

# CHAPTER G3 - GRAZING RESERVES LAW

## ARRANGEMENT OF SECTIONS

### PART I

#### *Preliminary*

#### SECTION

1. Short title.
2. Interpretation.

### PART II

#### *Government Grazing Reserves*

3. Land which may be constituted reserves.
4. Notification of intention to create a reserve and appointment of reserve settlement officers.
5. Duties of reserve settlement officers.
6. Inquiries.
7. Reserve settlement officers to have judicial powers.
8. Reserve settlement officers may sever or join claims.
9. Publication of judgments on completion of inquiry.
10. Appeals from judgments of reserve settlement officers.
11. Rights may be extinguished or modified by Commissioner.
12. Order constituting the grazing reserve.
13. Reserve may be made to exclude areas over which claims are admitted.
14. Commissioner may close rights of way and watercourses.
15. Extinguishment of rights.
16. Extinguishment of rights by non-use.
17. Rights in reserves may be alienated without consent of Commissioner.
18. No new rights to be acquired in land to be constituted a reserve except with approval.
19. Restriction of entry to reserve.
20. Powers of person to grant land absolutely to Government.
21. Power to de-reserve.
22. Duties of the Division.
23. Functions of the Division in relation to the grazing reserves.
24. District.
25. Regulations.

### PART III

#### *Local Government Grazing Reserves*

26. Constitution of local government reserves.
27. Action precedent to the constitution of a local government grazing reserve.

### SECTION

28. Order constituting local government grazing reserve.
29. Approval of Commissioner.
30. Power of local government to revise or modify order.
31. Extinguishment of rights in the local government grazing reserve.
32. Control of alienation of rights in local government grazing reserve.
33. Restrictions of entry into local government grazing reserves.
34. Power to de-reserve.
35. Management of local government grazing reserve.
36. Rules.

### PART IV

#### *Unlawful Grazing*

37. Unlawful grazing and damage to crops.
38. Frivolous or vexatious complaints.
39. ....
40. Restriction on weapons, etc., and prohibition of contrary activities.
41. Penalty.
42. Right to search.
43. Power of Chief Veterinary Officer to exempt.

### GRAZING RESERVES LAW

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

[NN 4 of 1965, KWS 9 of 1982, KWS LN 1 of 1982, No. 4 of 2005, No. 4 of 2006.]

[Date of commencement: 29th March, 1965]

### PART 1

#### *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;

**"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;

**"Hardo"** means the head of the cattle rearers in the district;

**"lands at the disposal of the Government"** means any lands which the Government or the Commissioner responsible for Land has acquired or may acquire by agreement or otherwise and includes lands leased to the Government or the Commissioner responsible for Land;

**"specified animal"** means horse, ass, swine, cow, or trade animal when led in a string;

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

## 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; and
- (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—

[KWS LN 1 of 1982.]

- (a) specifying as nearly as may be the situation and limits of the lands;
- (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 officers**

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) 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 extend of their alleged rights.

[KWS LN 1 of 1982.]

#### **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 officers 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 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 officers**

(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 date 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) 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 all 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.

[KWS LN 1 of 1982.]

(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:

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 any 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 person 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.

**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, how-ever,



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

## **22. Duties of the Division**

- (1) The division known as the Veterinary Division which is an integral part of the Ministry of Agriculture and Natural Resources shall exercise the function specified in section 23 of this Law and such other functions relating to the development of the grazing reserves within the State as may be specified from time to time by the Commissioner.
- (2) The division shall consist of the Chief Veterinary Officer and such other supporting staff as may be required for the purpose of the duties of the division.
- (3) The Chief Veterinary Officer and other Officers of the division shall be members of the Civil Service of the State (within the meaning of the Constitution of the Federation).

