

CHAPTER L8 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) LAW

[No. 4 of 2006.]

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LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) LAW

[No. 4 of 2006.]

A Law to establish local governments in Kwara State.

[KWS 8 of 1976, KWS 1 of 1979, KWS 5 of 1979, KWS 9 of 1979, KWS 1 of 1980, *KWS 5 of 1984, KWS 12 of 1986, KWS 14 of 1991, No. 3 of 2006, No. 4 of 2006.]

[Date of commencement: *1st September, 1976*]

PART I

Areas and Boundaries

[No. 4 of 2006.]

1. Area of authority of local governments

(1) The area of authority of a Local Government shall be defined and the boundaries thereof shall correspond as closely as possible in detail to the boundaries of the respective areas as specified.

[No. 4 of 2006.]

(2) Where the limits of the area or any parts of the area of a Local Government have been duly determined in accordance with the Local Boundaries (Settlement) Law or by any other Law, the limits so determined shall, subject to this section, be the boundary or part of the boundary of the area of the Local Government.

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

(3)

[No. 4 of 2006.]

2. Alteration of area of local government

(1) Whenever proposals are made by any Local Government or sufficient number of persons in its area of authority or in a contiguous Local Government area for the purpose of effecting any of the following changes—

- (a)* an alteration of the boundaries of the area of authority of the Local Government;
- (b)* the division of the area of authority of the Local Government;
- (c)* the transfer of any part of the area of authority of the Local Government to another Local Government;
- (d)* the merger of the area of authority of the Local Government with the area of authority of another Local Government;
- (e)* the formation of a new Local Government in the area of or part of the area of authority of an existing Local Government;
- (f)* the alteration of the location of the capital of the Local Government,

the House of Assembly shall, if it is satisfied that the proposals ought to be entertained, cause an inquiry to be held in accordance with section 99 in the locality affected.

[No. 4 of 2006.]

(2) Where the House of Assembly is satisfied, after the completion of the inquiry, that any change in respect to any matter specified in subsection (1) of this section is desirable, it may make such provision as appears to it necessary to give effect thereto.

[No. 4 of 2006.]

3. Principles to be observed for creation of new local government

The person or persons appointed to hold an inquiry under section 2 and the House of Assembly shall, in coming to a decision under that section, give consideration to the following principles, that is—

- (a) a Local Government shall, so far as is practicable, serve total populations of not less than one hundred and fifty thousand or such higher minimum limit as may be prescribed from time to time;
- (b) a Local Government shall, so far as is practicable, serve total populations of not more than eight hundred thousand, so however that any town or urban conurbation with a population or, as the case may be, total populations exceeding that figure shall not be split into two or more Local Governments but shall be constituted under one Local Government.

Provided that the limits prescribed in paragraphs (a) and (b) above may not be observed where exceptional geographical, cultural or historical facts or such other factors as appear exceptional to the person or persons or the House of Assembly in the particular circumstances of the case, otherwise require non-observance of the said principles.

[No. 4 of 2006.]

4. Local government wards

- (1) The area of every Local Government shall be divided into wards.

[No. 4 of 2006.]

(2) The Law relating to a Local Government shall contain such description as is practicable for the purpose of enabling the limits of each ward of the Local Government to be determined.

[No. 4 of 2006.]

- (3)

[No. 4 of 2006.]

- (4)

[No. 4 of 2006.]

(5)

[No. 4 of 2006.]

PART II

Local Government Committees

[No. 4 of 2006.]

General

5. Finance and General Purposes Committee

(1) Every local government shall establish a Finance and General Purposes Committee which shall consist of—

[KWS 12 of 1986.]

(a) the chairman of the council as chairman;

(b) the supervisory councillors.

(2) Subject to the policy laid down by the local government, the Finance and General Purposes Committee shall be responsible for—

(a) the regulation and control of the finances of the local government;

(b) subject to such upper limits as may be prescribed by the local government from time to time, the consideration and award of contracts;

(c) the implementation of the decisions of the local government with which no other committee or body is charged and for the general running of the affairs of the local government;

(d) such other functions as the local government may, from time to time, delegate thereto (except the power of levying a rate or tax or of borrowing money).

6. Education Committee

Every local government shall establish an Education Committee which shall consist of—

- (a)* the supervisory councillor for educational matters;
- (b)* not more than four other members of the council; and
- (c)* such other persons as may be prescribed by the Education Law.

[Cap. El.]

7. Other committees and general provisions for committees

(1) Subject to the provisions of this part, a local government may appoint such other standing or ad hoc committees (not being more than three) in addition to those specified under this Part for any general or special purpose that in the opinion of the local government would be better regulated and managed by means of a committee and may delegate to a committee so appointed, with or without restrictions or conditions, any function exercisable by the local government.

(2) The power to make by-laws, to levy a tax or rate or to borrow money, shall not be delegated to any committee of a local government.

(3) The number of the members of a committee appointed under this section, the chairman of the committee, and the term of office of the members shall be specified by the local government.

(4) A committee appointed under this section may include persons who are not members of the local government council.

Provided that—

- (a)* at least two-thirds of every such committee shall be members of the council;
- (b)* no person shall be appointed as a member of the committee who was

an unsuccessful candidate at the most recent general election to the council.

(5) The chairman of the council shall not be appointed chairman of more than one committee.

(6) No member of a council shall be chairman of more than two committees.

8. Subcommittees

(1) A committee appointed under the provisions of this Part may appoint a subcommittee for any such special purpose as the committee may deem expedient, but in the absence of express authority from the local government in that behalf, it shall not be lawful for a committee to delegate any of its executive functions to any such subcommittee.

(2) The number of members of a subcommittee and their term of office shall be such as may from time to time be fixed by the committee appointing such subcommittee.

(3) A committee may make, vary and revoke standing orders respecting the place of meeting, quorum and proceedings of any subcommittee appointed by such committee, but save as otherwise provided by any such standing orders, the place of meeting, quorum and proceedings of a subcommittee shall be such as the subcommittee may determine.

(4) The provisions of subsection (4) of section 7 shall apply in relation to subcommittees as they apply in relation to committees.

[No. 4 of 2006.]

9. Joint committees

A local government may, with the prior approval of the Commissioner, concur with one or more other local governments in appointing from amongst their respective members a joint committee for any purpose in which they are jointly interested.

