one thousand naira or imprisonment for three years, or both.

Onus of proof of lawful possession

36. In this Law the burden of proving that a trophy is lawfully obtained is on the person who alleges that it is so obtained.

Declaration of trophy

37. (1) A person possessing a trophy shall declare the trophy to a game warden who shall, upon satisfactory proof by the possessor that the trophy has been lawfully obtained, register the trophy and deliver to the possessor a free disposal permit in respect thereof in which the trophy shall be identified.
- (2) Where a trophy has been declared and registered, the game warden shall make identification marks on the trophy in accordance with regulations made under section 50 and shall

enter a declaration of the identification marks on the free disposal permit.

- (3) A person who -
- possesses a trophy otherwise than in accordance with this Law; or
 - fails to declare a trophy to a game warden, is guilty of an offence.

Penalty: a fine of five naira or imprisonment for two months or both.

38. (1) A person shall not sell, transfer, or otherwise dispose of a trophy which is not registered or in respect of which a free disposal permit has not been issued.
- (2) A person transferring, selling, or otherwise disposing of a trophy shall, upon such a transfer, sale, or disposition, transfer with the trophy the relevant free disposal permit which shall be proof that the possession of the trophy is lawful.
- (3) A person shall not purchase, receive, or otherwise obtain from another person a trophy which is not lawfully obtained.

Disposal of trophy

39. A wild animal killed or captured in accordance with section 12 or section 43 or a carcass or remains reported to a game warden in accordance with section 41 shall be property of the Government.

Government ownership of animals

40. The Commissioner may authorize the disposal, by sale or otherwise, of a wild animal or a part of a wild animal which has become property of the Government by virtue of section 39.

Disposal of animal which has become Government property

41. (1) A person who finds a carcass or remains of an elephant or rhinoceros with the tusk or horn intact shall report the find to a game warden within two weeks of the finding.
- (2) The Commissioner may direct the payment of a reward to a person reporting a find under subsection (1).
- (3) Where the person reporting the find in accordance with subsection (1) is the holder of a licence to hunt elephant or rhinoceros, he may take possession of the tusk or horn, as the

Finding remains of elephants or rhinoceros

case may be, as if he had killed the animal from which the tusk or horn is taken by virtue of the licence.

Finding
remains of
other specially
protected
animals

42. Where a person finds the remains of a specially protected animal other than an elephant or a rhinoceros and wishes to obtain possession thereof, he shall report the find to a game warden who may, on being satisfied that the circumstances of the finding do not constitute an offence, dispose of the remains to such a person on payment of such fees as may be provided for in regulations under section 50.

PART 6 – GENERAL

Destruction of
animals for
necessity

43. (1) Where –
- (a) in order to protect human life or any property or to prevent the destruction of crops, domestic stock, or of necessity in time of farming; or
 - (b) for any requirement relating to public health or public order, it is shown to the Commissioner or such other officer as he may appoint for the purpose that it is necessary or expedient to capture or destroy a wild animal, the Commissioner or that other officer may authorize a person to capture or destroy that wild animal.
- (2) An authority given in accordance with this section shall –
- (a) specify the number and species of wild animals that may be captured or destroyed;
 - (b) specify the area within which the wild animal may be captured or destroyed;
 - (c) specify the period, not being more than three months at any time from the date of the authority, for which the authority shall be valid; and
 - (d) prescribe the method by which the wild animal may be killed or captured, whether or not such a method is allowed by this Law or the regulations made hereunder having regard to the prevention of unnecessary suffering or destruction.

Where animal
killed for
necessity is an
elephant

44. Where the animal killed in pursuance of and under an authority given under section 43 is an elephant the person authorized to kill the

animal shall, within a period of not more than twenty-one days from the date of killing the animal, surrender the tusks of the animal to the chief game warden who shall then dispose of the tusks in accordance with the directions of the Commissioner.

45. Where a game warden suspects that an offence has been committed against the provisions of this Law or of the regulations made hereunder, he may himself search or authorize another person to search in his presence a baggage, package, vehicle, dwelling-house, tent, caravan or article belonging to or under the control of the suspected offender or of the suspected offender's agent or servant and if the game warden or that other person finds an animal or part of an animal appearing to him to have been killed or captured in contravention of this Law or the regulations made hereunder, he shall seize and take that animal or that part of the animal and immediately cause the offender to be prosecuted.