## **23. Functions of the division in relation to the grazing reserves**

The division shall be responsible for the protection, administration, regulation and improvement of such grazing reserves as may be created under the authority of this Law and shall in addition—

- (i) regulate their occupancy and use;
- (ii) preserve the land and its resources from destruction or unnecessary injury;
- (iii) provide for the orderly use, improvement and development of the reserve;
- (iv) study erosion and flood control as it affects the reserve and perform such work as may be necessary to amply protect and rehabilitate the area subject to the provisions of this section as may be made available for the purpose;
- (v) construct fences, walls, reservoirs and other improvements necessary for the care and management of the permitted livestock within the grazing reserves; and
- (vi) establish such services, enter into such agreements and do all things necessary to accomplish the purposes of this section.

## **24. District**

(1) For the purpose of having the benefit of the fullest information and advice concerning physical, economic and other local conditions in the several grazing districts established pursuant to Part II of this Law, there shall be an advisory committee of local stockmen in each such district the members of which shall not be less than six members made up as follows—

- (i) the Area Veterinary Officer who shall be the Chairman;
- (ii) the most Senior Chief in the local government area;
- (iii) the Councillor for Agriculture;
- (iv) the area forestry officer;

- (v) the Divisional Police Officer;
- (vi) the area lands officer; and
- (vii) the Harido.

(2) Each district advisory committee shall offer advice and make recommendations concerning the rules and regulations for the administration of this Law, the establishment of grazing districts, the season of use and the carrying capacity of each reserve and shall perform such functions as may be required of them from time to time by the Chief Veterinary Officer.

## **25. Regulations**

The Governor may make regulations for 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 forty thousand naira or imprisonment not exceeding two years, 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.

[No. 4 of 2005.]

## **PART III**

### *Local Government Grazing Reserves*

## **26. 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.

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

(1) No lands shall be constituted a local government grazing reserve under section 26 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) 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 26, the Commissioner may cause a further inquiry to be held by or under the direction of the Local Government 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.

**28. Order constituting local government grazing reserve**

Every order under section 26 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 27.

**29. Approval of Commissioner**

No order under section 26 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.

**30. 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 26 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 27 and any rights which become invalid by subsection (3) of section 27 may be revived by an order under this section.

(2) The provisions of section 29 shall apply to an order made under this section in like manner as they apply to an order under section 26.

**31. 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 26, 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 27.

**32. 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 26 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.

**33. 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.

**34. 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 26 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.

### **35. 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.

[KWS LN 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 subsection (2) shall be protected, controlled and managed on behalf, and for the benefit, of the local government concerned.

### **36. 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;
- (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 forty thousand naira or imprisonment not exceeding

two years, 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.

[No. 4 of 2005.]

#### PART IV

#### *Unlawful Grazing*

##### **37. Unlawful grazing and damage to crops**

(1) As from the commencement of this Law, any person being the owner of a specified animal or the person in control thereof who—

(a) allows such animal to graze anywhere other than in any of the grazing reserves or trade route established pursuant to this Law; or

(b) fails to control such animal and the animal causes any damage to any crops, commits an offence and shall on conviction in the area court of the district where the offence was committed be liable—

(i) in the case of a first offence to a fine not exceeding #10,000.00 or to imprisonment for six months;

(ii) in the case of a second offence, to a fine not exceeding #20,000.00 or to imprisonment for one year; or

(iii) in the case of subsequent offence, to a fine not exceeding #30,000.00 or imprisonment for two years, or if in the opinion of the court, the offence was committed by the personal act, default or culpable negligence of the person accused, and the court is of the opinion that a fine will not meet the circumstances of the case, to imprisonment with or without hard labour for a term not exceeding five years.

[No. 4 of 2005.]

(2) Whenever under this Law, the court imposes a fine, the court in appropriate case may order, that in addition to a fine, that convicted person shall pay a sum in compensation for the value of such crops as may be determined to have been damaged by the animal.

(3) Any compensation adjudged payable under this section other than a fine shall be enforced as if it were a fine.

##### **38. Frivolous or vexatious complaint**

(1) If in any case instituted by a complaint or upon information given to a member of a police force or a court and heard, the court discharges or acquits the accused and is satisfied that the accusation against him was frivolous or vexatious, the court may in its discretion by its order or discharge or acquittal direct the complainant to pay to the accused

or to each of them where there are more than one, such compensation as it might think fit in the circumstances.

