

[SB. 114]

**A BILL****FOR**

**AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL GRAZING RESERVE (ESTABLISHMENT AND DEVELOPMENT) COMMISSION FOR THE PRESERVATION AND CONTROL OF NATIONAL GRAZING RESERVES AND STOCK ROUTES AND FOR OTHER MATTERS 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 — ESTABLISHMENT OF THE NATIONAL GRAZING RESERVE  
2                   (ESTABLISHMENT AND DEVELOPMENT) COMMISSION, ETC.

3           1.—(1) There is hereby established, a body to be known as the National  
4           Grazing Reserve (Establishment and Development) Commission of Nigeria (in  
5           this Act referred to as “the Commission”).

Establishment  
of the  
Commission.

6           (2) The Commission —

7           (a) shall be a body corporate with perpetual succession and a common  
8           seal;

9           (b) may sue and be sued in its corporate name;

10          (c) may acquire, hold or dispose of any property, movable and immovable  
11          for the purposes of carrying out its functions under this Act.

12          (3) The Commission shall have its corporate headquarters in Abuja.

13          2.—(1) There is hereby established a Governing Council (in this Act  
14          referred to as “the Council”) for the management of the Commission and it  
15          shall consist of the following —

Establishment  
of the  
Governing  
Council.

16          (a) a chairman;

17          (b) one representative each of the following, who shall not be below the  
18          rank of a Director or its equivalent —

19               (i) Ministry of Agriculture, Rural Development and Water Resources,

20               (ii) Ministry of Health,

1 (iii) Ministry of Environment, Housing and Urban Development,  
2 (iv) a representative of the National Commission for Nomadic  
3 Education;

4 (c) Director-General of the Commission who shall be appointed by the  
5 President on the recommendation of the Minister.

6 (2) The Chairman and members of the Council of the Commission shall  
7 be —

8 (a) appointed by the President on the recommendation of the Minister  
9 subject to the confirmation of the Senate;

10 (b) be persons of proven integrity, honour and ability; and

11 (c) part-time members except the Director-General who shall be a full  
12 time member.

13 (3) The supplementary provisions set out in the Schedule to this Bill shall  
14 have effect with respect to the proceedings of the Council and other matters  
15 contained therein.

Tenure of  
office.

16 3. The Chairman and members of the Council, other than the *ex-officio*  
17 members, shall each hold office —

18 (a) for a term of 4 years and may be reappointed for a further term of 4  
19 years and no more; and

20 (b) on such terms and conditions as may be specified in their letters of  
21 appointment.

Cessation of  
membership.

22 4.—(1) A person shall cease to hold office as a member of the Council on  
23 the occurrence of any of the following —

24 (a) he becomes bankrupt, suspends payment or compounds with his  
25 creditors;

26 (b) he is convicted of a felony or any offence involving dishonesty or  
27 fraud;

28 (c) he becomes of unsound mind or is capable of carrying out his duties;

29 (d) he is guilty of a serious misconduct in relation to his duties;

30 (e) he resigns his appointment by a letter under his hand to the President.

31 (2) Where a member of the Council ceases to hold office for any reason

1 whatsoever, before the expiration of the term for which he is appointed another  
2 person representing the same interest as that member shall be appointed to the  
3 Council for the un-expired term.

4 (3) A member of the Council may be removed by the President on the  
5 recommendation of the Minister if he is satisfied that it is not in the interest of  
6 the commission or the public that the member continues in office.

7 5. Members of the Council shall be paid such salaries and allowances in  
8 accordance with such rates as the Revenue Mobilisation, Allocation and Fiscal  
9 Commission may from time to time approved.

Allowances of members.

10 6. The Council shall have power to —

Power of the Council.