Power to
search for and
seize animals

46. A game warden may arrest without warrant a person who he reasonably suspects of having committed an offence against this Law or the regulations made hereunder if that person –

Power of
arrest

- (a) on the demand of the game warden refuses to give his name and address; or
- (b) gives a name or address which is false or which the game warden has reason to believe to be false; or
- (c) is likely to abscond,

and the game warden shall immediately cause that person to be prosecuted.

47. Where a fine is imposed in a proceeding under this Law or a regulation made hereunder, the Court imposing the fine may at its discretion direct that when the fine is paid a sum not exceeding half the amount of the fine shall be paid to the person, who gave the information leading to the conviction.

Payment for
information
leading to
conviction of
offender

48. (1) A person shall not take the eggs or egg-shell of a bird which is declared by this Law to be a specially protected animal unless –

Eggs of
specially
protected birds

- (a) the person is authorized so to do under this Law; or
- (b) the bird is lawfully kept in a domesticated state.

- (2) A person who contravenes this section is guilty of an offence.

Penalty: a fine of five thousand naira or imprisonment for two months or both.

Prosecution 49. In any proceeding for an offence against this Law or the regulations made hereunder the chief game warden shall be the prosecutor.

Regulations 50. The Commissioner may make regulations for doing all or any of the following -

- (a) regulating the application for, issue, for, conditions, and fees payable in respect of a licence or permit to be issued under this Law;
- (b) prescribing or altering the number of animals of a species or variety that may be hunted by virtue of a licence issued in accordance with this Law;
- (c) prescribing or altering the limits of the areas in which an animal declared to be a specially protected animal or protected animal or other wild animal not so declared may not be hunted, captured, or killed unless otherwise authorized under this Law;
- (d) regulating the possession, purchase, sale, transfer or disposal of a wild animal;
- (e) regulating the manufacture of any article from a trophy;
- (f) requiring the holder of a licence, permit, or authority issued in accordance with this Law to submit the licence, permit or authority to a prescribed officer for endorsement or for other purpose;
- (g) providing for the issue of a duplicate where a licence or permit is lost or destroyed;
- (h) prohibiting or regulating the capture or killing of fish, whether a specific fish or not, either generally or in specified water;
- (i) providing for the protection of spawning beds;
- (j) prohibiting the making or use of game pits, nets, traps or other instruments for the purpose of hunting wild animals either generally or in specified areas;

- (k) prohibiting the use of fire for the purpose of hunting a wild animal;
- (l) providing for the declaration, registration, marking, and identification of trophies;
- (m) prohibiting the possession or carrying of a specified kind of fire-arms, lamps, or other instruments when used or likely to be used or capable of being used for hunting;
- (n) requiring the holder of a licence issued in accordance with this Law to keep a true register of wild animals hunted, captured, or killed under the licence;
- (o) regulating the keeping of wild animals in captivity;
- (p) regulating the keeping of wild animals and wild animal ranching generally;
- (q) regulating the conditions of entry to game reserves and game sanctuaries;
- (r) regulating the management of game reserves and game sanctuaries;
- (s) declaring an animal to be vermin and declaring an animal not to be vermin and providing for the eradication or control of vermin;
- (t) providing for the fees to be charged under this Law; and
- (u) generally for the purpose of carrying out the provisions of this Law.

51. Notwithstanding anything contained in this Law, where a person is convicted for an offence under this Law or the Regulations made hereunder committed with fire-arms or other instruments, the Court may in addition to the prescribed punishment, order the confiscation or destruction of the fire-arms or other instruments.

