

CHAPTER 56

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CHAPTER 56

GRAZING RESERVES LAW

A Law for the constitution, preservation and control of grazing reserves and for purposes connected therewith.

[N.N. 4 of 1965, BA.S.L.N. 1 of 1982.]

[Commencement: 29th March, 1965]

PART I

Preliminary

1. Short title

This Law may be cited as the Grazing Reserves Law.

2. Interpretation

In this Law—

“**Commissioner**” means the State Commissioner for the time being assigned with responsibility for Animal and Forest Resources;

[BA.S.L.N. 1 of 1982.]

“**community**” means any group of persons occupying any lands in accordance with and subject to customary law;

“**enclave**” means an area completely surrounded by a grazing reserve and excluded from that grazing reserve in accordance with this Law;

“**grazing reserve**” means any area constituted a grazing reserve under this Law;

“**lands at the disposal of the Government**” means any lands which the Government or the Commissioner responsible for Lands has acquired or may acquire by agreement or otherwise and includes lands leased to the Government or the Commissioner responsible for Lands.

PART II

*Government Grazing Reserves***3. Land which may be constituted reserves**

The following lands may in accordance with section 12 and subject to sections 4, 5, 6, 8, 9 and 10 be constituted as a Government grazing reserve:

- (a) lands at the disposal of Government;
[B.A.S.L.N. 1 of 1982.]
- (b) any lands in respect of which it appears to the Commissioner that grazing on such lands should be protected or reserved or grazing management should be practised.

4. Notification of intention to create reserves and appointment of reserve settlement officers

Before any lands are constituted a Government grazing reserve a notice shall be published by the Commissioner in the *State Gazette*—

- (a) specifying as nearly as may be the situation and limits of the lands;
[B.A.S.L.N. 1 of 1982.]
- (b) declaring whether the lands are at the disposal of the Government or are lands coming within paragraph (b) of section 3;
- (c) declaring that it is intended to constitute such lands a Government grazing reserve, either for the general purposes of Government or for the particular use and benefit, wholly or in part, of any class of persons or for the benefit of any community or local government;
- (d) appointing an officer (hereinafter referred to as the reserve settlement officer) to inquire into and determine the existence, nature and extent of any rights claimed by or alleged to exist in favour of any persons or communities or brought to the knowledge of the said officer affecting the lands or any other rights in or over the lands.

5. Duties of reserve settlement officer

Upon publication of the notice referred to in section 4, the reserve settlement officer shall—

- (a) cause the particulars of the lands which it is proposed to constitute a Government grazing reserve to be made known in the district or districts in which the lands are situated by causing a notice thereof to be read and interpreted in the local language in every area court in the said district or districts and also by, as far as he considers essential, informing in writing the chiefs of the communities dwelling on, and the local governments having jurisdiction over, such lands;
[B.A.S.L.N. 1 of 1982.]
- (b) fix and, in the manner aforesaid, make known a period within which and a place to or at which any person or community claiming any right or rights in or over or affecting the lands which it is proposed to constitute a Government

grazing reserve shall either send in a written statement of claims to him or appear before him and state orally the nature and extent of their alleged rights.

6. Inquiries

(1) As soon as possible after the expiration of the period referred to in section 5 the reserve settlement officer shall—

- (a) inquire into and determine the limits of the lands specified in the notice referred to in section 5; and
- (b) determine the nature and extent of any claims or alleged rights affecting the lands which have been preferred or brought to his notice.

(2) The reserve settlement officer shall keep a record in writing of—

- (a) all such claims and alleged rights;
- (b) all objections which may be made to such claims or alleged rights; and
- (c) any evidence in support of or in opposition to any claim or alleged right.

7. Reserve settlement officer to have judicial powers

For the purposes of an inquiry under section 6 the reserve settlement officer shall have all the powers conferred upon a District Judge.

8. Reserve settlement officer may sever or join claims

The reserve settlement officer may at any time during the inquiry referred to in section 6 join any number of claims or sever any claims joined and in his judgment may give a decision which may join any number of claims or sever any claims which were formerly joined.

9. Publication of judgments on completion of the inquiry

(1) Upon the completion of the inquiry referred to in section 6, the reserve settlement officer shall—

- (a) deliver his judgment, describing the limits of the lands specified in the notice referred to in section 5 and setting forth, with all such particulars as may be necessary to define their nature, duration, incidence and extent, all claims and alleged rights preferred or brought to his knowledge in respect of the lands and admitting or rejecting the same wholly or in part, and shall file it at the Land Registry in the Ministry of Land and Survey; and
- (b) publish a notice in the *State Gazette* specifying the land which it is intended to reserve, the privileges conceded in respect of such land and stating the special conditions intended to govern the reservation thereof.