10. Standing orders for committees

Subject to the provisions of this Law, a local government appointing a committee

(including any town, village, or area committee) and local governments which concur in appointing a joint committee, may make, vary and revoke standing orders respecting the quorum, proceedings and place of meeting of the committee and subject to any such standing orders, the quorum, proceedings and place of meeting shall be such as the committee or joint committee may determine.

Local Government Peace and Security Committee

11. Establishment of Local Government Peace and Security Committee

(1) For every local government, the Governor shall establish Local Government Peace and Security Committees which shall consist of the chairman of the local government as chairman and the following other members—

[KWS 14 of 1991.]

- (a) Chairman, Local Government—Chairman;
- (b) Nigeria Police Force (DPO) Deputy Chairman—Secretary;
- (c) Secretary to the Local Government—Member;
- (d) State Security Service;
- (e) Representative of Army Unit—(where applicable);
- (f) Representative of Naval Unit—(where applicable);
- (g) Representative of Air Force Unit—(where applicable);
- (h) The most Senior Traditional Ruler or his representative;
- (i) Two Community leaders, one of whom shall be a non-indigene of the Local Government Area—(where applicable);
- (j) Two religious leaders representing the two main religions appointed by the Local Government Chairman—(where applicable);
- (k) One representative of Women Organisations—(where applicable);

(1) Head of Immigration—(where applicable);

(2) Local Government Peace and Security Committees shall have power to regulate its own procedure; but shall meet regularly as the situation warrants. The regularity of the meeting shall be determined in a manner that its inputs will be readily available for the meetings of the State Security Committee.

(3) Members of the Committee who are not public officers shall be paid such remuneration and allowances as the Governor shall determine.

(4) There shall be established in the Local Government Peace and Security Committee, a Special Service section.

(5) The Special Service section shall be staffed to function as the State Security Officers with responsibility for handling security matters. These should include collation of local government security reports and undertaking security orientation of functionaries at the local government level.

12. Functions of Local Government Peace and Security Committee

(1) Subject to any other enactment, the Local Government Peace and Security Committee shall have responsibility for the following, that is—

[KWS 14 of 1991.]

(a) maintaining under constant review, questions relating to the enforcement of by-laws and other legislation made by the local government;

(b) investigate and comment upon complaints lodged with it;

(c) giving advice relative to the general maintenance of law and order in the local government.

13. Secretary to the Committee and his duties

(1) The Secretary to the local government shall be the Secretary to the Local

Government Peace and Security Committee and he shall be responsible for—

[KWS 14 of 1991]

- (a) making arrangements for the meetings of the Committee;
- (b) taking the minutes of the meetings of the Committee;
- (c) performing such other duties as the Committee or the Chairman thereof may direct.

(2) The Secretary to the Committee shall as soon as may be, after each meeting convey the decisions of the Committee to all members thereof and to the following, that is—

- (a) the Governor of Kwara State;
- (b) the Commissioner of Police of Kwara State Police Command;
- (c) the Ministry of Local Government.

[No. 4 of 2006.]

PART III

Joint Boards

[No. 4 of 2006.]

14. Powers of local governments to appoint joint boards

(1) A local government may concur with one or more other local governments in establishing a joint board of those local governments for the joint operation of any work or service or more than one work or service which may be provided by those local governments in accordance with, or for the purpose of their respective functions under any enactment.

(2) Nothing in this section shall authorise the appointment of a joint board for any purpose or for which local governments are authorised or required to appoint a joint committee or a joint board under any other enactment for the time being in force.

15. Laws relating to joint boards of local governments

(1) Subject to the provisions of this section, a joint board shall be established by a Law enacted by the House of Assembly and shall provide for—

- (a) the appointment by the contributing local governments of members of the board and their tenure of office;
- (b) the selection and tenure of office of a chairman of the board;
- (c) the delegation, with or without restrictions or conditions, of all or any functions of the contributing local governments relating to the purpose for which the board is established, other than the power to make by-laws, to levy a rate, or to borrow money;
- (d) the transfer to the joint board of such property, rights and liabilities of the contributing local governments as may be determined by or under the Law;
- (e) the transfer to the joint board of such property, rights and liabilities of the contributing local governments as may be determined by or under the Law, or the use by the joint board of any such property.

[No. 4 of 2006.]

(2) The laws establishing a joint board may provide that all or part of any surplus revenue accruing to the joint board after all authorised expenditure for any financial year has been met may be paid by the joint board to the contributing local governments in such proportions and in such manner as the Commissioner may direct.

(3) Every member of a joint board appointed by a contributing local government shall vacate his seat on the joint board upon the retirement of the members of the contributing local government.

[No. 4 of 2006.]

(4) A law made under this section shall be published in the State Gazette.

16. Power to establish joint board of government and local governments

(1) Subject to the provisions of this or any other enactment, the government may concur with one or more local governments in establishing a joint board for the operation of any work or service which may be provided by those local governments in accordance with, or for the purpose of their respective functions under, any enactment.

(2) A joint board shall be established under this section by a Law enacted by the House of Assembly which shall make provision, in addition to the matters specified in subsection (1) of section 15, for—

- (a) the appointment and tenure of office of members of the joint board to represent the government on the board;
- (b) the transfer to the joint board of any property, rights or liability of the government as may be determined by or under the Law or the use of any such property;
- (c) the directions which may be given to the joint board in exercise of its functions by any officer or authority;
- (d) the apportionment of the expenses of the joint board between the government and any contributing local governments.

[No. 4 of 2006.]

17. Further provisions relating to joint boards

(1) Every joint board shall be a body corporate by the name specified in the Law by which it is established and shall have perpetual succession and a common seal and may hold land and sue and be sued.

[No. 4 of 2006.]

(2) The provisions of Parts IV, VIII, XI and XII shall apply with all necessary

modifications and omissions to a board under this Part as they apply in relation to a local government.

[No. 4 of 2006.]

(3) A joint board may with the approval of the Commissioner make, vary and revoke standing orders—

- (a) for the proceedings of the joint board, the manner of transaction of its business and the quorum and method of voting at a meeting;
- (b) the custody and use of the common seal and the manner in which documents, cheques and other instruments shall be signed on behalf of the board.