11 (a) manage and superintend over the affairs of the Commission;

12 (b) make rules and regulations for the effective running of the Commission;

13 (c) employ and pay the staff of the Commission such remuneration and  
14 allowances as the Revenue Mobilisation, Allocation and Fiscal Commission  
15 may from time to time approved;

16 (d) enter into such contract as may be necessary or expedient for the  
17 discharge of its functions and ensure the efficient performance of the functions  
18 of the Commission; and

19 (e) receive, disburse and account for funds of the Commission.

20 PART II — FUNCTIONS AND POWERS OF THE COMMISSION

21 7. The Commission shall be charged with the general duty of —

Functions of the Commission.

22 (a) designating, acquiring, controlling, managing and maintaining the  
23 National Grazing Reserves and Stock Routes established under this Act;

24 (b) constructing dams, roads, bridges fences and such other infrastructures  
25 the Commission may consider necessary for the purpose of the National  
26 Grazing Reserves and Stock Routes;

27 (c) identification, retracing, demarcating, monumenting, and surveying  
28 of primary, secondary and tertiary stock routes;

29 (d) conserving and preserving in its natural state the National Grazing  
30 Reserves and Stock Routes;

31 (d) ensuring the preservation and protection of any objects of geological,

1 archaeological historical aesthetic or scientific interests in the National  
2 Grazing Reserves and stock routes;

3 (e) the development of facilities and amenities within the National Grazing  
4 Reserves;

5 (f) fostering in the mind of the general public, particularly the Pastoral  
6 and transhumance population the necessity for the establishment and  
7 development of National Grazing Reserves and Stock Routes with the object  
8 of developing a greater appreciation of the value of livestock and  
9 environmental conservation; and

10 (g) doing all such things incidental to the foregoing functions which, in  
11 the opinion of the Commission are calculated to facilitate the carrying on of  
12 the duties of the commission under this Act.

13 PART III — APPOINTMENT OF THE RESERVE CONTROLLER AND OTHER STAFF OF  
14 THE COMMISSION

Appointment  
of the Reserve  
Controller.

15 8.—(1) The Commission shall with the approval of the Minister, appoint  
16 from among the staff of the Commission, a Reserve Controller for each National  
17 Grazing Reserve and stock routes, who shall, in the exercise of his functions  
18 under this Act, be responsible to the Commission.

Duties of  
Reserve  
Controller.

19 (2) Subject to the provisions of this Act, the Reserve Controller shall be  
20 charged with the following responsibilities, that is to say —

21 (a) the execution of the policies of the Commission;

22 (b) the day to day running of the Reserves;

23 (c) such other things as the Minister or the Commission, as the case may  
24 be, may require him to do.

25 (3) The Reserve Controller may, subject to the provisions of this Act and  
26 to any special or general directions of the Commission, delegate any of his  
27 functions to any employee of the Commission.

Tenure of  
office of the  
Reserve  
Controller.

28 9.—(1) The Reserve Controller shall be appointed for a term of 5 years in  
29 the first instance and may be reappointed for a further term of 5 years and no  
30 more.

31 (2) The Reserve Controller shall —

1 (a) be paid such remuneration as may be prescribed in his letter of  
2 appointment, and

3 (b) ensure compliance with the provisions of this Act.

4 10.—(1) The Commission may employ such other staff as it consider  
5 necessary for the efficient performance of its duties under this Act.

Staff of the  
Commission.

6 (2) The terms and conditions of service (including terms and conditions  
7 as to remuneration, allowances, retiring benefits and discipline) of the Secretary  
8 and other staff of the Commission shall be such as may be determine from time  
9 to time, by the Commission.

10 (3) The Commission shall determine the remuneration and tenure of office  
11 of its employees

12 (4) The Commission may accept any member of staff by way of transfer,  
13 secondment or deployment from any public service of the Federal State or  
14 Local Government approved establishments.

15 11. Notwithstanding the provisions to section 10, the Council shall have  
16 power to appoint for the Commission either directly or on secondment from any  
17 public service in the Federation, such number of employees (as may, in the  
18 opinion of the Council) be required to assist the Commission in the discharge of  
19 any of its functions under this Act including the registration of the Trade Marks,  
20 Patents and Designs, Plant varieties and Animal Breeds.

