

## 2010 - ADAMAWA STATE COLLECTIVE RESPONSIBILITY LAW

*A Law to provide for the payment of Compensation for Damage caused by riot by the individual or Community that caused the riot and for matters incidental thereto*

[19th April, 2010]

BE IT ENACTED by the House of Assembly of Adamawa State of Nigeria and by the authority of same as follows:—

1. This Law may be cited as the Adamawa State Collective Responsibility Law and shall come into operation on 19th day of April, 2010.

2. In this Law, unless the context otherwise requires :—

"Assessed damaged" means damage assessed by the Committee in accordance with the provisions of this law;

"Committee" means the committee set up pursuant to section 6;

"Consolidated Revenue fund" shall have the same meaning as in section 2 of the Public Finances (Control and Management) Law; "Governor" means Governor of the State;

"Damage" means

- (a) in the case of any building damage to or the destruction of such building; or
- (b) in the case of goods, damage to or the destruction of or the destruction of or theft of such goods;

"Goods" include all kinds of personal property other than moneys;

" Government" means Government of the State;

"person" includes persons;

"Riot damage area" means an area declared to be riot damage area according to this law;

"State" means Adamawa State of Nigeria.

3. Where any person or company has suffered loss as a result of damage caused by riot occasioned by any person riotously or unlawfully assembled together, compensation may be payable to that person or company in such a manner as is hereinafter provided.

4. The Governor upon receipt of complaint of riot etc may set up an inquiry on the alleged complaint, and after the said inquiry, may impose fine on any inhabitant of any village or District or members of any tribe or community if it has been found upon such inquiry that they have:

- (a) cause damage to the property, person or company;
- (b) prevent the person or company from performing their Lawful business within the area;
- (c) colluded with any criminal or harbored, rescued or attempted to rescue or failed to take all reasonable means to prevent the escape of any criminal or any person accused of having committed a crime concerning whom a public announcement had previously been made within limits of their community by an authorized emissary of Government
- (d) suppressed or combined to suppress evidence in any criminal case, investigation or inquiry or in any inquest;
- (e) willfully disobeyed or neglected or refused to carry out any lawful order given to them by the Government or the Local Government within which the acts complained of occurred, shall be liable to pay compensation to the person or company that suffered the loss as a result of the acts complained of.

5. Where any person or company has suffered loss as a result of damage caused by any person riotously or unlawfully assembled together, the Governor may define the area in which he has reason to believe that substantial number of persons who took part in the riot or unlawful assembly were resident at the date thereof and may by order declare such areas to be riot damage areas, in case of any disturbances.

6. The governor may constitute a five member Assessment Committee (hereinafter referred to as the Assessment Committee) in respect of any riot damage area.

- (i) the committee shall be headed by a Chairman and four members;
- (ii) one of the members shall be a Legal Practitioner with ten years post call experience;
- (iii) the Chairman and members shall be person of proven integrity;
- (iv) the members should be knowledgeable in estate management and property

valuing;

(v) the committee may be paid such remuneration as the Governor may direct.

7. The Committee shall perform the following duties:-

(a) to assess:-

(i) the extent of damage and monetary value of the loss suffered by any person or company as a result of damage by the riot or unlawful assembly;

(ii) the total monetary value of the damage caused by riot unlawful assembly;

(b) to ascertain the estimated number of persons who took part in the riot or unlawful assembly and/or their sponsors if any;

(c) to effect compensation to victims (and their relations) whose properties and/or lives were affected or destroyed amount to the actual value on date of payment;

(d) to make immediate provision of relief materials and temporary shelter for the victims;

(e) to liaise with the Government and security agencies to ensure safety and security of victims of riot and unlawful assembly;

(f) to recommend the withdrawal of monies from Local Government's budgetary allocation for the purpose of compensating victims that suffered loss within riot damage area;

(g) to disburse the said money to victims of riot damage or unlawful assembly;

(h) to make a full report of its findings to the Government; and

(i) to perform such other functions as may be conferred upon it by order of the Governor'

8. The Committee shall have and exercise the following powers:

(a) all the powers of a Magistrate conferred by the law of the State for the purpose of summoning witnesses and enforcing the attendance of persons, the production of documents, the administration of oaths, the other powers appertaining to a Magistrate under any such law except the power to convict which reasonably be required for the discharge of its duties;

(b) the power to call upon person claiming compensation to declare on oath the extent of any damage and the monetary value of such damage which he claims to have sustained;

(c) the power to call upon person or persons claiming compensation to furnish the Committee in such form as the Committee may demand a full return in writing of all movable and immovable property which such person possesses, and his total annual income from all sources.

(2) Any person who without reasonable excuse, the proof of which shall be upon him, within such time as may be fixed by the Committee for the purpose, refuses or neglects to make a declaration on oath as required by the Committee under paragraph (b) of Sub-section (1) or to furnish any return as required by the Committee under paragraph (c) of Sub-section (1) shall be guilty of an offence; and shall be liable on conviction to a fine not exceeding ₦500,000.00 (Five Hundred Thousand) Naira or to imprisonment for a period not exceeding six months or both fine and imprisonment.

9. The Committee shall not be liable either civilly or criminally in respect of anything which it might have done or may have omitted to do, in the discharge of its functions under this Law.