(2) Compensation awarded under this section may be recovered as if it were a fine.

39. ....

[No. 4 of 2006.]

**40. Restrictions on weapons, etc., and prohibition of contrary activities.**

(1) Any person who unlawfully is in possession of, or carries or uses for any purpose any firearm or other weapon, explosives, traps, poison or any dangerous substance or thing in a Grazing Reserve commits an offence.

[No. 4 of 2005.]

(2) Any person who carries out any activity on any Grazing Reserve that is contrary to the provisions of this Law shall be guilty of an offence.

[No. 4 of 2005.]

**41. Penalty**

A person guilty of an offence under the provisions of this Law where no punishment is prescribed shall be liable on conviction to a fine not less than N50,000.00 or to imprisonment for two years or to both fine and imprisonment.

[No. 4 of 2005.]

**42. Right to search**

(1) If any person duly authorised by the Chief Veterinary Officer has reasonable ground to believe that any person has committed or is committing or is about to commit an offence contrary to section 40 hereof he may by warrant, inspect or search any building or tent or any baggage, package, wagon, caravan, vehicle or boat in possession or under the control of such person and such firearms, traps, spear, bow, arrow, or other weapons or any explosive, net, trap or poison which appear to have been obtained or to be about to be used in contravention of this Law, may be seized and detained on behalf of the Chief Veterinary Officer.

(2) Any such authorised person who seizes or detains weapons or articles pursuant to subsection (1) of this section shall give to the person from whom such weapons or articles were seized a receipt therefore in the prescribed form signed by the said authorised person.

(3) In the event of—

(a) the Chief Veterinary Officer being advised by the Attorney-General that no prosecution consequent upon any such search and seizure made under subsection (1) be instituted; or

(b) any such prosecution having been finally concluded,

then in either such event any weapons or articles so seized and detained pursuant to subsection (1) above shall be returned to the owner thereof or the person from whose custody it was taken;

Provided that any weapons or articles shall not be returnable under subsection (3) if it has been declared by the court to be forfeited or ordered to be destroyed under the provisions of this law or any other written law.

#### **43. Power of Chief Veterinary Officer to exempt**

Notwithstanding anything contained in this Law, the Chief Veterinary Officer may in his absolute discretion, exempt any person or body being the owner of any specified animal from the operation of paragraph («) of section 37 (1) of the Law.

### **CHAPTER G3**

#### **GRAZING RESERVES LAW**

#### **SUBSIDIARY LEGISLATION**

##### *List of Subsidiary Legislation*

1. Kwara State Gidan Magajia (Bankubu) Grazing Reserve Order.
2. Kwara State Lata Grazing Reserve Order.

#### **THE KWARA STATE GIDAN MAGAJIA (BANKUBU) GRAZING RESERVE ORDER**

[KWS LN 5 of 1987.]

Whereas the necessary steps have been taken in accordance with the provision of Sections 4 and 5 of the Grazing Reserves Law of 1965.

Now therefore, in exercise of the powers conferred upon the Governor by Section 12 of the said Law, it is hereby ordered by Kwara State Government as follows—

[Date of commencement: 1st January, 1987]

1. This Order may be cited as the Kwara State Gidan Magajia (Bankubu) Grazing Reserve Order, 1987.



2. All that piece of land, the situation, and limits whereof are set forth in the First Schedule hereto, subject to the rights affecting the same as set forth in the Second Schedule hereto, shall constitute a Government Grazing Reserve within the meaning of the law, which reserve shall be known as Kwara State Gidan Magajia (Bankubu) Grazing Reserve.