(2) The notice referred to in subsection (1) shall be made known as far as may be practicable to every person who, and the head of any community which, preferred any claim or in respect of which any claim was brought to the knowledge of the reserve settlement officer.

10. Appeals from judgment of reserve settlement officer

(1) Any person who has made a claim on his own behalf, or where a claim has been made on behalf of a community that person or the representative of that community may, within three months of the date of delivery of the judgment, appeal to a District Judge against that portion of the reserve settlement officer's judgment which affects his claim or the claim made on behalf of the community which he represents.

(2) An appeal shall lie to the High Court from a decision of a District Judge on appeal against the judgment of the reserve settlement officer within thirty days of the decision appealed against.

11. Rights may be extinguished or modified by Commissioner

(1) Where the reserve settlement officer has admitted wholly or in part any right or claim and in the opinion of the Commissioner the exercise of such right or claim or any part thereof—

- (a) would stultify the objects of any grazing reserve;
[B.A.S.L.N. 1 of 1982.]
- (b) would seriously hinder the efficient working of any grazing reserve; or
- (c) would do serious damage to any grazing reserve, the Commissioner may—
 - (i) extinguish at such rights or claims, other than rights or claims in respect of land, with appropriate monetary compensation; or
 - (ii) confine or restrict any rights or claims to certain areas either within or without the grazing reserve or the exercise of such rights to certain times of the year; or
 - (iii) adopt wholly or in part any one or any combination of the above methods of dealing with the matter; and

the Commissioner responsible for Lands may extinguish any such rights or claims in respect of land with appropriate monetary compensation.

(2) Any person claiming compensation under the provisions of subsection (1) may, if dissatisfied with the compensation awarded, apply to the High Court for the determination of the matter.

12. Order constituting the grazing reserve

(1) The Governor may make an order constituting the lands in respect of which an inquiry under section 6 has been held, a Government grazing reserve at the expiration of a period of not less than three months from the date of publication of the notice published in accordance with section 9:

[B.A.S.L.N. 1 of 1982.]

Provided that no such order shall be made until the expiration of the time within which an appeal against the judgment of the reserve settlement officer may be filed or, if such an appeal has been filed, until such appeal has been determined.

(2) An order under this section shall, subject to the provisions of subsection (3), set forth—

- (a) the limits of the lands which constitute the reserve;

- (b) all rights affecting the same as set forth in the judgment of the reserve settlement officer or established by the court upon appeal from such judgment; and
- (c) such additional rights as the Governor shall consider it just and equitable to allow notwithstanding that such rights have not been allowed in the judgment of the reserve settlement officer.

(3) An order under this section shall not include therein such rights as may have been allowed by the reserve settlement officer but which have been subsequently modified or extinguished as provided by this Law and where the boundaries of the reserve have been modified as provided by this Law the order shall set forth the boundaries as subsequently determined.

(4) An order under this section shall in addition to being published in the *State Gazette* be made known in the same manner as was the judgment of the reserve settlement officer.

(5) From the date of the publication of an order under this section in the *State Gazette* such lands shall be a Government grazing reserve.

(6) Any order made under this section may be revised or modified by the Governor by order and such revision or modification may be given retrospective effect.

(7) In any revision or modification made by the Governor under subsection (6) the Governor may, after such inquiry, if any, he shall think fit—

- (a) exercise the powers conferred upon the Commissioner or the Commissioner responsible for lands by section 11; and
- (b) add such additional rights as he shall consider it just and equitable to allow notwithstanding that such rights had not been allowed in the judgment of the reserve settlement officer.

13. Reserve may be made to exclude areas over which claims are admitted

If the reserve settlement officer has admitted wholly or in part any rights on any area which in the opinion of the Commissioner could be excised from the reserve without materially altering or stultifying the objects of the reserve the Governor may by order so amend the boundaries of the reserve that such areas are excluded from the reserve or he may create such excluded areas or enclaves within the boundaries of the reserve:

Provided that in altering the external boundaries of the reserve the Governor shall not include any area which lies outside the original boundaries set out in the notice of the proposed reserve published in accordance with the provisions of section 4.