(4) The expenses incurred by joint boards established under section 56 shall be defrayed by the contributing local governments in such proportion as may be determined by the Commissioner.

(5) A joint board established under section 56 shall exercise the power delegated to it subject to such joint directions, whether general or particular, as it may from time to time receive from the contributing local governments but so long as the delegation remains in force none of the contributing local governments shall itself exercise any of the delegated powers.

18. Amendment and revocation of laws relating to joint board

(1) A Law made under section 15 or section 16 may be amended or revoked by a subsequent Law made by the House of Assembly.

(2) Without prejudice to the generality of subsection (1) of this section, provision may be made by any such subsequent Law—

- (a) for the exclusion of any contributing local government or the inclusion of new local governments;

- (b) for the dissolution and winding up of the joint board;
- (c) for the transfer to such local government as may be determined by the subsequent Law of any employee, property, rights or liabilities of the joint board.

(3) The provisions of subsection (4) of section 15 shall apply to an amending or revoking Law.

[No. 4 of 2006.]

(4) *Dissolution or suspension of a Local Government Council.*—Notwithstanding the provisions of this section or any other provision in this Law, the Governor shall have the power to dissolve or suspend a Local Government Council in the following circumstances—

- (a) when there is actual breakdown of public order, security, peace and public safety in a local government area or any part thereof, to such extent as to require measures to restore peace and security;
- (b) when there is a clear and present danger of an actual breakdown of public order, security, peace and public safety in a local government area or any part thereof, requiring measures to avert such danger;
- (c) when a Local Government Council is not discharging or unable to discharge its functions in a manner conducive to the welfare of the people of the local government area.

[No. 3 of 2006.]

(5) (a) Pursuant to subsection (5) a Local Government Council shall stand dissolved or suspended for a period of three months at any given time.

(b) The period referred to in subparagraph (a) of this subsection may be extended from time to time for a further period of three months at any given time.

(c) The Governor may if he deems it fit, at any time before the expiration of the

period of the three months, revert the dissolution or suspension of a Local Government Council.

[No. 3 of 2006.]

(6) Where a Local Government Council is dissolved or suspended pursuant to subsection (5) of this section all the public office holders including the Chairman, Vice-Chairman, Councillors, Secretary to the Local Government and Supervisors shall immediately vacate their respective offices.

[No. 3 of 2006.]

(7) Pursuant to subsection (5) of this section, the Governor shall appoint a Caretaker Committee or an administrative officer not below Grade Level 15 to take over and administer the affairs of the Local Government Council.

[No. 3 of 2006.]

PART IV

Functions of Local Governments

[No. 4 of 2006.]

General Provisions

19. Functions generally

(1) A local government shall have such powers and duties as are conferred or imposed upon it by or under any other enactment.

(2) It shall be the duty of every local government established under this Law—

- (a) to discharge the duties and obligations imposed by or under this Law or any other enactment; and
- (b) generally to assist in maintaining order and good government within the area of its authority,

and for those purposes, a local government may, within the limits of the functions so conferred, either by its own employees or by duly appointed agents, do all such things as are necessary or desirable for the discharge of such functions.

(3) Any function conferred upon a local government by or under this Law shall be exercisable over all persons within the area of its authority save as is otherwise expressly provided in this Law or any other Law.

[No. 4 of 2006.]

20. Prevention of crime

(1) It shall be the duty of every local government together with the individual members thereof to the best of their ability to prevent the commission of any offence within the area of its authority by any person.

(2) A council or town, village or area committee or a member thereof, knowing of the occurrence of any act which is likely to result in a serious breach of the peace within the area of the authority of the local government shall report the matter to the nearest police officer, court officer, or justice of the peace immediately, and failure to report such an act shall be an offence and shall render any individual member of the council, town, village, or area committee concerned liable to a fine not exceeding two thousand naira.

[No. 4 of 2006.]

21. Law may confer additional powers

(1) The House of Assembly may by a Law confer upon a local government all or any of the powers conferred in sections 22, 23 and 24.

(2) The House of Assembly may by a Law confer upon a local government power to set up a body (whether corporate or incorporate) to discharge any function relating to the running of a commercial or industrial undertaking or relating to the provision of

transport services.

[No. 4 of 2006.]

22. Power to engage in trade

A Law may confer power on a local government to engage in any form of trade, commerce or industry.

[No. 4 of 2006.]

23. Power to provide works and services

A Law may confer power on a local government to provide and maintain works and services of the description or for the purpose stated in the Law.

[No. 4 of 2006.]

24. Further provisions for works and services

(1) A local government shall have powers to provide and maintain works and services which are incidental to any functions conferred upon it by or under this Law or any other enactment.

(2) Any power conferred by a law on a local government in pursuance of section 19 shall be exercised subject to, and in accordance with, any enactment relating to the same for the time being in force.

[No. 4 of 2006.]

25. Main functions of local government

The main functions of a local government shall be—

[KWS 12 of 1986]

(a) the consideration and the making of recommendation to the State Commission on economic planning or any similar body on—

(i) the economic development of the State particularly in so far as the area of authority of the Council and of the State are affected; and

- (ii) proposals made by the said Commission or body;
- (b) collection of development tax, rates on radios and television licences;
- (c) establishment and maintenance of cemeteries, burial grounds, homes for the destitutes, the infirm, or orphans, maternity centres, dispensaries, leprosy clinics and health centres;
- (d) licensing of bicycles, trucks (other than mechanically propelled trucks) canoes, wheel-barrows and carts;
- (e) establishment, maintenance and regulation of slaughter slabs, markets, motor parks and public conveniences;
- (f) construction and maintenance of roads, streets, and their lighting, drains and other public highways (excluding Federal and State Roads), parks, gardens, open spaces, or such public facilities as may be prescribed from time to time by law;
- (g) naming of roads and streets and numbering of plots and houses;
- (h) provision and maintenance of public conveniences, refuse disposal, control of vermin, basic environmental sanitation and other aspects of preventive health;
- (i) control of pollution;
- (j) registration of all births, deaths and marriages;
- (k) assessment of privately owned houses or tenements for the purpose of levying such rates as may be prescribed by law;
- (l) rural water supply and extension of urban water supply;
- (m) community development;
- (n) agriculture, grazing ground, afforestation and veterinary extension services;
- (o) construction, maintenance and equipment of primary school;

(p)

[KWS 7 of 1984.]