Appointment  
and  
secondment  
from public  
service.

21 12. Service in the Commission shall be approved service for the purpose  
22 or the Pension Reform Act, 2004 and accordingly, officers employed in the  
23 Commission shall in respect of their service in the Commission be entitled to  
24 pension, gratuity and other retirement benefits enjoyed by persons holding  
25 equivalent grades in the public service of the Federation.

Pensions  
Reforms Act,  
2004.

26 13.—(1) There shall be established in the Head Office of the Commission  
27 the following departments —

Structure of  
the  
Commission.

28 (a) Administration and Finance Department;

29 (b) Planning, Research and Statistics Department;

30 (c) Information and Publicity; and

31 (d) Community Relations.

1 (2) Nothing in this subsection shall prevent the Commission, with the  
 2 consent of the Minister from establishing any additional Registry or department  
 3 as the Commission may deem necessary for the proper and effective  
 4 administration of the provision of this Act.

5 PART IV — FINANCIAL PROVISIONS

Funds of the  
 Commission.

6 14.—(1) The Commission shall establish and maintain a fund into which  
 7 all moneys accruable to the Commission shall be paid and from which all the  
 8 activities of the Commission shall be funded.

9 (2) There shall be credited to the Fund —

10 (a) all such sums as may from time to time be granted to the Commission  
 11 by the Federal Government;

12 (b) all monies raised for the purposes of the Commission by way of grants,  
 13 loans, subsidies and donations, provided that the Commission shall not be  
 14 obliged to accept a donation for a particular purpose unless, it approves of  
 15 the terms and conditions attached to such donations, if any;

16 (c) all statutory payments, fees and other charges for services rendered  
 17 by the Commission or any of its departments; and

18 (d) all other assets as may, from time to time, accrue to the Commission.

Power to  
 borrow.

19 15. The Commission may, from time to time, borrow such sums of money  
 20 as it may require to execute the functions of this Act.

Annual  
 estimates and  
 expenditure.

21 16.—(1) The Council shall, not late than 30th September of each year,  
 22 submit to the National Assembly through the Minister an estimate of the  
 23 expenditure of the Commission during the next succeeding year.

24 (2) The Council shall approve all expenditure of the Commission.

Proper  
 accounts.

25 17. The Commission shall —

26 (a) cause to be kept proper accounts and records of the transactions and  
 27 affairs of the Commission and ensure all payments out of its moneys are  
 28 correctly made and properly authorised;

29 (b) ensure that adequate control is maintained over the assets of, or in the  
 30 custody of the Commission and over its incurring of liabilities; and

31 (c) prepare in respect of each financial year a statement of account in

1 such form as the Auditor-General of the Federation may direct.

2 18. The Auditor-General of the Federation shall — Audit.

3 (a) inspect and audit the accounts and records of the financial transaction  
4 of the Commission;

5 (b) inspect records relating to assets of the Commission; and

6 (c) draw the attention of the Minister to any irregularity disclosed by the  
7 inspection and audit.

8 19. The Commission shall submit to the President through the Minister Annual  
9 not later than 30th June, of each financial year, a report of its activities during report.

10 the preceding financial year, and it shall include a copy of the audited accounts  
11 of the Commission for that year and a copy of the auditor's report on it.

12 20. The Commission may, subject to the Land Use Act, acquire any land Power to  
13 for the purpose of discharging its functions. acquire land.  
Cap. 202  
LFN, 1990.

14 PART V — ESTABLISHMENT AND CONSTITUTION OF  
15 NATIONAL GRAZING RESERVES AND STOCK ROUTES

16 21.—(1) The following lands may, subject to the provisions of this Act be Establishment  
17 Constituted as National Grazing Reserve and Stock Routes - of National  
Grazing  
Reserve and  
Stock Routes.

