

# CHAPTER L7 - LOCAL BOUNDARIES SETTLEMENT LAW

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### LOCAL BOUNDARIES SETTLEMENT LAW

A Law to provide a Commission to inquire into and settle boundary disputes.

[KWS 14 of 1975, KWS 16 of 1975, No. 4 of 2006.]

[Date of commencement: *1st September, 1975*]

#### 1. Short title and commencement

This Law may be cited as the Local Boundaries Settlement Law.

[No. 4 of 2006.]

#### 2. Interpretation

In this Law, unless the context otherwise requires—

"**area**", in relation to an administrative division, means the area in respect of which such administrative division is established and, in relation to a local government authority, means the area in respect of which such local government authority is constituted under the Local Government Law;

[Cap. L8.]

"**Commission**" means a Commission so appointed under section 3;

"**community**" means the inhabitants of any town, village or other area indigenous to any part of the State;

"**Governor**" means the Governor of the State;

"**land**" includes land covered with water;

"**member**" includes the Chairman;

"**the State**" means the Kwara State of Nigeria.

#### 3. Appointment of Commission

(1) The Governor may from time to time appoint a body to be known as a Local Boundary Settlement Commission.

(2) A Commission shall consist of a Chairman and four other members all of whom shall be appointed by the Governor.

(3) It shall be the duty of a Commission to enquire into and determine such boundaries as the Governor may, by order made under section 5, refer to it for determination.

[No. 4 of 2006.]

#### **4. Oath of members of Commission**

(1) Every member of a Commission appointed under this Law shall make and subscribe an oath that he will faithfully and impartially discharge the duties of his office.

(2) Such oath shall be taken before the Governor or before such person as the Governor may appoint.

#### **5. Governor may order determination of boundaries**

The Governor may by order refer to a Commission for determination the boundaries—

- (a) between the areas of two or more administrative divisions;
- (b) between the areas of two or more local government authorities;
- (c) between the areas of two or more communities; or
- (d) within any community,

in respect of which there is any dispute.

#### **6. Secretary and surveyor to be appointed**

A Secretary, who shall be a legal practitioner, and a qualified surveyor shall be appointed by the Governor for the purposes of assisting a Commission.

#### **7. Duties of Commission**

Where an order has been made under section 5 referring the determination of any boundary to a Commission, the Commission shall—

- (a)* cause to be published in the areas concerned not less than thirty days notice of the holding of an enquiry and of the date and place of its commencement;
- (b)* hear all such evidence relevant to the enquiry as may be offered by any person;
- (c)* take or cause to be taken notes of all evidence given before it;
- (d)* make an inspection of the land which the boundary to be determined will traverse; and
- (e)* deliver its finding in a place to which the public has access after public notice has been given of the time and place at which such finding will be given.

**8. Matters to be included in the finding**

The finding of a Commission shall include—

- (a)* a description of all boundaries determined and a plan thereof;
- (b)* a statement of the proprietary or jurisdictional interests by reference to which the boundary has been determined and the findings of the Commission with respect to the limits of such interests which are relevant to the settlement of the boundary;
- (c)* the manner and the extent, if any, in or to which the rights or interests in or over land of any local government council or community whose boundaries the Commission was ordered to determine or of any other local government council or community permitted to be represented by a legal practitioner at the enquiry,

shall be affected by the determination; and

(d) its reasons for the determination.

## **9. Powers of Commission**

(1) A Commission, for the purposes of an enquiry under this Law, may—

- (a) make such rules for the conduct of proceedings before it and the times and places of sittings as it may think fit, and may adjourn an enquiry for such time and to such place as it may think fit;
- (b) exercise the powers of a judge of the High Court in its civil jurisdiction with respect to the administration of oaths and affirmations, the summoning, attendance and examination of witnesses, and the production of documents;
- (c) admit any evidence, whether written or oral, which might be inadmissible in civil proceedings;
- (d) exclude any member of the public from any sitting of the Commission;
- (e) by itself or by any person authorised by it enter upon any land for the purpose of obtaining evidence or information required by or which may be required by or may be of assistance to it, or for the inspection of any proposed boundary line or the making of a plan required by section 8 or 10.

(2) A summons or warrant for the attendance of a witness issued in exercise of the powers conferred upon a Commission by section (1) shall be in Form A or B respectively set out in the Schedule and shall be signed by the Chairman.

(3) A witness summoned under the provisions of this section shall, subject to any order made by the Commission, be entitled to the like expenses as if he had been summoned

to attend the High Court on a criminal trial.

(4) For the avoidance of doubt it is hereby declared that the provisions of any law of the State with respect to the service and execution of summonses and warrants for the attendance of witnesses issued by a Judge of the High Court in his civil jurisdiction shall apply in relation to summonses and warrants issued by a Commission in accordance with the provisions of subsection (1).

#### **10. Preparation of plans and filing of documents**

(1) The Commission shall, as soon as practicable, cause the boundaries and the rights or interests in or over land finally determined in accordance with the foregoing provisions of this Law to be demarcated on the ground and a cadastral survey plan thereof prepared.

(2) When the cadastral survey plan has been prepared and, in any case not sooner than six months after the delivery of the finding of the Commission—

(a) the Commission shall file in the Land Registry a true copy of the finding, the description of the boundaries, the rights or interests in or over land and the cadastral survey plan and shall notify the Governor accordingly; and

(b) the Governor shall publish notice in the State Gazette that the boundaries and the rights or interests in or over land referred to in the finding have been determined and of the deposit of the documents aforesaid.