(q)

[KWS 7 of 1984.]

(r) maintenance of law and order;

(s) control and regulation of—

(i) outdoor advertising and hoardings;

(ii) movement and keeping of pets of all descriptions;

(iii) shops and kiosks;

(iv) restaurants, bake houses and other places for sale of food to the public;

(v) laundries; and

(t) control of beggars or prostitution and repatriation of destitutes.

26. Other functions of the local government

The functions of a local government shall include participation in the government of the State as respects the following matters, namely—

[KWS 12 of 1986.]

(a) the provision and maintenance of primary and adult education;

(b) the development of the natural resources other than the exploitation of minerals;

(c) the provision and maintenance of health services, public libraries and reading rooms;

(d) support for arts and culture;

(e) operation of commercial undertakings;

(f) public housing programmes;

- (g) provision of scholarships and bursaries;
- (h) information and public enlightenment;
- (i) such other functions as may be conferred on a local government by the Law.

27. Local government may delegate powers

(1) Subject to the provisions of the Law, a local government may delegate to a Development Area Officer having authority over a part of the area of authority of the council, with or without restrictions and conditions, any of the powers conferred on it under this Part or any powers to enforce any by-laws made by the Local Government Council.

[No. 4 of 2006.]

(2) A delegation shall not be made under this section except with the consent of the Commissioner and of the area authority to which the power is to be delegated.

(3) In the exercise of powers delegated under this section, the area authority shall act as agent of the delegating local government.

Miscellaneous Powers of Local Governments

28. Power to contract

(1) Subject to the provisions of this section, a local government may enter into any contract necessary for the discharge of any of its functions under this Law or any other enactment.

(2) A local government shall not enter into any contract of a value exceeding such sum as may be prescribed by the Governor without the prior approval of the majority of the members of its council.

(3) A local government shall not enter into a contract with any person who is for the time being a member of its council.

(4) Any contract made by a local government shall be made in accordance with the standing orders of the local government and, in the case of contracts for the supply of goods and materials or for the execution of works of a value exceeding ten thousand naira, such standing orders shall—

- (a) require that notice of the intention of the local government to enter into the contract shall be published and tenders invited; and
- (b) regulate the manner in which such notice shall be published and such tenders given.

[No. 4 of 2006.]

(5) A person entering into a contract with a local government shall not be bound to enquire whether the standing orders of the council which apply to the contract have been complied with or, in the case of a contract of a value exceeding the prescribed sum whether the prior approval of the council has been obtained and all contracts entered into by a local government, if otherwise valid, shall have full force and effect notwithstanding that the standing orders applicable thereto have not been complied with or that the approval of the council has not been obtained.

29. Power to accept gifts

A local government may accept, hold and administer any gift of property for any public purpose, or for the benefit of the inhabitants of the area of its authority or any part thereof, and may execute any works (including works of maintenance and improvement) incidental to or consequential on the exercise of the powers conferred by this section.

30. Provision of offices, etc. by local governments

(1) A local government may—

- (a) build, acquire, hire, furnish or provide buildings for the purpose of transacting the business of the local government and for public

meetings and assemblies;

- (b) combine with any other local government for the purpose of building, acquiring, providing, hiring, furnishing any such buildings; or
- (c) contribute towards the expense incurred by any other local government in building, acquiring, providing, hiring or furnishing any building within the area of the authority of such local government suitable for use for any of the aforesaid purposes.

(2) A local government may build, provide or hire and maintain quarters or houses for any employee of the local government.

31. Fees

Subject to the provisions of this Law or any other enactment, a local government may charge fees for any service or facility provided by it.

32. Power to insure

A local government may insure against risks of any description.

33. Declarations and modifications of customary law

(1) The Law establishing a local government may provide that a local government shall have power to make declarations and recommend modifications of customary law of its area of authority.

[No. 4 of 2006.]

(2) Where a local government has the power conferred by this section it may, and shall where so required by the Law—

- (a) make a declaration stating the customary law which appears to it to apply in its area or any part of its area to any matter;
- (b) submit a recommendation that the customary law applying in its area or any part of its area to any matter be modified in the manner

therein stated.

[No. 4 of 2006.]

- (3) The Executive Council may, if satisfied—
- (a) in the case of a declaration, that it accurately records the customary law in question;
 - (b) in the case of a recommendation, that the modification is expedient;
- or
- (c) in the case of a declaration and a recommendation that it is not repugnant to natural justice, equity and good conscience or incompatible, either in its terms or by necessary implication, with any enactment,

by order direct that the customary law stated in the declaration or as modified in the recommendation, as the case may be, shall be the customary law applying to the matter for the area to which the declaration or recommendation relates.

(4) A declaration or recommendation may be in respect of the customary law applying generally to specified persons or classes of persons.

(5) A recommendation for modification of customary law may be submitted whether or not a declaration or an order under this section with respect to the same has been made.

(6) The power conferred under this section shall not extend to customary law relating to any matters for which provisions is made in the Chiefs (Appointment and Deposition) Law.

[Cap. C9.]

(7) Where an Emirate or Traditional Council has been established pursuant to Part VIII, then the references to Local Government under this section shall be construed as

being references to an Emirate or Traditional Council and not to a Local Government Council.

PART V

Emirate or Traditional Councils

[No. 4 of 2006.]

34. Power to establish Emirate or Traditional Councils

(1) The Governor may by order establish for such Emirate or other traditional area an Emirate Council or, as the case may require, a Traditional Council.

[KWS No. 12 of 1986.]

(2) Each council established under this section shall consist of the following members—

- (a) the Emir, Oba or Principal Chief as President thereof and, in appropriate cases two or more such persons shall hold office as President either successively or alternately;
- (b) other traditional title holders;
- (c) one of two members from the local government, or where there are more than one local governments within the area of an Emirate or Traditional Council, one or two members from each such local governments;
- (d) such other persons who may be desired to make the Council as broadly representative of the major facets of life in the area as the Governor may nominate;
- (e) and the Chairman of the Local Government Council in attendance.

(3) Every order under this section shall be published in the State Gazette and

shall have effect upon such publication or from the date named therein.

(4) Every order establishing a Council under this section shall—

- (a) specify the name and description of the Council and the date on which it shall be established;
- (b) describe the device of the seal of the Council;
- (c) provide for the composition of the Council; and
- (d) contain such provision for other matters as are required by this Law to be prescribed therein.

