

[SB. 60]

A BILL FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT, PRESERVATION AND CONTROL OF NATIONAL GRAZING RESERVES AND STOCK ROUTES AND THE CREATION OF NATIONAL GRAZING RESERVE COMMISSION AND FOR PURPOSES CONNECTED THEREWITH

Sponsored by SENATOR ZAINAB KURE

[]

Commence-
ment.

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

1 PART I — NATIONAL GRAZING RESERVES ESTABLISHMENT AND DEVELOPMENT

2 COMMISSION

3 1. There is hereby established a body corporate to be known as the
4 National Grazing Reserve Establishment and Development Commission
5 (hereinafter referred to as “the Commission”).

Establishment
of National
Grazing
Reserve
Establishment
and
Development
Commission.

6 2. The Commission shall be a body Corporate with perpetual succession
7 and a common seal and may sue and be sued in its corporate name.

8 3.—(1) The Commission shall consist of the following members, that
9 is —

Chairman
and members
of the
Commission.

10 (a) a Chairman, who by reason of his ability, experience or specialized
11 knowledge of Grazing Reserves and stock routes establishment and
12 management, would be capable of making outstanding contributions to
13 the work of the Commission;

14 (b) three representatives of the Federal Ministry of Agriculture and Water
15 Resources;

16 (c) a representative of the Federal Ministry of Health;

17 (d) a representative of the National Commission for Nomadic Education;

18 (e) three other persons with cognate experience representing variety of
19 interests;

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Tenure of office.	1	(f) Secretary of the Commission.
	2	4. The Chairman and members of the Council, other than the ex-officio
	3	members, shall each hold office —
	4	(a) for a term of 4 years and may be reappointed for a further term of 4
	5	years and no more; and
	6	(b) on such terms and conditions as may be specified in their letters of
Cessation of membership.	7	appointment.
	8	5.—(1) A person shall cease to hold office as a member of the Council
	9	on the occurrence of any of the following —
	10	(a) he becomes bankrupt, suspends payment or compounds with his
	11	creditors;
	12	(b) he is convicted of a felony or any offence involving dishonesty or fraud;
	13	(c) he becomes of unsound mind or is capable of carrying out his duties;
	14	(d) he is guilty of a serious misconduct in relation to his duties;
	15	(e) he resigns his appointment by a letter under his hand to the President.
	16	(2) Where a member of the Council ceases to hold office for any reason
	17	whatsoever, before the expiration of the term for which he is appointed
	18	another person representing the same interest as that member shall be
	19	appointed to the Council for the un-expired term.
	20	(3) A member of the Council may be removed by the President on the
	21	recommendation of the Minister if he is satisfied that it is not in the interest
	22	of the commission or the public that the member continues in office.
Functions of the Commission.	23	6. The Commission shall be charged with the general duty of —
Acceptance of	24	(a) designating, acquiring, controlling, managing and maintaining the
	25	National Grazing Reserves and Stock Routes established under this Act;
	26	(b) constructing dams, roads, bridges fences and such other infrastructures
	27	the Commission may consider necessary for the purpose of the National
	28	Grazing Reserves and Stock Routes;
	29	(c) identification, retracing, demarcating, monumenting, and surveying of
	30	primary, secondary and tertiary stock routes.
	31	(d) conserving and preserving in its natural state the National Grazing
		Reserves and Stock Routes.

- 1 (e) ensuring the preservation and protection of any objects of geological,
 2 archaeological historical aesthetic or scientific interests in the National
 3 Grazing Reserves and stock routes.
- 4 (f) the development of facilities and amenities within the National Grazing
 5 Reserves.
- 6 (g) fostering in the mind of the general public, particularly the Pastoral
 7 and transhumance population the necessity for the establishment and
 8 development of National Grazing Reserves and Stock Routes with the
 9 object of developing a greater appreciation of the value of livestock and
 10 environmental conservation; and
- 11 (h) doing all such things incidental to the foregoing functions which, in
 12 the opinion of the Commission are calculated to facilitate the carrying on
 13 of the duties of the commission under this Act.
- 14 7. The Commission may accept gifts, including land, money or other
 15 property (whether within or outside Nigeria) upon such terms and conditions,
 16 if any, as may be specified by the person or organization making the gift:
 17 Provided that the terms and conditions are not contrary to the objectives
 18 and functions of the Commission under this Act. Gift.
 Borrowing
- 19 8. The Commission may from time to time and subject to the written
 20 approval of the minister, borrow by overdraft or loan such sums of money as
 21 it may require for the performance of its functions under this Act Power.
 Directive by
- 22 9. Subject to the provisions of this Act, the Minister may give to the
 23 Commission directions of a general nature or relating generally to particular
 24 matters or with regard to the performance by the Commission of its functions
 25 under this Act and it shall be the duty of the Commission to comply with the
 26 directions. the Minister.
 Commission
- 27 10.—(1) There shall be established a Secretariat for the Commission.
- 28 (2) There shall be appointed for the commission, a Secretary whose rank
 29 shall be equivalent to that of a Director in the Civil Service of the Federation
 30 and who shall be appointed by the Minister Secretary.
 Staff of the
 Commission
- 31 (3) The Secretary shall be responsible for the Administration of the