14. Commissioner may close rights of way and watercourse

In any Government grazing reserve the Commissioner may close any right of way or watercourse where in his opinion another right of way or watercourse equally convenient already exists or is provided.

15. Extinguishment of rights

Subject to any right to compensation, every right in or over land in respect of which no claim shall have been made to the reserve settlement officer, or of which no knowledge shall have been acquired by that officer before delivery of his judgment, shall be extinguished.

16. Extinguishment of rights by non-use

If any right within a Government grazing reserve shall not have been exercised for a period of ten years it shall be deemed to have been extinguished.

17. Rights in reserves may not be alienated without consent of Commissioner

No person shall alienate any right affecting land included in a Government grazing reserve, which has been established before the reserve settlement officer or before a court under section 10, by sale, mortgage or transfer without the consent of the Commissioner first had and obtained and such sale, mortgage or transfer effected without such consent shall be null and void.

18. No new rights to be acquired in land to be constituted a reserve except with approval

During the period between the dates of the publication by a Commissioner of the notice of his intention to create a Government grazing reserve in accordance with section 4 and of the order of the Governor constituting the reserve under section 12—

- (a) no right shall be acquired in or over the land comprised within such notice otherwise than by succession or under a grant or contract in writing entered into with the approval of the Commissioner;
- (b) no new house shall be built; and
- (c) no new lands for farming or cultivation shall be cleared.

19. Restriction of entry to reserve

No person, other than a Government officer on duty, shall enter any Government grazing reserve unless he is authorised so to do under this Law or regulations made hereunder.

20. Powers of native to grant land absolutely to Government

Any person, and the chief or head of any community on behalf of such community, notwithstanding any customary law to the contrary, shall be entitled to enter into any agreement to grant and convey absolutely to the Government any lands and any rights in and over any lands, owned by him or them which it is proposed to constitute a Government grazing reserve under the provisions of this Law.

[B.A.S.L.N. 1 of 1982.]

21. Power to de-reserve

The Governor may by order direct that from a date named therein any lands or any part thereof constituted a Government grazing reserve under section 12 shall cease to be a Government grazing reserve or a part of such reserve and thereupon from such date such lands shall cease to be a Government grazing reserve or a part of such reserve so, however, that the rights, if any, which may have been extinguished therein shall not revive in consequence of such cessation.

22. Regulations

The Governor may make regulations for all or any of the following matters in respect of a Government grazing reserve:

- (a) prescribing the person who may use the grazing reserve and the number and type of stock which may be permitted therein;
- (b) prescribing the parts of the grazing reserve which may be used and the times when they may be used;
- (c) providing for the issue of grazing permits to persons using the grazing reserve and prescribing the fees for such grazing permits;
- (d) regulating the management generally of the grazing reserve and prescribing the activities which may be carried on therein;
- (e) regulating the conditions of entry to the grazing reserve;
- (f) imposing penalties not exceeding four hundred naira or imprisonment not exceeding one year, or both, for a breach of any regulation made under this section; and
- (g) generally for the purposes of carrying out the provisions of this Law.

PART III**Local Government Grazing Reserves****23. Constitution of local government grazing reserves**

(1) A local government may, by order made with the approval of the Commissioner, constitute as a local government grazing reserve any land lying within the area of its jurisdiction.

(2) The local government shall pay appropriate monetary compensation to any person whose right has been extinguished by an order made under subsection (1).

(3) Any person claiming compensation under the provisions of subsection (2) may, if dissatisfied with the compensation awarded, apply to the High Court for the determination of the matter.

24. Action precedent to the constitution of a local government grazing reserve

(1) No lands shall be constituted a local government grazing reserve under section 23 unless and until—

- (a) the intention to constitute such lands a local government grazing reserve has been announced by the local government authority in a manner approved by the Commissioner; and

[B.A.S.L.N. 1 of 1982.]

- (b) the existence, nature and extent of any rights claimed by or alleged to exist in favour of any persons or communities affecting the lands which it is proposed to constitute a local government grazing reserve has been inquired into and determined by or under the direction of the local government.

(2) The announcement referred to in subsection (1) shall require all claimants to put forward their claims within three months.

(3) Subject to any right to compensation, all claims not put forward within three months of the announcement referred to in subsection (1) shall be invalid.