(5)

[No. 4 of 2006.]

35. Emirate or Traditional Councils may be bodies corporate

(1) Where the order so provides, a Council set up under this Part shall be a body corporate by the name designated in the order and shall have perpetual succession and a common seal and power to hold land and to sue and be sued.

(0) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of a Council by any person generally or specially authorised by the Council for that purpose.

36. Functions

The functions of a Council established under this part shall be—

- (a) to formulate general proposals as advise to Local Governments;
- (b) to harmonise the activities of Local Government Councils through discussions of problems affecting them generally and giving advice and guidance to them;
- (c) to co-ordinate development plans of such local government by joint

discussion and advice;

- (d) where requested by a Local Government Council in its area, to assist in the assessment and collection of development tax, and other taxes and rates;
- (e) to determine religious matters where appropriate;
- (f) to give support for arts and culture;
- (g) to determine questions relating to Chieftaincy matters and offices and, where such matters are within the exclusive prerogative of the Emir or Oba Chief to give advice thereon where so requested;
- (h) to determine customary law and practice on all matters governed by customary law, including matters pertaining to land, subject to the provisions of the Land Use Act;

[No. 4 of 2006.]

- (i) to make representations or express opinions to the State Government or any other organisation on behalf of the Local Government, or as the case may require, the collective behalf of all such Local Governments on any matter of concern to the emirates, chiefdom, or to the area as a whole whether or not such a matter is within the legislative competence of any such local government.

37. Secretary and other staff

(1) There shall be a Secretary to the Council to be appointed by the Local Government Service Board who shall, under the direction and control of the President of the Council, carry out the day to day administration of the affairs of the Council; and without prejudice to the generality of the foregoing, the Secretary shall be responsible for the following matters, that is to say—

- (a)* making arrangements for meetings of the Council;
- (b)* preparing the agenda and minutes of such meetings;
- (c)* conveying decisions of the Council to members thereof and, where appropriate, to other persons or organisations;
- (d)* arranging for payment of fees and allowances and for all other matters affecting members of the Council; and
- (e)* performing all other duties affecting the Council as may be specifically assigned to him by the Council or the President.

(2) There may be appointed by the Local Government Service Board or (where provision is made in that behalf pursuant to this Law) the Council such other employees as may be necessary for the proper and efficient discharge of the functions of the Council.

(3) Notwithstanding the foregoing provisions of this section the Council instead of employing its own staff may, and where the Governor so directs, shall designate the Secretary to the local government or any other employee of any local government in its area to carry out the duties specified in or to be discharged pursuant to the said provisions or any other provision of this Part.

38. Financial provisions

(1) The Council shall establish and maintain a fund from which there shall be defrayed all expenditure incurred by the Council.

(2) There shall be paid and credited to the fund—

- (a)* such monies as may be supplied to the Council by the local government or local governments in its area; and
- (b)* such monies in the way of grants in aid as may be made to it by the State Government,

and the sums referred to in paragraph (a) above shall, where applicable, be determined, as

amongst the contributing local governments, in such proportions as the Commissioner may deem equitable.

(3) The Council shall submit to the Ministry of Local Government and Chieftaincy Affairs and the contributing local governments not later than 31st December in each financial year an estimate of its expenditure and income during the next succeeding financial year.

[No. 4 of 2006.]

(4) The Council shall keep proper accounts in respect of each financial year and proper records in relation to these accounts in accordance with the provisions of Part VIII and shall cause its accounts to be audited as soon as may be after the end of each financial year by auditors approved by the Auditor-General of the State.

[No. 4 of 2006.]

39. Annual reports

(1) The Council shall prepare and submit to the Commissioner and the contributing Local Governments not later than 30th June in each financial year a report in such form as the Commissioner may direct on the activities of the Council during the immediately preceding financial year, and shall include in the report a copy of the audited accounts of the Council for that year and of the auditor's report thereon.

(2) The Commissioner shall cause a copy of each report made to him under this section to be laid before the State Executive Council.

40. Presidents to be furnished with all relevant information

(1) It shall be the duty of the Secretary to the local government to furnish every President appointed under this Part (whether or not a past President of the council) with copies of all minutes of the Local Government Council concerned and copies of all agenda, memoranda and such other documents and such information as would enable the President

to be fully conversant with all proceedings of the Local Government Council or councils concerned.

(2) The President shall have a right to inspect any books including minute books of any local government or, as the case may be, of any constituent local governments as would enable him obtain sufficient information for the full and efficient discharge of the functions conferred upon him under this Law.

PART VI

Employees of Councils

[No. 4 of 2006.]

Local Government Service Board

41. Establishment of Local Government Service Commission

(1) There shall be established a Local Government Service Commission (hereinafter referred to as "the Commission") which shall consist of a Chairman and not more than five other members all of whom shall be appointed by the Governor.

(2) A member of the Commission shall, unless he resigns or is removed, hold office for a period of five years from the date of his appointment and shall be eligible for re-appointment for a second term of five years but shall vacate his office at the expiration of a period of ten years.

(3) A person shall not be qualified to hold office as a member of the Commission if he is a member of the Executive Council of any State in the Federation, or a member of any public service in the Federation or a member of any local government in any State in the Federation.

(4) The Governor may remove any member of the Commission from his office for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(5) A person who has been appointed to be a member of the Commission shall not thereafter be eligible for appointment to any office in any local government in the State.

(6) The Chairman or any other member of the Commission shall be paid such salary and allowances as the Governor may determine.

(7) Where at the time of his appointment to the Commission any member is entitled to any pension or other retiring benefits payable under or in accordance with the provisions of any written law, such pension or other retiring benefits shall continue to be payable as if the person concerned had not been so appointed.

(8) The Governor may make regulations governing the terms of service of members of the Commission, and in particular and without prejudice to the generality of the foregoing powers, may, by such regulations provide for—

- (a) the organisation of the work of the Commission and the method of consultation between the Commission and any local government; and
- (b) consultation by the Commission with the Ministry for Local Government or any person other than a member of the Commission.