#### FIRST SCHEDULE

All that piece of land containing two hundred and eleven decimal five six square kilometres (Twenty one thousand, one hundred and fifty six hectares (or there about) situated in the South-Western part of New-Bussa of Borgu Local Government Area of Kwara State and bounded as follows—

Confluence of River Nikaro and Dariniu in a North-Westerly direction upstreams of River Dakudam to its confluence with River Saro; thence upstream of River Dakudam to the Dam site; thence in a westerly direction for a distance of approximately 400 metres to a temporary point marked peg 22; thence on a bearing of 27 degrees for an approximate distance of 11.6 kilometres, crossing the Okuta-Bamaguru road at a distance of 10.4km. to the Southern bank of River Moshi, thence following the course of the latter river in a South-Easterly direction, crossing the Bamaguru-Toro road, to its confluence with River Toro; thence going up stream of River Toro in a South-Westerly direction to its confluence with River Dariniu; thence up stream of the latter river, closing back on Tpl the starting point.

#### *Connection Traverse Lines*

<i>FROM</i>	<i>TO</i>	<i>BEARINGS</i>	<i>DISTANCES</i>
<i>TPI</i>	A	43o 00	148.90m.
A	B	83o 00	166.45m.
B	C	61o 00	208.12m.
C	D	40o 00	154.55m.
D	TPL	43o 00	114.29m.
<i>TPI</i>	RIVER	43o 00	80.40m.

<i>NOTE:</i> All bearing are Magnetic and approximate.			
<p>(b) The reserve was originally put at 62.8959 Sq. miles which worked out to 16,099.84 hectares reference Kwara State of Nigeria Gazette No. 27, Volume 10 of 30<sup>th</sup> September, 1976. The actual size of the reserve is now 211.56 km<sup>2</sup>. (21,156.56 Ha).</p>			

## SECOND SCHEDULE

### *Rights with the Reserve*

#### **A. Rights of ways—**

To the general public the right of way over—

- (a) all dry season motor roads;
- (b) all foot paths.

#### **B. Other rights—**

The reserve is subject to all restrictions lawfully imposed by a competent authority—

- (a) to the native communities within the villages of the peripheries and within the enclaves if any—
  - (i) the right to draw water;
  - (ii) the right to take in quantities sufficient only for personal domestic requirements of the right holders, but not for sale or barter and provided there is no interference with other vegetation.

- (a) dead wood for fuel;
- (b) woof from uncultivated and non-browse trees;
- (c) the fruits, leaves, barks and roots of economic trees and medicinal plants namely—  
Parkia Clappertoniana (Dorowa), Tamarindus Indica (Tsamiya), Adon-sania Degitata (Kuka), Butyrospermum Parkii (Kadanyan) Acasia Nilotica (Gaharuwa), Balnites Acgyptica (Adua) Deterium Senegalensis (Taura) Zizipus Mauritiana (Magariya), Ximenia Americana (Tsada), Borassus aethiopun (Gigiya), Celba Pentandra (Rimi), Annona Senegalensis (Gwandar Daji, Gardenia Erubescene (Gauda), pillostigma reticulatum (Kalago), Stercula S.P.P. (Kukudi) Ficus gnaphalocarpa (Baure), Khaya Senegalesnis (Madachi).

#### **Vegetation—**

This is of the Guinea Sauanna type and the most Midespread form of regetation are Abundandat Isober Lima (Doka) species, Danieha Olivers (Maje), Khyaya Senegalensis (Madachi), Macrocapa Pterocarpui (Market), terminaial aninaceus (Kawo), Vitex doniana (Dinya), Parkia Clappertoniana (Dorowa), Tamarindus Indica (Tsamia), Adansonia digitata (Kuka) Ziziphus Mauritiana (Magariya), Deterium Microcarpum (Taura), Boressus cathiopum spp, in wetter parts Hyparrheania spp, Imperata Cylindrical, penniscutum purperium and peda-cellum, Eragrostis spp, Brachiaria spp, Paspalum spp.

#### **Rights—**

The usual rights for collecting grasses and fruits of certain trees for personal use should be

admitted.