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1 Secretariat, keeping the books and records of the Commission and shall be
2 subject to the Supervision and Control of the Chairman of the Commission.

3 11.—(1) The Commission may employ such other staff as it consider
4 necessary for the efficient performance of its duties under this Act
and their remuneration.
5 (2) The terms and conditions of service (including terms and conditions
Reserve Controller.
6 as to remuneration, allowances, retiring benefits and discipline) of the
7 Secretary and other staff of the Commission shall be such as may be determine
8 from time to time, by the Commission.
9 (3) The Commission shall determine the remuneration and tenure of
10 office of its employees.
11 (4) The Commission may accept any member of staff by way of transfer,
12 secondment or deployment from any public service of the Federal State or
13 Local Government approved establishments.

14 12.—(1) The Commission shall with the approval of the Minister,
15 appoint from among the staff of the Commission, a Reserve Controller for
Duties of Reserve Controller.
16 each National Grazing Reserve and stock routes, who shall, in the exercise of
17 his functions under this Act, be responsible to the Commission.
18 (2) Subject to the provisions of this Act, the Reserve Controller shall be
19 charged with the following responsibilities, that is to say —
Pension Reform Act, 2004.
20 (a) the execution of the policies of the Commission;
21 (b) the day to day running of the Reserves;
22 (c) such other things as the Minister or the Commission, as the case may
23 be, may require him to do.
24 (3) The Reserve Controller may, subject to the provisions of this Act and
25 to any special or general directions of the Commission, delegate any of his
26 functions to any employee of the Commission.

27 13.—(1) Service in the Commission shall be an approved service for
28 the purpose of Pension Reform Act, and accordingly ,staff and employees of
Funds of the Commission.
29 the Commission shall be entitled to pension, gratuities and other retirement
30 benefits as prescribed under the Act.
31 (2) Nothing in this Act shall prevent the appointment of a person to any
office on terms which preclude the grant of pensions and gratuity.

1 (3) For the purpose of the application of the provisions of the Pensions
2 Act, any power exercisable there under by a Minister or other authority of the
3 Federal Government (not being power to make regulations under section 23
4 thereof) is hereby vested in and shall be exercised by the Commission and
5 not by any other person or authority.

6 PART II — FINANCIAL PROVISIONS

7 14.—(1) The Commission shall establish and maintain a fund which
8 shall be applied towards the discharge of its functions under the Act.

9 (2) There shall be paid and credited to the fund established pursuant
10 to subsection (1) of this Section —

Annual
Estimates
Accounts and

11 (a) such sums as may be provided by the government of the Federation
12 for the Commission.

13 (b) any fees or dues charged for services rendered by the Commission or
14 donations, gifts, testamentary dispositions, endowments and contribution
15 from philanthropic persons and organizations or otherwise howsoever.

16 15.—(1) The Commission shall cause to be prepared not later than 30th
17 September in each year an estimate of the expenditure and income of the
18 Commission during the next succeeding year and when prepared they shall
19 be submitted to the Minister.

Audit.
Annual report.

20 (2) The Commission shall cause to be kept, proper account and proper
21 records in relation thereto and when certified by the Commission such
22 account shall be audited as provided in subsection (3) of this section.

Establishment

23 (3) The accounts of the Commission shall be audited by auditors
24 appointed from the list of auditors and in accordance with the guidelines
25 issued by the Auditor-General of the Federation and the fees of the auditors
26 and the expenses for the audit generally, shall be paid from the funds of the
27 Commission.