(4) If the inquiry made in accordance with paragraph (b) of subsection (1) discloses the existence of any rights in any area which in the opinion of the Commissioner could be excluded in whole or in part from the reserve without materially altering or stultifying the objects of the reserve, the Commissioner may so amend the boundaries of the reserve that such areas are excluded from the reserve or he may create such excluded areas as enclaves within the boundaries of the reserve:

Provided that in altering the external boundaries of the reserve the Commissioner shall not include any area which lies outside the boundaries of the proposed reserve as announced in accordance with paragraph (a) of subsection (1).

(5) At any time either before or after an order has been made under section 23, the Commissioner may cause a further inquiry to be held by or under the direction of the native authority or by any other person for the better determination of the rights affecting the land which it is proposed to constitute or which has been constituted a local government grazing reserve.

25. Order constituting local government grazing reserve

Every order under section 23 constituting a local government grazing reserve shall be published in the State *Gazette* and shall set forth the limits, situation and approximate area of the lands which constitute the local government grazing reserve and all rights affecting the same as determined under the provisions of section 24.

26. Approval of Commissioner

No order under section 23 constituting a local government grazing reserve shall be published in the State *Gazette* or be of any effect unless and until it has received the approval in writing of the Commissioner, which approval may be granted or withheld or granted on such conditions as the Commissioner may in his absolute discretion consider necessary.

27. Power of local government to revise or modify order

(1) A local government may by order, revise or modify any order made by it under section 23 so that the rights affecting the lands set forth in the order constituting the reserve shall accord with the determinations of any further inquiry held under the provisions of subsection (5) of section 24 and any rights which become invalid by subsection (3) of section 24 may be revived by an order under this section.

(2) The provisions of section 26 shall apply to an order made under this section in like manner as they apply to an order under section 23.

28. Extinguishment of rights in local government grazing reserve

Every right in or over land within an area constituted a local government grazing reserve under section 23, other than the rights set forth in the order constituting such reserve, shall be extinguished upon the coming into operation of the order, save as provided in section 24.

29. Control of alienation of rights in local government grazing reserve

No person shall alienate any right in or over land within an area constituted a local government grazing reserve under section 23 by sale, mortgage or transfer without the consent of the local government which constituted such local government grazing reserve or within whose jurisdiction it is situated and any such sale, mortgage or transfer effected without such consent shall be null and void.

30. Restrictions of entry to local government grazing reserve

No person, other than a Government officer on duty or an officer of the local government which constituted the reserve shall enter any local government grazing reserve unless he is authorised to do so under this Law or rules made hereunder.

31. Power to de-reserve

A local government may by order made with the approval of the Commissioner direct that from a date named therein any lands or any part thereof constituted a local government grazing reserve under section 23, shall cease to be a local government grazing reserve or a part of such reserve and thereupon from such date such lands shall cease to be a local government grazing reserve or a part of such reserve:

Provided that the rights, if any, which may have been extinguished therein shall not revive in consequence of such cessation.

32. Management of local government grazing reserves

(1) The protection, control and management of a local government grazing reserve shall be undertaken by the local government constituting it, or within whose jurisdiction it is situated, subject to the supervision and control of the Commissioner.

[B.A.S.L.N. 1 of 1982.]

(2) Such protection, control and management may, upon a notification to that effect being published by the Commissioner in the *State Gazette*, be placed temporarily under the guidance and direction of the Chief Animal Husbandry Officer of the Ministry of Animal and Forest Resources either at the request of the local government concerned, or upon the instructions of the Commissioner if he is of the opinion that such a step is necessary or expedient for ensuring the proper and sufficient protection, control and management of such local government grazing reserve.

(3) Any local government grazing reserve placed temporarily under the guidance and direction of the Chief Animal Husbandry Officer in pursuance of the provisions of sub-section (2) shall be protected, controlled and managed on behalf, and for the benefit, of the local government concerned.

33. Rules

A local government with the approval of the Commissioner may make rules for all or any of the following matters in respect of a local government grazing reserve:

- (a) prescribing the persons who may use the grazing reserve and the number and type of stock which may be permitted therein;

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- (b) prescribing the parts of the grazing reserve which may be used and the times when they may be used;
 - (c) providing for the issue of grazing permits to persons using the grazing reserve and prescribing the fees for such grazing permits;
 - (d) regulating the management generally of the grazing reserve and prescribing the activities that may be carried on therein;
 - (e) regulating the conditions of entry to the grazing reserve;
 - (f) imposing penalties not exceeding four hundred naira or imprisonment not exceeding one year, or both, for a breach of any rule made under this section; and
 - (g) generally for giving effect to the objects and purposes for which the grazing reserve was established.
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