3. To provide suitable grazing land on which Nomadic pastoralists can settle permanently leading to improved living standards for the pastoralists, Improved Production from their cattle, and reduced friction between pastoralists and farmers.
4. Keeping the grazing reserve covered with good forage plants and increasing of livestock and wildlife products.
5. There shall be no hunting, burning and fishing within the reserve.
6. The reserve should be maintained through proper grazing management and improvement activities such as water development, fodder conservation plan, range rescedling and fertilization, bush control of undersriable weeds, and fire tracing.
7. All shall be devised for the reserve inorder to get the highest continuous yield of animal products without endangering the reserve, soil and water conservation and other erosion control method shall be used to prevent degradation, desitification and over grazing and to maintain the carrying capacity of the reserve.

[NN LN 206 of 1963]

#### **KWARA STATE LATA GRAZING RESERVE ORDER**

[KWS LN 4 of 1991.]

Whereas the necessary steps have been taken in accordance with the provisions of sections 4 and 5 of the Grazing Reserve Law of 1965.

Now therefore in exercise of the powers conferred upon the State Governor by section 12 of the said law, it is hereby ordered by the Kwara State Government as follows—

[Date of commencement: 25th November, 1990]

L This order may be cited as the Kwara State Lata Grazing Reserve Order, 1990.

2. All that place of land, the situation, and limits whereof are set forth in the First Schedule hereto, subject to the rights affecting the same as set forth in the Second Schedule hereto, shall constitute a Government Grazing Reserve within the Meaning of the law, which reserve shall be known as Kwara State Lata Grazing Reserve.

#### **FIRST SCHEDULE**

All the piece of land containing two hundred and two decimal three one square kilometers (Twenty thousand, two hundred and thirty two hectares approximately) situated in the

South Eastern part of Lafiagi of Edu Local Government Area of Kwara State and bounded as follows—

Starting point X by the Mouth of the tributary of Oro river and of latitude 08° 42, 21" and longitude 05° 21' 44" and thence following the course of Oro river initially for a distance of 247- metres along a bearing of 66° 30' to a point P1, thence for a distance of 205 metres along a bearing of 51° 30' to a point P2, thence for a distance of 6.4 kilometres along a general direction of bearing 17° 30' to a point P3 besides a bridge over the said Oro river and on Share-Pategi tarred road, thence following Share-Pategi road for a distance of 6.2 kilometres along a bearing of 122° 30' to a point P4, thence for another 3.2 kilometres along the same road along a bearing of 100° 00' to a point P5 at Kokodo-Ndanaku road junction, thence following Kokodo-Ndanaku road for a distance of 2.3 kilometres along a bearing of 156° 30' to a point P6, thence for another 3.62 kilometres along the same road and at a bearing of 194° 00' to a point P7, thence for a distance of 554.4m along a bearing of 285° 00' to a point P8, thence for a distance of 750 metres along a bearing of 195° 00' to a point P9, thence for a distance of 1.34 kilometres along a bearing of 105° 0' to a point P10, thence for a distance of 4.1 kilometres along Kokodo-Ndanaku road along a bearing of 170° 00' to a point P11, thence for a distance of 3 kilometres along a bearing of 258° 00' to a point P12, thence for a distance of 2 kilometres along a bearing of 190° 00' to a point P13, thence for a distance of 3.1 kilometres at a bearing of 225° 00' to a point P14, thence following the course of the tributary Westwards for a distance of 1.8 kilometres, thence along a bearing of 228° along the same tributary for a distance of 2.5 kilometres, thence Southwards for a distance of 2 kilometres, thence for another 0.9 kilometre along a bearing of 201° 00' thence Westwards for 2.6 kilometres, thence for 12.2 kilometres along a bearing of 342° 30' thence for 5.8 kilometres along a bearing of 11° 30' all along the course of the tributary to the starting point X.