42. Appointment, etc., of officers

(1) Subject to the provisions of this Law and of the Chiefs (Appointment and Deposition) Law, power to appoint persons to hold or act in offices in a local government (including power to make appointments on promotion inter-cadre or inter-service transfer and to confirm appointments) and to dismiss and exercise disciplinary control over persons holding or acting in such offices shall vest in the Commission.

Provided that the Commission may, with the approval of the Governor and subject to such conditions as it may think fit, delegate any of its powers under this section to any of its members or a committee of the local government concerned, or to the Secretary to the local government or any other officer in the service of the local government.

(Cap. C9.]

(2) The Commission shall have due consultation with the local government concerned before exercising its powers under subsection (1) of this section.

[KWS 1 of 1979.]

(3) Notwithstanding the provisions of subsection (1) of this section or the provisions of any other enactment to the contrary, the Governor may on the advice of the Traditional or Emirate Council, appoint a district head within the Traditional or Emirate Council.

43. Immunity of members of the Board, etc.

(1) The Chairman and any member of the Commission shall have such and the like protection and privilege in case of any action or suit brought against him for any act done or omitted to be done in the execution of his duties under this Law, as is by law given to the acts or omissions of a Judge of the High Court of the State.

(2) Any report, statement or other communication or record of any meeting, inquiry or proceedings which the Commission may make in exercise of its functions or any member of the Commission may make in the performance of his duties or in the discharge of any duty to the Governor or to any public officer or local government or employee of a local government, shall be privileged in that its production shall not be compelled in any legal proceedings if the Governor certifies that such production is not in the public interest.

44. Regulations

The Governor may make regulations not inconsistent with the provisions of this Law with respect to the officers and staff of local governments and, in particular and without prejudice to the generality of the foregoing, may by such regulations provide for—

- (a) the qualifications to be required for appointment;
- (b) the method of appointment (including probation and confirmation);

- (c) the form of any agreement to be entered into between a local government and its employee;
- (d) periodical returns and information to be supplied to the Commission by all local governments;
- (e) ensuring that the terms and conditions of service (including, without prejudice to the generality of that expression, the salaries and allowances, the grant of advances, the provision of staff quarters, annual or maternity leave, medical and dental treatment) are directly equated with those obtaining for employees in the State's public service;
- (f) the procedure and requirements for promotion;
- (g) the maintenance of discipline (including dismissal and termination) and the procedure to be followed in disciplinary matters;
- (h) the transfer of employees between councils in the State.

45. Unified Local Government Service

All posts in the employment of any local government in the State shall be posts in the unified Local Government Service of the State.

Secretary to Local Government and other Staff

46. Secretary to the local government

(1) For every local government there shall be a Secretary to the local government who shall be the Chief Administrative officer of the local government and shall, subject to the provisions of this Law, be responsible for the execution of the policy of local government and the day to day running of the affairs of the local government and in particular—

- (a) the supervision and control of all employees of the local government;

(b) the co-ordination of all activities of departments of the local government.

(2) The Secretary shall be responsible for convening all meetings of the council and its committees and for the preparation of minutes and reports of such council and committees.

(3) The Secretary shall advise the Council and its committees on all matters upon which he considers his advice is necessary, including the standing orders of the council and local government legislation, and shall be entitled to attend all meetings of the council and of its committees.

(4) The Secretary shall advise the chairman of the council on all matters appertaining to their respective offices.

(5) The Secretary shall perform all such other functions as may from time to time be assigned to him by the Government of the State.

(6) The Secretary shall carry out his functions under this Law in accordance with the laid down directives of the Council or the specific instructions of the Chairman of Council or Committee.

47. Heads of Departments

(1) There shall be established in a local government such departments as the Executive Council may deem fit to perform the functions of the local government as specified in the Law or any other enactment.

(2) There shall be as the head of every department of a local government an officer to be designated as the Head of Department.

Provided that two or more departments may be placed under the supervision of one Head of Department.

(3) Subject to the provisions of this Law each Head of Department shall—

- (a) in matters of policy, be subject to the general direction of a Supervisory Councillor; and
- (b) in matters relating to the employees and the internal control of the department, be under the general direction and control of the Secretary to the local government.

48. Members of local government not to be employees thereof

A person shall, so long as he is and for twelve months after he ceases to be a member of the Local Government Council, be disqualified from being appointed by a local government as an employee thereof.

49. Disclosure by employees of interest in contracts

If it comes to the knowledge of a person employed by a local government, whether under this Law, or any other enactment, that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the Local Government Council or any committee thereof, he shall, as soon as practicable, give notice in writing to the council of the fact that he is interested therein.

[No. 4 of 2006.]

50. Appointment of seconded government officers

The Local Government Service Board may, with the approval of the State Public Service Commission, appoint to any employment in its service a Government officer for such period and on such terms and conditions as the State Public Service Commission may approve.

51. Security may be demanded by local government of its employees and others

A local government may in the case of any person in its employment, other than a government officer appointed under the provisions of section 50, or in the case of a person

not in its employment, but who is likely to be entrusted with the custody or control of money or property belonging to the local government, either require him to give, or itself take, such security for the faithful execution of his office and for his duly accounting for all money or property which may be entrusted to him as the local government may think sufficient.

[No. 4 of 2006.]

52. Accountability of employees

(1) Every person employed by a local government, whether under this Law or any other enactment, shall at such times during the continuance of his office, or within three months after his ceasing to hold it, and in such manner as the local government may require, make out and deliver to the local government a true account in writing of all money and property committed to his charge, and of his receipts and payments, with vouchers and other documents and records supporting the entries therein, and a list of persons from whom or to whom money is due in connection with his office showing the amount due from or to each.

(2) Every such person shall pay all money due from him to the local government in such manner as the local government may direct.

(3) If any such person—

- (a) refuses or wilfully neglects to make any payment which he is required by this section to make; or
- (b) after three days' notice in writing signed by the Chairman of the Local Government Council or by three members thereof, and given or left at his usual or last known place of residence, refuses or wilfully neglects to make out or deliver to the Local Government Council, or as it directs, any account or list which he is required by this section to

make out and deliver, or any voucher or other document or records relating thereto, or to give satisfaction respecting it to the local government,

a magistrate's court having jurisdiction where the person is or resides may, on complaint, by order require him to make such payment or delivery or to give such satisfaction.

(4) Nothing in this section shall affect any remedy by action against any such person or his surety, except that the person shall not be both sued by action and proceeded against under the provisions of this section for the same cause.