18 (a) lands at the disposal of the Federal Government;

19 (b) any land in respect of which it appears to the Commission that Grazing  
20 on such land should be practiced and any land acquired by the commission  
21 through purchase, assignment gift or otherwise howsoever;

22 (c) any land in respect of which it appears to the Commission that primary,  
23 secondary or tertiary routes be established.

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

28 22.—(1) Before any land is constituted as National Grazing Reserve and Land Use  
29 Stock routes, under the provisions of section 21 (1) (a) of this Act, due notice Act, 1978.  
30 shall be given to the State Governor, where such land is situate, by the  
31 Commission on behalf of the President of the Federal Republic of Nigeria, of

1 the intention of the Commission to constitute such land as National Grazing  
2 Reserve and Stock Routes and after the acquisition, same shall be published in  
3 the official Gazette of the Federal Government and —

4 (a) specifying the location, size or limits of the land;

5 (b) declaring that it is intended to constitute such lands as National Grazing  
6 Reserve and Stock routes either for the general purposes of Government or  
7 for the particular use and benefits, wholly or in part, of any class of persons  
8 or for the benefit of any community, State or Local Government.

Payment of  
compensation.

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

Land Use and  
Allocation  
Committee.

12 23. The Commission shall refer any dispute over claim for compensation  
13 on any land acquired by the Commission pursuant to this Act, to the appropriate  
14 Land Use and Allocation Committee of the State in respect of which the Land  
15 is acquired.

Negotiation to  
purchase.

16 24. Subject to the provisions of this Act, the Commission shall have  
17 power to enter into any negotiation with any holder of either Statutory or  
18 Customary Rights of Occupancy for the purpose of assignment or alienation to  
19 the Commission of the residue of the unexpired term granted to such person.

20 PART VI— REGULATION, RESTRICTIONS, OFFENCES, PENALTIES, ETC.

Regulations.

21 25.—(1) The Commission may, make regulations generally for carrying  
22 into effect the provisions of this Act, and without prejudice to the generality of  
23 the foregoing provisions and those of the schedule to this Act, make regulations

24 —  
25 (a) prescribing the persons who may use the reserves and stock routes  
26 including the number and type of livestock which may be permitted therein;

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

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

30 (d) regulating the general management of the reserves and stock routes,  
31 and prescribing the activities which may be carried on therein including



- 1 conditions of entry into the reserves and stock routes;
- 2 (e) providing how and when the facilities and infrastructures in the reserves
- 3 are to be used;
- 4 (f) providing for the recognition of stock routes;
- 5 (g) compelling any person or livestock coming into the reserve to comply
- 6 with the provisions of this Act or any regulations made thereunder;
- 7 (h) to collaborate cooperate partner and enter into contract or agreement,
- 8 with any State Government, public or private organizations or/and individuals
- 9 for the purpose of executing and fulfilling the Commission's functions and
- 10 responsibilities pursuant to this Act;
- 11 (i) to establish, encourage and promote training programmes for its staff
- 12 and other appropriate individuals from public or private organizations.

13 26.—(1) No person shall alienate any rights affecting land constituted as  
14 the National Grazing Reserve and stock route, by sale, mortgage, assignment,  
15 lease, customary pledge, transfer, or otherwise howsoever.

Restrictions.

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

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

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

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

26 27.—(1) Any person who contravenes any provisions of this Act or  
27 Regulations made thereunder shall be guilty of an offence and shall be liable on  
28 conviction to a fine of ₦50,000 or imprisonment for 5 years or both.

Punishment.

29 PART VII — MISCELLANEOUS PROVISIONS

30 28.—(1) The provisions of the Public Protection Act shall apply in relation  
31 to any suit instituted against any officer or employee of the Commission.

Limitation of  
suit against  
the  
Commission.

1 (2) No suit shall be commenced against a member of the Council, the  
2 Director-General, officer or employee of the Commission before the written  
3 notice of intention to commence the suit shall be served upon the Commission  
4 by the intending plaintiff or his agent.

