

CHAPTER R4 - RIOT DAMAGE LAW

ARRANGEMENT OF SECTIONS

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RIOT DAMAGE LAW

A Law to provide for the payment of compensation for damage caused by riot.

[NN 1963, Cap. 117. KWS LN 1 of 1982, No. 4 of 2006.]

[Date of commencement: 31st December, 1958]

1. Short title

This Law may be cited as the Riot Damage Law.

2. Interpretation

In this Law—

[KWSLN of 1982]

" **Administration**" means a local government,

"**assessed damage**" means damage assessed by a Riot Damage Commissioner in accordance with the provisions of this Law;

"**Consolidated Revenue Fund**" shall have the same meaning as in section 2 of the Public Finances (Control and Management) Law;

[Cap. 133.]

"**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 or theft of such goods;

"**goods**" includes all kinds of personal property other than money;

"**Government**" means the Government of the State;

"**riot damage area**" means an area declared to be a riot damage area in accordance with section 4;

"**State Commissioner**" means the State Commissioner charged with responsibility for finance.

3. Compensation for damage caused by riots

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

4. Declaration of riot damage area

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

5. Appointment and remuneration of Riot Damage Commissioner

(1) The Governor may appoint a Riot Damage Commissioner (hereinafter referred to as the Commissioner) in respect of any riot damage area.

(2) The Commissioner may be paid such remuneration as the Governor may direct.

6. Duties of the Commissioner

It shall be the duty of the Commissioner—

(a) to assess—

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

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

(b) to ascertain by personal inquiry—

(i) the number of persons who took part in the riot or unlawful assembly; and

(ii) such other matters as the Governor may direct or the Commissioner may consider expedient.

(c) to make a full report of his findings to the Governor; and

(d) to perform such functions as may be conferred upon him by order of the Governor under section 14.

7. Powers of the Commissioner

(1) The Commissioner shall have and exercise the powers following—

(a) all the powers of a Magistrate or District Judge conferred by any 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 issue of search warrants, and any other powers appertaining to a magistrate under any such Law which may reasonably be required for the discharge of his duties;

(b) the power to call upon any 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 any person claiming compensation to furnish to him in such form as he 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 Commissioner for the purpose, refuses or neglects to make a declaration on oath as required by the Commissioner under paragraph (b) of subsection (1) or to furnish any return as required by the Commissioner under paragraph (c) of subsection (1) 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 period not exceeding six months or to both such fine and imprisonment.

[No. 4 of 2006.)

8. Protection of the Commissioner

The Commissioner shall not be liable, either civilly or criminally in respect of anything which he may have done or may have omitted to do, when acting in good faith, in pursuance of his functions under this Law.

9. Notice of assessment

(1) Before assessing any damage the Commissioner shall give notice in such manner as may be prescribed by order made under section 14 or in the absence of such order in such manner as he considers appropriate, either generally with reference to damage in the riot damage area or part thereof, or particularly with reference to any specified property stating—

(a) the time and place at which he proposes to hold his enquiry;

(b) the manner in which requests for assessment of damage should be presented to him; and

(c) a date (not being less than thirty days from the date of the 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 fixed in any notice given in accordance with this section shall be entertained by the Commissioner unless, upon good cause being shown, he shall otherwise order.

(3) If any person claiming compensation is aggrieved by a refusal of the Commissioner to make an order under the provisions of subsection (2) he may petition the Governor, who may direct that such an order shall be made by the Commissioner.

10. Abatement of compensation

In assessing the damage suffered by any person claiming compensation the Commissioner shall take into account—

(a) any sum obtained by that person as damages 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.

11. Conflicting claims

Where the Commissioner receives notice that two or more persons make conflicting claims to be entitled to compensation in respect of any damage which he is assessing or proposes to assess he shall determine, for the purpose of assessing the damage in question, the matter at issue between them.

[No. 4 of 2006.]

12. Assessment to be final

(1) Any assessment made by the Commissioner in accordance with the provisions of this Law shall be final.

(2) Notwithstanding the provisions of subsection (1) the Governor may in any case direct the Commissioner to make a reassessment.

13. Governor may order recovery of damages

(1) The Governor may by order direct the recovery from the persons resident or owning property in a riot damage area of such proportions as he considers fit of—

[KWS LN 1 of 1982.]

(a) the monetary value of all assessed damage in that area;

(b) the expenditure incurred in suppressing the riot or unlawful assembly by which the damage was caused;

(c) any remuneration paid to the Commissioner under subsection (2) of section 5.

(2) A certificate under the hand of the Commissioner shall be conclusive as to the

amount of the expenditure referred to in subsection (1).

(3) The Governor may in any case by order direct that the expenditure referred to in subsection (1) shall be deemed to be such percentage of the total amount of the assessed damage as he may specify.