Pensions Provisions, etc.

53. Age of retirement

(1) Without prejudice to other powers of terminating the employment of any person, an employee in the pensionable service of a local government shall normally retire from that service when he attains the age of sixty years.

(2) An employee in the pensionable services of a local government may retire, or may be called upon by the Board to retire after ten years' qualifying service, so however that if such person is under the age of forty-five years, no pension shall become payable to any such person until he attains the age of forty-five years.

54. Pensions regulations

(1) The Commissioner may by regulations make provision with respect to the pensions and gratuities which are to be paid to—

- (a) persons who have been members of the Unified Local Government Service above;
- (b) other persons who have been employees of a local government;
- (c) the legal personal representatives, estates or dependants of persons

who die when they are members of the Unified Local Government Service or in the employment of a local government or local governments;

(d) the widows and children of deceased persons who have been members of the Unified Local Government Service or otherwise employed by a local government or local governments.

(2) Without prejudice to the generality of subsection (1) of this section, regulations made under this section shall contain such provisions as appear to the Commissioner to be necessary or expedient in relation to—

(a) a person who transfers to or from service with the Government or any other approved service;

(b) a person who transfers to or from employment with a local government from or to employment with another local government.

55. State Government to be responsible for payment of all pensions and gratuities

The amounts payable in respect of pensions, gratuities and other retiring benefits shall be charged upon and paid out of the Consolidated Revenue Fund of the State.

56. Pensions, etc., not be less than those for civil servants

Notwithstanding any other provision of this Law or of any regulations made thereunder, the amounts payable to any person who has retired from the service of a local government in respect of pensions, gratuities or other retiring benefits shall be such as would have been payable to him as if his qualifying service in local government for pensions purposes had been qualifying service in the State Government for pensions purposes.

PART VII

General Supervisory Powers of the State Government

[No. 4 of 2006.]

57. Power of Executive Council to hold inquiries

(1) The Executive Council of the State may cause such inquiries to be held at such times and in such places as it may consider necessary or desirable for the purposes of this Law.

(2) Subject to the other provisions of this subsection, the Executive Council may appoint in writing any person to conduct an inquiry and any person so appointed shall cause a notice of the time and place of the inquiry to be given to the local government and persons appearing to him to be interested; and notwithstanding the provisions of the Commissions of Inquiry Law, every inquiry requiring to be held under this Part shall—

[Cap. C17.]

(a) where such inquiry is to be conducted by one person, be conducted by a High Court Judge or other judge of not less than equivalent rank; and

(b) where such inquiry is to be conducted by two or more persons, it shall be headed by a High Court Judge or other judge of not less than equivalent rank.

(3) The costs of any inquiry held under this section shall be defrayed by the State government.

58. Powers of person holding inquiry, etc.

(1) A person appointed to conduct an inquiry shall have the following powers—

(a) to procure all such evidence, written or oral, and to examine all such persons as witnesses as he may think necessary;

(b) to require the evidence of any person to be made on oath or

declaration, such oath or declaration to be that which could be required of the witness if he were giving evidence in a High Court;

- (c) to summon any person in the State (in such form as the Commissioner may prescribe) to attend any inquiry to give evidence or to produce any document or other thing in his possession and to examine him as a witness or require him to produce any documents or other thing in his possession;
- (d) to admit any evidence whether written or oral which might not be admissible in civil or criminal proceedings;
- (e) to enter upon any land, including State Government land, for the purpose of obtaining information or evidence.

(2) A person appointed to conduct an inquiry may, if so directed by the appointing authority, sit with assessors.

(3) No person appointed under this section to conduct an inquiry shall be liable to any action or suit for anything done by him in that capacity.

(4) Any person who fails to appear when required to do so pursuant to paragraph (c) of subsection (1) of this section above shall be guilty of an offence and liable on conviction to a fine of five thousand naira or to imprisonment for six months or to both such fine and imprisonment.

[No. 4 of 2006.]

(5) A person appointed to conduct an inquiry shall, on the date appointed therefore or, if no such date has been appointed, so soon as may be after the conclusion of the inquiry, make a report thereon to the appointing authority.

59. Power to suspend or dissolve erring Local Government Council and appoint committee of management

(1) Where—

- (a) a council fails in any year to hold the meetings it is required to hold under this Law; or
- (b) the Executive Council is satisfied that a council is not discharging its functions under this Law in a manner conducive to the welfare of the inhabitants of the area of its authority as a whole,

the Executive Council may by order suspend the council for a period not exceeding three months and shall within such period cause an inquiry to be held and at the conclusion thereof may by another order—

- (i) re-instate the chairman and all members of the council; or
- (ii) direct that the seats of the chairman and all members of the council shall become vacant and appoint a committee of management for the purposes of this section; or
- (iii) direct that the seats of all members of the council, other than the nominated members, shall become vacant and that a general election shall be held on a date to be fixed by the Commissioner to fill the seats vacated, not being a date later than three months from the date of dissolution of the council.

(2) Where a committee of management is appointed under this section—

- (a) the committee of management shall remain in office until such time as the Executive Council may by order otherwise direct, not being a period exceeding three months;
- (b) the Executive Council, if satisfied that it is necessary or expedient so to do, may by a subsequent order revoke the appointment of the committee of management and appoint in its place another

committee of management;

- (c) the committee shall have and discharge, in accordance with this Law, all the functions of the council under this Law or any other enactment;
- (d) the provisions of Part II shall have effect in relation to a committee only to the extent specified in the order.

(3) Where a general election is held in accordance with a direction under subparagraph (iii) of paragraph (b) of subsection (1) of this section, the term of office of the persons elected shall expire on the date upon which the members of the council in whose place they were elected would ordinarily retire.

60. Power of State government to discharge function of defaulting local government

(1) Where the Executive Council is satisfied that any local government has made default in the performance of any function conferred or imposed upon it by or under this Law or any other enactment, it may make an order declaring the local government to be in default and may, by the same or any other order for the purpose of removing the default direct the local government to perform such of its functions in such manner and within such time or times as may be specified in the order.

61. Local government inspectors

(1) The Commissioner may appoint, in respect of any local government or group of local governments, a local government inspector.