52. The Wild Animals Preservation Ordinance is hereby repealed.

Power of Court to confiscate arms or other instruments

Repeal of Cap 232 L of Nigeria 1948 Edition

FIRST SCHEDULE

Chimpanzee.....	Pan troglodytes
Dama Gazelle.....	Gazella dama
Derby's Eland.....	Taurotragus derbianus
Dorcas gazelle.....	Gazella dorcaas
Immature elephant.....	[Loxodonta africana
	Loxodonta cyclotis
Giraffe.....	Giraffa camelopardalis
Gorilla.....	Gorilla gorilla
Manatee.....	Trichecus senegalensis
Pigmy Hippopotamus.....	Choeropsis liberiensis
Rhinoceros.....	Diceros bicornis

SECOND SCHEDULE

Caracal or Desert Lynx.....	Felix caracal
Cheetah.....	Acinonyx jubatus
Colobus monkey.....	[Colobus polykomos
	Colobos badius
Mature Elephant.....	[Loxodonta africana
	Loxodonta cyclotis
Hippopotamus, other than the pigmy	
Hippopotamus.....	Hippopotamus amphibius
Klipspringer.....	Oreotragus oreotragus
Situtunga.....	Limnotragus speckii
Crowned Crane.....	Balearica Pavonina Pavonina
European Stock.....	Ciconia species
Greater Bustard.....	Ardeotis arab stieberi
Great White Heron.....	Casmerodius albus
	melanorhynchos
Ostrich.....	Struthio camelus
Secretary Bird.....	Sagittarius serpentarius
	gambiensis
Vultures.....	All species.

THIRD SCHEDULE

Bushbucks or Harnessed Antelopes:

West African Bushbucks.....	Tragelaphus scriptus
Shari Bushbucks.....	Tragelaphus pietus
Ubangi Bushbuck.....	Tragelaphus signatus
Bushcow or Buffalo.....	Syncerus Nanus

Duikers:

Bay Duiker.....	Cephalopus dosalis
Black Duiker.....	Cephalopus niger
Ogibys Duiker.....	Cephalopus ogilbyi
Red Flanked Duiker.....	Cephalopus rufilatus
Yellow Backed Duiker.....	Cephalopus silvicultor
Blue Duiker.....	Philantomba caeruleus
Maxwell's Duiker.....	Philantomba maxwellii
Grimus Duiker.....	Silvicarap grimmia

Hartebeests:

Western Hartebeest.....	Alcelaphus buselaphus
Senegal Hartebeest.....	Damaliscus Keoyrigum

Kobs:

Buffons Kob.....	Adenota kob
Lake Chad Kob.....	Adenota adolfi friderici
Benue Kob.....	Adenota Ioderi
Water buck.....	Kobus defasa
Reedbuck.....	Redunca nigeriensis
Oribi.....	Ourebia ouebi
Red Fronted Gazelle.....	Gazella rufifrons
Red River Hog.....	Patamochoerus porcus
Roan Antelope.....	Hippopotamus equinus
Abyssinian Ground Hornbill.....	Bucorvus abyssinicus
Pelican.....	[Penecanus onoerotalus
	Pelecanus refesens
	Pelecanus roceus

CHAPTER 174

WILD ANIMALS PRESERVATION LAW

SUBSIDIARY LEGISLATION

Regulation 6
of 1934

Wild Animals Preservation (Prohibition of Dazzle) Regulations

1. These regulations may be called the Wild Animals Preservation (Prohibition of Dazzle) Regulations.
2. The killing or capturing of animals or birds by using a bright lamp or other portable light for the purpose of dazzling them or otherwise rendering them more easy prey, is hereby prohibited.

Penalty: a fine of one thousand naira.

Regulations
12 of 1916,
47 of 1918,
34 of 1919,
8 of 1925
35 of 1928
7 of 1931

Wild Animals Preservation (Licences) Regulations

Citation

1. These regulations may be cited as the Wild Animals Preservation (Licences) Regulations.

*Licences*Grant of
licences

2. Licences under section 23 of the Law may be issued by any Local Government Secretary, officer, Magistrate or officer of the Forestry Division of the Ministry of Agriculture and shall be in the form set out in the First Schedule.

*No Regulation have been made under section 50 to replace these regulations which were made under sections 18, 22 and 43 of the Repealed Cap. 133 Laws of Eastern Nigeria, 1963. These regulations remain valid by virtue of section 20 of the Interpretation Law (Cap 93).