28 16. The Commission shall, not later than six months after the end of
29 Annual Report each year, submit to the Minister a report on the activities of
30 the Commission and its administration during the immediate preceding year
31 and shall include in the report the audited accounts of the accounts of the
Commission and the Auditor's comments thereon.

of National
Grazing
Reserve and

1 PART III — ESTABLISHMENT AND CONSTITUTION OF
2 NATIONAL GRAZING RESERVES AND STOCK ROUTES

3 17.—(1) the following lands may, subject to the provisions of this Act
4 be Constituted as National Grazing Reserve and Stock Routes:

- 5 (a) lands at the disposal of the Federal Government;
6 (b) any land in respect of which it appears to the Commission that Grazing
7 on such land should be practiced and any land acquired by the commission
8 through purchase, assignment gift or otherwise howsoever.
9 (c) any land in respect of which it appears to the Commission that primary,
10 secondary or tertiary routes be established.

Stock Routes.

Section 28 (4)
of the Land
Use Act, 1978.

Payment of

11 (2) The Commission may take over the ownership, control and
12 management of any existing Grazing Reserve and stock routes from any State
13 Government on such terms and conditions as may be agreed between the
14 Commission and the State concerned.

15 18.—(1) Before any land is constituted as National Grazing Reserve
16 and Stock routes, under the provisions of section 17 (1) (a) of this Act, due
17 notice shall be given to the State Governor, where such land is situate, by the
18 Commission on behalf of the President of the Federal Republic of Nigeria, of
19 the intention of the Commission to constitute such land as National Grazing
20 Reserve and stock routes and after the acquisition, same shall be published
21 in the official Gazette of the Federal Government and —

- 22 (a) specifying the location, size or limits of the land;
23 (b) declaring that it is intended to constitute such lands as National Grazing
24 Reserve and Stock routes either for the general purposes of Government
25 or for the particular Use and benefits, wholly or in part, of any class of
26 persons or for the benefit of any community, State or Local Government.

27 (2) The Commission shall pay the requisite compensation to the affected
28 persons whose lands are acquired under subsection (1) of this section, for the
29 purpose of establishing the National Grazing Reserve and stock routes.

30 19. The Commission shall refer any dispute over claim for compensation
31 on any land acquired by the Commission pursuant to this Act, to the
appropriate Land Use and Allocation Committee of the State in respect of

1 which the Land is acquired.

2 20. Subject to the provisions of this Act, the Commission shall have
3 power to enter into any negotiation with any holder of either Statutory or
4 Customary Rights of Occupancy for the purpose of assignment or alienation
5 to the Commission of the residue of the unexpired term granted to such
6 person.

7 PART IV — REGULATION, RESTRICTIONS, OFFENCES, PENALTIES, ETC.

8 21.—(1) The Commission may, make regulations generally for carrying
9 into effect the provisions of this Act, and without prejudice to the generality
10 of the foregoing provisions and those of the schedule to this Act, make
11 regulations:

12 (a) prescribing the persons who may use the reserves and stock routes
13 including the number and type of livestock which may be permitted
14 therein;

15 (b) prescribing the part of the reserves to be used and the time permitted;

16 (c) providing for the issuance of grazing permits to persons using the
17 reserves or stock routes and prescribing the fees for the gazing permits;

18 (d) regulating the general management of the reserves and stock routes,
19 and prescribing the activities which may be carried on therein including
20 conditions of entry into the reserves and stock routes;

21 (e) providing how and when the facilities and infrastructures in the reserves
22 are to be used;

23 (f) providing for the recognition of stock routes;

24 (g) compelling any person or livestock coming into the reserve to comply
25 with the provisions of this Act or any regulations made hereunder;

26 (h) to collaborate cooperate partner and enter into contract or agreement,
27 with any State Government, public or private organizations or/and
28 individuals for the purpose of executing and fulfilling the Commission's
29 functions and responsibilities pursuant to this Act;

30 (i) to establish, encourage and promote training programmes for its staff
31 and other appropriate individuals from public or private organizations.

 22.—(1) No person shall alienate any rights affecting land constituted as

1 the National Grazing Reserve and stock route, by sale, mortgage, assignment,
2 lease, customary pledge, transfer, or otherwise howsoever.

3 (2) No improvements shall be done by anybody in the National Grazing
4 reserve and stock routes without the approval of the Commission or the
5 Reserve Controller in writing.

6 (3) No encroachment of any kind into the National Grazing reserve and
7 stock routes, enclave, resting points, water points and other designated areas
8 for stock use by anybody whosoever.

9 (4) Bush burning and hunting are prohibited within National Grazing
10 reserve and stock routes and the enclave.

11 (5) The use of chemicals, felling of trees, destruction of ecosystem in
12 whatever form are strictly prohibited under this Act.

13 23.—(1) any person who contravenes any provisions of this Act or
14 Regulations made hereunder shall be guilty of an offence and shall be liable
15 on conviction to a fine of x50,000 or imprisonment for 5 years or both.