*Connection Traverse Lines*

<i>FROM</i>	<i>TO</i>	<i>BEARINGS</i>	<i>DISTANCES</i>



<i>FROM</i>	<i>TO</i>	<i>BEARINGS</i>	<i>DISTANCES</i>
P56	P57	285o 00'	554.4 km.
	P58	195o 00'	750m.
P57	P59	105o 00	1.34km.
P58	P70	170o 00	4.1km.
P59	P71	258o 00	3km.
	P72	190o 00	2km.
P70	P73	225o 00	3.1km.
P71			
P72			
Through Tributary West/Southwards to point X 27.8 km.			
All bearings, are Magnetic and Approximate The reserve was originally put at 130 sq. kilometres which work out to 13,000 hectares; reference State Gazette No. 7, volume 12 of 18 <sup>th</sup> May, 1976. The actual size of the reserve is now 202.319 square kilometre (20.231.9 hactares).			

## SECOND SCHEDULE

### *Rights within the Reserve*

#### **A. Right of Way.**

To the general public the right of way over—

- (a) All dry season motor roads;
- (b) all foot paths.

#### **B. Other Rights.**

The reserve is subject to all restrictions lawfully imposed by a competent authority—

(A) To the native communities within the villages of the peripheries and within the enclaves if any—

- (i) the right to draw water;
- (ii) the right to take in quantities sufficient only for personal domestic requirements of the right holders, but not for sale or barter and provided there is no interference with other vegetation—
  - (a) dead wood for fuel;
  - (b) Wood from uncultivated and non-browse trees;
  - (c) the fruits, leaves, barks and roots of economic trees and medicinal plants namely—

*Parkia Ctapperionniana* (Dorowa) *Tamarindus Indica* (Tsamiya), *Adonsania Degitata* (kuka), *Butyrosperum Parkil* (Kadanyan), *Aca-sia Nilotica* (gaharunwa), *Balnites Asgyptica* (adua), *Deterium Sanegalensis* (Taura), *Zizipus Mauritiama* (Magariya) *Xiimerda americana* (Tsada), *Borassua aethiopun* (Giglya), *Calba pentandra* (Rimi), *Annona Senegalensis* (Gwandar Daji), *Gardenia Erubessens* (Gauda), *Pillostigna reticu latum* (kalago), *Starcula S.P.P.* (Ku-kudi), *Ficus gnaphalocarpa* (Baure) *Khaya seneg alenisis* (Nada-chi)—

- (d) Collect sand for building and other purposes;
- (e) Extract clay and mud for pot making and building;
- (f) Collect honey provided it does not entail setting of bush fires.

#### **Vegetation.**



The reserve is entirely within the Guinea Savanna Zone and the most widespread form of vegetation are— abundant *Isobarlinia* (Doka) species, *Danielia Oliverri* (Maje) *Khaya Senegalensis* (Modachi), *Macrocapa termination* (Marke), *Pterocarpus aninacaus* (Kwaro), *Vitex dontana* (Dinya), *Parkin Swppweroeiana* (Dorowa) *Tamariudus Indica* (Tsamia), *Adansonis digitata* (Kuka) *Ziziphus Mauritiana* (Magariya), *Deterium Microcarpum* (Taura), *Baroesus aethiopum Spp* in wetter parts, *Myparrheania Spy*, *Imperata cylindrical*, *Pennisetum Purperium* and *Pedacellum*, *Eragrostis Spp*, *Hrachiaria Spp*, *Paspalum Spp*.

### **Rights:**

1. The usual rights for collecting grasses and fruits of certain trees for personal use should be admitted.
2. To provide suitable grazing land on which nomadic pastoralists can settle permanently leading to improved living standards for the pastoralists, improved production from their cattle, and reduced friction between pastoralists and farmers.
3. Keeping the grazing reserve covered with good forage plants and increasing number of livestock and wildlife products.
4. There shall be no hunting, burning and fishing within the reserve.
5. There reserve shall be maintained through proper grazing management and improvement activities such as water development, fodder conservation plan, range reseeding and fertilisation, bush control of undersirable weeds and fire tracing.
6. All shall be devised for the reserve in order to get the highest continuous yield of animal products without endangering the reserve, soil and water conservation. Other erosion control methods shall be used to prevent degradation, desertification and overgrazing and to maintain the carrying capacity of the reserve.