#### **11. Effect of determination**

(1) Subject to the provisions of section 12, the determination of a boundary, or any rights or interests in or over land of which notice is given in accordance with section 10 shall, notwithstanding anything contained in the notice establishing a local government

authority or in any judgement, be final and conclusive as to that boundary or community boundary, or those rights or interests in or over land.

[No. 4 of 2006.]

(2) Save as otherwise provided in this Law, nothing in any such determination shall affect the rights or interests in or over land of any local government authority, community or other person.

(3) The determination of a boundary or of any rights or interests in or over land shall not have effect until notice is given in accordance with section 10.

## 12. Savings

Nothing in this Law shall affect—

(a) any powers of the Governor conferred by the Local Government Law to specify by notice the area of authority of any local government authority or to amend or revoke any such notice; or

[Cap. L8.]

(b) any powers of the Governor or any other authority conferred or exercised under any law enabling in that behalf for the purpose of dividing the State or any part thereof into administrative divisions or other units.

## 13. Protection of members of Commission

A member of a Commission shall not be liable, either civilly or criminally for anything he may have done or may have omitted to do, when acting in good faith, in pursuance or in supposed pursuance of his powers and duties under this Law.

## 14. Offences

Any person who—

(a) being summoned to attend as a witness at an enquiry or to produce a

book, plan or document thereat refuses or omits without sufficient cause to attend at the time and place mentioned in the summons, or refuses without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions put to him by or with the concurrence of a Commission or refuses or omits without sufficient cause to produce any document in his possession or under his control which are mentioned in the summons;

- (b) hinders or obstructs a Commission in the exercise or performance of any powers or duties conferred or imposed by this Law; or
- (c) wilfully and unlawfully destroys, moves, defaces or alters any beacon, post, mark or other thing denoting or intended to denote any boundary or part thereof to which an enquiry relates which has, or any rights or interests in or over land or parts thereof which have, been determined under the provisions of this Law,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand naira or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

[No. 4 of 2006.]

Provided that no person giving evidence before a Commission shall be compellable to incriminate himself, and that every such person shall in respect of any evidence given by him or any documents he is required to produce be entitled to all the privileges to which a witness in the High Court is entitled in respect of evidence given by him or a document he is required to produce before such Court.

## **15. Quorum**

Three members of a Commission (one of whom shall be the Chairman or other



member presiding) shall form a quorum at any sitting of the Commission.

**16. Decision of a Commission**

At any sitting of the Commission, the decision of the majority of members shall, in the event of the members disagreeing, be deemed and taken to be the decision of the Commission and the member presiding shall have a casting vote.

**17. Remuneration**

The Governor may, at his discretion direct that remuneration by way of salary, fees or allowances be paid to a member of a Commission.

**18. Resignation or removal from office**

A member shall vacate office on resignation or may be removed from office by the Governor on the grounds of abuse of office, misconduct or disability.

[No. 4 of 2006.]

**19. Standing orders**

The Commission may make standing orders for the purpose of regulating its own proceedings.

**20. Extent of power of Commission**

Notwithstanding anything contained in any judgement or finding of any Commission or any other body howsoever constituted, it shall be lawful for a Commission constituted under this Law to inquire into and determine any boundaries referred to it by the Governor in accordance with section 5.

**21. Saving of acts done pursuant to the provisions of Edict No. 9 of 1970**

Without prejudice to the provisions of section 20, all boundary determinations already made or inquiries into boundary disputes already conducted pursuant to the provisions of the Local Boundaries Settlement Law, 1970 whether or not the findings of such Boundary Inquiries or Commissions have been delivered shall remain valid and

unaffected unless and until such boundaries are subsequently referred to a commission constituted under this Law for determination by the Governor in accordance with section 5 of this Law.

Provided that the Governor may reverse, nullify, set aside or review any decision of a Commissioner or any commission set up under the Local Boundaries Settlement Law, 1970 or any other Law for the time being in force, if such reversion, nullification, setting aside or review is, in the opinion of the Governor, in the public interest.

[KWS 9 of 1970, KWS 16 of 1975.]

## **22. Repeal of Law No. 9 of 1970**

The Local Boundaries Settlement Law, 1970 is hereby repealed.

### **SCHEDULE**

#### **FORMA**

[Section 9J

[No. 4 of 2006.]

To.....  
.....  
.....

#### *Name and address of the person summoned*

You are hereby summoned to appear before the Boundary Settlement Commission appointed by the Governor to enquire into (state boundaries to be determined) at.....  
upon .....the.....day  
of.....,20.....

at .....o'clock, and to give evidence respecting such enquiry (if the person summoned

is to produce any documents, add) and you are required to bring with you (specify the book and documents required). Therefore fail not at your peril.

Given under my hand this .....day  
of.....20.....

.....

*Chairman of the Commission*

# FORM B

[Section 9.]

## *Warrant of Arrest*

To.....  
...

and any member of the Nigeria Police Force.

Whereas a summons under section 9 of the Local Boundaries Settlement Law has  
been ..... served  
upon.....

*name of witness*

of.....  
.....

*address*

to attend and give evidence before the Boundary Settlement Commission appointed by the  
Governor to enquire into (state boundaries to be determined)  
at.....

upon the .....day  
of.....20.....

And Whereas the said

.....

has neglected to appear at the time and place aforesaid and it has been proved to me that  
the said

summons has been duly served upon the said.....who  
has not

excused such failure to my satisfaction;

I have to command you forthwith to apprehend the  
said.....and to bring him  
before me

Given under my hand this .....day of .....20.....

.....

*Chairman of the Commission*

## CHAPTER L7

### LOCAL BOUNDARIES SETTLEMENT LAW

#### SUBSIDIARY LEGISLATION

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*No Subsidiary Legislation*