16 PART V — MISCELLANEOUS

17 24.—(1) No suit shall be commenced against the Commission before
18 the expiration of a period of one month after written notice of intention to
19 commence the suit shall have been served upon the Commission by the
20 intending plaintiff.

21 (2) The notice referred to in subsection (1) of this section shall state
22 the cause of action, particulars of claim, the name and place of abode of the
23 intending plaintiff and the relief claimed.

24 25. In this Act, unless the context otherwise requires:

25 “Chairman” means the Chairman of the Commission;

26 “Communal grazing land” means any area constituted as a communal
27 grazing land under this Act;

28 “Customary right of occupancy” means the right of a person or community
29 lawfully using or occupying land in accordance with Customary law and
30 includes a Customary right of occupancy granted by the Local Government;

31 “Enclave” means an area completely surrounded by Grazing Reserve,
Communal Grazing Land or Stock Route and excluded from that Grazing

1 Reserves, Communal Grazing Land or Stock Route in accordance with this
2 Act;

3 "Governor" means the Governor of the State where the Grazing reserve is
4 situated or located or is to be situated or located;

5 "Lands at the disposal of the Government" means any land which the
6 Federal Government has acquired or may acquire by agreement or
7 otherwise and include lands leased to the Federal Government for grazing
8 and stock route purposes;

9 "Land Use and Allocation Committee" means the Land Use And Allocation
10 Committee established under section 2 (2) of the Land Use Act cap 202
11 Laws of the Federation of Nigeria 1990;

12 "Member" means a member of the Commission;

13 "Minister" means the Federal Minister for the time being in charge of
14 Agriculture and Water Resources;

15 "Native Community" means any group of persons occupying any lands in
16 accordance with the subject to native law and custom;

17 "National Grazing Reserve and stock routes" means any area constituted
18 or established as a grazing reserve and stock routes under this Act;

19 "President" means the President of the Federal Republic of Nigeria;

20 "Primary or International Stock Route" means a stock route linking 2 or
21 more Countries together which is between 40 to 50 width to the nearest
22 international control post;

23 "Secondary or inter-state stock route" means a stock route linking two or
24 more States together;

25 "Statutory right of occupancy" means a right of occupancy granted or
26 deemed to be granted by the Governor;

27 "Stock route" means any area constituted as a Stock route under this Act;

28 "Tertiary or inter-state stock route" means a stock route from grazing
29 reserve to grazing reserve, watering and resting points, Fadama areas and
30 homesteads.

31 26. This Act may be cited as the National Grazing Reserve Establishment
and Development Commission Bill, 2011.

SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

Proceedings of the Commission

1. Subject to this Act and section 27 of the Interpretation Act the commission may make standing orders regulating its proceedings or those of its Committees.

2. Every meeting of the commission shall be presided over by the Chairman or if the Chairman is unable to attend a particular meeting, the members present at the meeting shall elect one of their numbers to preside at that meeting.

3. The quorum at a meeting of the commission shall consist of the Chairman (or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and six other members.

4. Where, upon any special occasion, the commission desires to obtain the advice of any person on any particular matter, the commission may co-opt that person to be member for as many meetings as may be necessary and that person while so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum.

Committees

5.—(1) Subject to its standing orders, the commission may appoint such number of standing and ad-hoc committees as it thinks fit to consider and report on any matter with which the commission is concerned.

(2) Every committee appointed under the provisions of sub-paragraph (1) of this paragraph, shall be presided over by a member of the Commission and shall be made up of such number of persons, not necessarily members of the Commission, as the Commission may determine in each cases.

6. The decision of a committee shall be of no effect until it is confirmed by the Commission.

Miscellaneous

7. The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman and of the Secretary of the Commission or such other member authorized generally or specially by the Commission to act for that purpose

8. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Commission by the Chairman or by any other person generally or specifically authorized by the Commission to act for that purpose.

9. Any document purporting to be a contract, instrument or other document signed or sealed on behalf of the Commission shall be received in evidence and, unless the contrary is proved, be presumed, without further proof, to have been so signed or sealed.

10. The validity of any proceedings of the Commission or a committee thereof shall not be adversely affected:

- (a) by any vacancy in the membership of the Commission or committee; or
- (b) by any defect in the appointment of a member of the Commission or Committee; or committee; or
- (c) by reason that a person not entitled to do so took part in the proceedings.

11. Any member of the Commission or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Commission or committee shall forthwith disclose his interest to the Commission or committee and shall not vote on any question relating to the