10. (1) Before assessing any damage, the Assessment Committee shall give notice in such manner as it considers appropriate, either generally with reference to the damage in the riot damage area or part thereof, or particularly with reference to any specified property stating:-

- (a) the time and place which it proposes to hold its inquiry;
- (b) the manner in which requests for assessment of damage should be presented to it; and
- (c) a date (not being less than thirty days from the date of notice) after which no requests for assessment of damage will be entertained

(2) No request for assessment of damage which is presented after the date in any notice given in accordance with this section shall be entertained by the Committee unless, upon good cause being shown, it shall otherwise order.

(3) If any person claiming compensation is grieved by a refusal based on the provisions of subsection (2) he may petition the Governor, who may direct that such an order shall be made by the Committee.

11. In assessing the damage suffered by any person claiming compensation the Committee

shall take into account:-

- (a) any sum obtained by that person as damage as a result of civil proceedings instituted by him for the damage in respect of which he claims;
- (b) any money paid or payable to that person under a contract or policy of insurance for the damage in respect of which he claims.

12. (1) When the Committee receives notice that two or more persons make conflicting claims to be entitled compensation in respect of any damage which it is assessing or proposes to assess it shall determine, for the purpose of assessing the damage in question, the matter in issue between them.

(2) When the Committee has determined any conflicting claims to compensation in accordance with Sub-section (1) the decision shall be final.

13. (1) Any assessment made by the Committee in accordance with Assessment to be final, the provisions of this Law shall be final.

(2) Notwithstanding the provisions of Sub-section (1) the Governor may in any case direct the Committee to make a re-assessment.

14. (1) The Governor may order the recovery of damages from the allocation of Local Government Council of a riot damage area of such proportion as he considers necessary.

- (a) the monetary value of all assessed damage in that area; or
- (b) the expenditure incurred in suppressing the assembly by which the damage was caused; and
- (c) any remuneration paid to the Committee under paragraph (v) of section 6.

(2) A certificate under the hand of the Committee's Chairman shall be conclusive as to the amount of the expenditures referred to in Sub-section (1) of this section.

(3) The Governor may order that such proportion or all assessed damage as may be specified in the order shall be charged upon and issued from the budgetary allocation of the Local Government Council in the riot damage area.

(4) The Local Government Council whose budgetary allocation was deducted to pay compensation for the damage caused by riot shall be entitled to be reimbursed through special levy on a particular persons community responsible for causing the riot.

15. The Governor may, either generally with regard to any damage caused in a riot area, or particularly with regard to any special damage so caused, give direction in respect of all or any of the following matters:-

- (a) the method of presenting claims for compensation by person(s) or any company who have suffered loss as a result of damage;
- (b) the assessment of the amount of damage;
- (c) the allotment of sum payable as compensation to the person or company who satisfy the Committee that they have suffered loss as a result of damage caused by the riot or unlawful assembly.
- (d) payment of compensation by the Local Government Council in the riot damage area;
- (e) generally with respect to the exercise of the powers and the performance of the duties of the Committee under this Law.

16. The Committee shall, upon the completion of the assessment inform the Local Government Council having jurisdiction over the riot damage area or that part of the riot damage area or that part of the riot damage area to which the assessments related, of the amount of the assessed damage and furnish particulars to the Council specifying:-

- (a) the respective premises, properties or articles upon which the assessment is made;
- (b) the amount of the assessment in each case; and
- (c) the persons (if any) amongst whom liability for the payment of compensation has been appointed in accordance with direction under section 5.

17. (1) There shall be paid out of the budgetary allocation of Local Government Council having jurisdiction over the riot damage area or any part of riot damage area the following:

- (a) the compensation payable in respect of the assessed damage;
- (b) such sums in connection with the expenditure incurred by the Government suppressing the riot or unlawful assembly as the Governor may direct;
- (c) any remuneration paid to the Committee.

(2) Payment of compensation shall be made by the Committee in accordance with the order of the Governor made under the provision of section 5.

18. Payment of compensation by the Committee in accordance with the provisions of this Law in respect of any damage shall absolutely discharge the Government, any officer of the Government, or Local Government Council from liability in respect of such damage.

19. All criminal aspects of any damage or injury caused by any person or group of persons whether community member or passer by shall be dealt with in accordance with relevant criminal law in force.

20. The Riot Damage Law No. 3 of 1983 is hereby replead.

This printed impression has been carefully compared by me with the Bill which has passed the House and found by me to be a true and correctly printed copy of the said Bill.

ASMA'U G SALIMU (HAJIYA),  
*Clerk to Adamawa State House of Assembly*

I assent this 19th day of April, 2010

MURTALA H. NYAKO,  
*Governor,*  
*Adamawa State of Nigeria.*

### SCHEDULE OF BILL

SHORT TITLE	LONG TITLE	SUMMARY OF CONTENTS	DATE PASSED BY HOUSE
The Adamawa State Collective Responsibility Law, 2010.	A Bill for a Law to provide for the payment of compensation for damage caused by riot by the individual or community that caused the riot and to provide for matters incidental thereto.	The Bill seeks to compel an individual or community to compensate any person or company that suffered loss as a result of damage caused by riot. The Bill also constitute an Assessment Committee and spell out its duties and powers. The Bill Repealed Riot Damage Law No. 3 of 1983.	30th day of March, 2010.

**ASMA'U G. SALIMU (HAJIYA),**

*Clerk to Adamawa State House of Assembly.*