5 (3) The notice referred to in subsection (2) of this section shall state the  
6 cause of action, the particulars of the claims, the name and place of abode of  
7 the intending plaintiff and the relief which he claims.

Service of documents.

8 29. A notice of summons or any other documents required or authorised  
9 to be served upon the Commission under the provisions of this Act or any other  
10 law or enactment may be served by delivering it to the Director-General of the  
11 Commission.

Restriction on execution against property of the Commission.

12 30.—(1) No execution or attachment of process shall be issued against  
13 the Commission in any action or suit without the consent of the Attorney-  
14 General of the Federation.

15 (2) Any sum of money which may be the judgment of any court be awarded  
16 against the Commission shall, subject to any direction given, be paid from the  
17 general reserve fund of the Commission.

Indemnity of officers.

18 31. A member of the Council, the Director-General, any officer or  
19 employee of the Commission shall be indemnified out of the assets of the  
20 Commission against any proceeding, whether civil or criminal in which judgment  
21 is given in his favour, or in which he is acquitted, if any such proceedings is  
22 brought against him in his capacity as member of the Council, the Director-  
23 General, officer, employee of the Commission.

Engagement of professionals other than staff.

24 32. The Director-General may with the approval of the Council engage  
25 persons with knowledge or experience in industrial property management and  
26 matters relevant to the functions of the Commission to assist otherwise than on  
27 basis of full time employment.

Power of the Minister to give direction to the Commission.

28 33. The Minister may give to the Commission directives of a general  
29 nature with respect to any of its functions.

1           **34.** In this Act, unless the context otherwise requires: Interpretation.  
2           “Chairman” means the chairman of the Commission;  
3           “Communal grazing land” means any area constituted as a communal  
4 grazing land under this Act;  
5           “Customary right of occupancy” means the right of a person or  
6 community lawfully using or occupying land in accordance with Customary  
7 law and includes a Customary right of occupancy granted by the Local  
8 Government;  
9           “enclave” means an area completely surrounded by Grazing Reserve,  
10 Communal Grazing Land or Stock Route and excluded from that Grazing  
11 Reserves, Communal Grazing Land or Stock Route in accordance with this  
12 Act;  
13           “Governor” means the Governor of the State where the Grazing reserve  
14 is situated or located or is to be situated or located;  
15           “Lands at the disposal of the Government” means any land which the  
16 Federal Government has acquired or may acquire by agreement or otherwise  
17 and include lands leased to the Federal Government for grazing and stock  
18 route purposes;  
19           “Land Use And Allocation Committee” means the Land Use And  
20 Allocation Committee established under section 2 (2) of the Land Use Act,  
21 Cap. 202 Laws of the Federation of Nigeria 1990;  
22           “Member” means a member of the Commission;  
23           “Minister” means the Federal Minister for the time being in charge of  
24 Agriculture and Water Resources;  
25           “Native Community” means any group of persons occupying any lands in  
26 accordance with the subject to native law and custom;  
27           “National Grazing Reserve and stock routes” means any area constituted  
28 or established as a grazing reserve and stock routes under this Act;  
29           “President” means the President of the Federal Republic of Nigeria;  
30           “Primary or International Stock Route” means a stock route linking 2 or  
31 more Countries together which is between 40 to 50 width to the nearest

1 international control post;

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

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

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

8 "Tertiary or inter-state stock route" means a stock route from grazing  
9 reserve to grazing reserve, watering and resting points, Fadama areas and  
10 homesteads.

Citation.

11 **35.** This Act may be cited as the National Grazing Reserve Commission  
12 (Establishment and Development) Bill, 2008.

SCHEDULE

Section 3 (4)

SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION, ETC.

*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 subparagraph (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
- (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 contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for among other things the establishment of the National Grazing Reserve Commission of Nigeria for preservation and control of national grazing reserves and stock routes in Nigeria.