(4) The Governor may by order direct that such proportion of the assessed damage as may be specified in the order shall be a charge upon and issued from the Consolidated Revenue Fund by the Commissioner by warrant so, however, that the aggregate of the sums to be charged upon and issued from the Consolidated Revenue Fund under this subsection shall not, unless the Governor otherwise determines, exceed forty thousand naira.

14. Powers of the Governor

(1) The Governor may, either generally with regard to any damage caused in a riot damage area, or particularly with regard to any special damage so caused, by order give directions in respect of all or any of the matters following—

- (a) the method of presenting claims for compensation by persons who have suffered loss as a result of damage;
- (b) the assessment of the amount of damage;
- (c) the allotment of the sums payable as compensation to the persons who satisfy the Commissioner that they have suffered loss as a result of damage caused by the riot or unlawful assembly;
- (d) the apportionment of the amount recoverable in respect of damage amongst the persons resident or owning property in the riot damage area;
- (e) the classification of persons for the purpose of such allotment or apportionment;
- (f) the dates upon which the sums recoverable by an Administration in respect of damage shall be paid and the instalments, if any, in which they shall be so paid;
- (g) generally with respect to the exercise of the powers and the performance of the duties of the Commissioner under this Law.

(2) The Governor may by order, with regard to any damages in respect of which an order is made under section 13, give directions—

- (a) exempting any class of persons from liability to pay compensation under this Law;
- (b) exempting the persons resident in or owning property in any part of the riot damage area from liability to pay compensation under this Law;
- (b) that in relation to any class of persons specified by him such special provisions shall apply with respect to any matter mentioned in subsection (1) as he shall consider fit.

15. Compensation to be discharged by Administration

(1) The Commissioner shall, upon completion of the assessments referred to in section 6, inform the Administration having jurisdiction over the riot damage area or that part of the riot damage area to which the assessments relate, of the amount of the assessed damage and furnish particulars to the Administration specifying—

- (a) the respective premises, property 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 apportioned in accordance with directions under section 14.

(2) That proportion of any assessed damage which was directed to be recovered by the Governor in accordance with section 13 shall be paid by the Administration into the Riot Damage Fund in accordance with the provisions of section 18 within such time as the Governor may direct and such amount shall be charged upon the revenue of the Administration.

16. Schemes for recovery of compensation

(1) An Administration may frame and submit to the Governor a scheme for the recovery of any amounts charged upon its revenue by section 15.

(2) Subject to any direction of the Governor under section 14, a scheme may provide for the amounts charged upon the revenue of the Administration by means of—

- (a) the levying of a rate by the rating authority of the area upon the persons residing or owning property in the riot damage area in any manner in which a rate may be levied for the appropriate Administration; or
- (b) any other method approved by the Governor.

(3) Without prejudice to the generality of subsections (1) and (2) of this section a scheme may provide for—

- (a) the exemption of any area or any class of persons from the operation of the scheme; and
- (b) the levying of a rate in respect of more than one financial year.

17. Approval of schemes

Where a scheme has been submitted in accordance with section 16, the Governor may make an order in accordance with the terms of such scheme or with such modifications as he thinks fit empowering the Administration to recover any amounts charged upon its revenue by section 15.

18. Riot Damage Fund

(1) Where an order has been made under section 13 there shall be established for the riot damage area in respect of which the order was made a fund to be called the Riot Damage Fund, which shall be kept by the Accountant-General.

- (2) There shall be paid into the Riot Damage Fund—
- (a) the amounts payable by the Administration in accordance with section 15;
- and
- (b) such amount as the Governor may direct to be issued from the Consolidated Revenue Fund.

19. Payment of compensation

- (1) There shall be paid out of the Riot Damage Fund—
- (a) all compensation payable in respect of the assessed damage;
 - (b) such sums in connection with the expenditure incurred by the Government in suppressing the riot or unlawful assembly as the Governor may direct and such sums shall be paid to the Consolidated Revenue Fund;
 - (c) any remuneration paid to the Commissioner under subsection (2) of section 5.
- (2) Payment of compensation shall be made by the Accountant-General in accordance with the order of the Governor made under the provisions of section 14 or in the absence of such order in such manner as the State Commissioner may direct.
- (3) Any balance remaining in a Riot Damage Fund after all payments under subsection (1) have been made shall be paid into the Consolidated Revenue Fund when and in such manner as the State Commissioner may direct.

20. Subsequent claims barred

Payment of compensation by the Accountant-General in accordance with the provisions of this Law in respect of any damage shall absolutely discharge the Government, any officer of the Government, and any Administration from liability in respect of such damage.

CHAPTER R4
RIOT DAMAGE LAW
SUBSIDIARY LEGISLATION

No Subsidiary Legislation