3. (1) A resident non-Nigerian's licence or a visitor's licence may be renewed on the payment of the fees following –
 - (a) resident non-Nigerian's licence-monthly renewal, fifty naira. First Schedule
 - (b) Visitor's licence –monthly renewal, two thousand two hundred and fifty naira. Form A
- (2) Such renewal may be made on application to any officer mentioned in the preceding regulation who, on the receipt of the fee prescribed, shall endorse the fact of such renewal on the original licence. Form B
- (3) A renewal licence does not entitle the holder to kill or capture animals or birds in excess of the number authorized by the original licence.
4. Any person whose licence has been lost or destroyed may, on application to any officer authorized to issue the licence, and on satisfying such officer that the licence has been lost or destroyed, be granted a duplicate licence for the remainder of the term of the original licence on payment of a fee of fifty naira. Lost licence
5. A licence authorizing the holder thereof to hunt, kill or capture elephant shall be in Form E set out in the First Schedule. Elephant licence. Form E
6. (1) Any Local Government Secretary may, on the application of the holder of a resident non-Nigerian's licence or a visitor's licence, grant a special licence authorizing such person to kill or capture one rhinoceros and one élan. Such special licence shall not authorize the holder to hunt, kill or capture an immature rhinoceros or eland, or female rhinoceros and eland accompanied by her young. Special licence to kill rhinoceros or eland
- (2) Every such licence shall be in Form F set out in the First Schedule, and there shall be paid therefor a fee of two thousand naira, or, if granted in respect of oth rhinoceros and eland, four hundred naira. Form F
- (3) The person who obtains a special licence under this regulation shall produce to the officer granting the same his resident non-Nigerian's or visitor's licence and such officer

shall endorse thereon the fact of such special licence having been granted.

- (4) Every licence granted under this regulation shall expire on the same date as the resident non-Nigerian's or visitor's licence held at the time such special licence is granted, and only one licence to kill a rhinoceros and one licence to kill an élan shall be granted to such person during the period of such resident non-Nigerian's or visitor's licence.

Endorsement of
special licence
by Local
Government
Secretary in
which holder
proposes to
hunt

7. The holder of any special licence granted under sections 27 or 27 of the Law shall before hunting under such licence in any Local Government Area submit the licence for endorsement by the Local Government Secretary.

Game Register

Form of
register to be
kept.
Second
Schedule.

8. The register to be kept by licence holders as required by section 33 of the Law shall be in the form set out in the Second Schedule.

Marking of Ivory

Marking of
Government
ivory

9. (1) The Local Government Secretary officer when permitting any citizen of Nigeria to retain a tusk deposited with him in pursuance of the provisions of section 38 (3) of the Law, and any officer or person selling any tusk on behalf of the Government shall cause the tusk to be marked with the letters N. G., and the date, and the name of the person retaining or purchasing the tusk, and of the station or place at which the tusk has been so marked.

Penalty

- (2) Any person who shall, without proper authority mark or cause to be marked any tusk or part of a tusk with such mark as aforesaid shall be liable to a fine of one thousand naira and the tusk or part of tusk in respect of which the offence has been committed shall be forfeited to the Government.

Acts prohibited

10. Any person who shall -
(a) use any person for the purpose of killing any protected animal;

- (b) fire at any protected animal or protected bird or game bird from any steamer in motion;
(c) make or use any game pit, net or trap for the purpose of killing or capturing any protected animal or protected bird; or
(d) hunt any protected animal with dogs;

shall be liable to a fine of one hundred naira.

11. A free disposal permit under section 15 of the Law shall be in the form in the Third Schedule.

Free disposal
permit.
Third
Schedule

FIRST SCHEDULE

Form A

Resident non-Nigerian's Licence

Date.....,20..... Licence No.....
Issued at.....
Issued by.....
Fee paid: Four hundred naira.

Licence is hereby granted to..... of.....
to hunt, kill or capture animals and birds of any of the species mentioned in the Second or Third Schedules to the Wild Animals Preservation Law for twelve months from this date, subject to the provisions of the above Law.

.....
(Signature of Officer issuing the Licence)

This licence is renewed for.....months for which renewal a fee ofhas been paid.

.....
(Signature of Officer receiving the renewal fee)

Note. - The second and Third Schedules and sections 23 (7) and 33 of the Law to be printed on the back of the licence.