(2) A local government inspector—

- (a) shall have the right to attend all council and committee meetings;
- (b) shall at all reasonable times have access to and be entitled to inspect all books, accounts and records of a council; and
- (c) may advise a local government in regard to any of its functions under

this Law.

(3) The Commissioner may by writing under his hand, authorise any other public officer to exercise the rights and powers conferred by paragraphs *(a)* and *(b)* of subsection (2) of this section on the public officers mentioned in that subsection, subject to such conditions, exceptions and qualifications and for such period as may be specified by the Commissioner and any public officer so authorised may thereupon or from the date specified by the Commissioner exercise such rights and powers subject as aforesaid.

(4) References in this section to a local government include a joint board and a subordinate area authority.

PART VIII

General Financial Provisions

[No. 4 of 2006.]

62. Main sources of revenue of local governments

(1) The revenue and other funds of a local government are hereby declared to consist of all sums of money or funds as are lawfully in possession of the local government on the appointed day and of revenue accruing to a local government from the following sources—

- (a)* monies derived from Development Tax and Cattle Tax and any rate imposed by the local government by virtue of the provisions of this Law;
- (b)* monies payable to a local government under the provisions of any other enactment;
- (c)* monies derived from licences, permits, dues, charges or fees specified by any by-laws or rules made by a local government;

- (d) receipts derived from any public utility concern, or any service or undertaking belonging to or maintained by a local government either in whole or in part;
- (e) rents derived from the letting or leasing of any building or land belonging to a local government;
- (f) statutory allocations or grants-in-aid out of the general revenue of Nigeria, or of the State, or other public revenue;
- (g) any sums of money which may lawfully be assigned to a local government by any public corporation;
- (h) interest on the investment funds of a local government;
- (i) such sums of money as may be granted to a local government by any other local government;
- (j) such sums of money as may be paid to a local government by a joint board in accordance with the provisions of subsection (2) of section 15.

[No. 4 of 2006.]

(2) Any other monies lawfully derived by a local government from any other source not hereinbefore specifically mentioned shall be and form part of the revenue and funds of such local government.

63. Application of revenues

(1) Subject to the provisions of this section, all revenues of a local government shall be paid into the general revenue of the local government and shall be applied to the administration, development and welfare of the area over which its authority extends and to the welfare of the inhabitants thereof.

(2) Of the revenues accruing in respect of any trading, commercial or industrial

undertaking engaged in and maintained by a local government under the provisions of section 22 only such part thereof as the local government shall determine shall be paid into the general revenue of the local government and the remainder shall be applied and used solely for the purposes of the undertaking.

[No. 4 of 2006.]

64. Expenditure

(1) Subject to the provisions of this Law, a local government may incur expenditure necessary for, and incidental to, the carrying out of any function conferred upon it by or under this Law, or any other enactment.

(2) The Law may—

(a) confer power on a local government to incur expenditure, subject to such restrictions and conditions as the Instrument may specify, for any of the following purposes, in addition to the purposes specified in subsection (1) of this section—

- (i) the maintenance of any office of chief or other traditional title which, on the appointed day, is being maintained by the local government or which the local government resolve, by the votes of three quarters of all the members, should be maintained by it;
- (ii) the grant, subject to the approval of the Commissioner, of an allowance to any former chief or other former holder of a traditional title;
- (iii) the establishment, maintenance or equipment of any special school or post primary institution which is recognised by the State government;

(iv) the establishment and maintenance of Local Government Associations.

(b) require the local government to discharge any liability in respect of which expenditure may be incurred by it in accordance with the powers conferred on it by or under this Law.

[No. 4 of 2006.]

(3) All liabilities failing to be discharged by a local government shall be met from the general revenue and funds of the council, except any liability that may properly relate to any commercial, industrial or trading undertaking engaged in by the council in the exercise of powers conferred under section 64 which shall be met from the funds of the undertaking.

(4) Subject to the approval of the Commissioner, a local government may make grants or loans to any other local government for the purposes of any of the functions of the last mentioned local government conferred by or under this Law or any other enactment.

65. Power to borrow

(1) A local government may from time to time raise loans within Nigeria of such amounts, from such sources, in such manner, upon such conditions and for such purposes in fulfilment of its lawful functions as the appropriate law may prescribe.

(2) Such loans shall be secured upon the property and the revenues of the local government.

66. Overdrafts

(1) Subject to the provisions of this section, it shall be lawful for a local government to obtain advances from banks by overdraft upon the credit of the local government.

(2) No such overdraft shall at any time or in any circumstances exceed the

income of the local government in the preceding financial year.

(3) For the purposes of this section "income" means revenue accruing to a local government excluding capital grants or other grants and loans raised by the local government.

67. Investment of funds

A local government may invest all or any portion of its monies in government bonds or in such other manner as may be prescribed.

68. Financial year

The financial year for each local government shall be the same as that of the State government.

69. Accounts to be kept and to be made up yearly

(1) Every local government shall keep accounts and other records in relation thereto in accordance with such instructions as may be issued under section 71.

[No. 4 of 2006.]

(2) Every local government shall immediately after the end of each financial year cause its accounts for that year to be brought to a balance and a balance sheet prepared with respect thereto together with a statement or abstract of such accounts.

70. Advances and loans and guarantees

(1) A local government may make advances and loans or give guarantees therefore within such limits and upon such conditions as are not inconsistent with financial memoranda issued pursuant to section 71.

[No. 4 of 2006.]

(2) A local government may operate deposit and suspense accounts in accordance with instructions issued under section 71.

[No. 4 of 2006.]

(3) For the purposes of subsection (1) of this section, approval may be given generally or in respect of any particular council or councils.

71. Financial memoranda

(1) The Commissioner may issue written instructions (to be called Financial Memoranda), not inconsistent with any of the provisions of this Law, for the better control and management of the financial business of local governments in the State and for the regulation of the procedure of Finance and General Purposes Committees; and such shall be observed and obeyed by the local governments to whom they are addressed.

(2) Without prejudice to the generality of subsection (1) of this section, instructions under this section may make provision for any of the following—

- (a) the conditions upon which allowances and out of pocket expenses may be paid to members of councils or members of committees of councils whilst engaged on the business of the local government and to members of assessment committees and assessment appeal tribunals whilst engaged in carrying out their functions under this Law;
- (b) the restrictions and conditions applying to the authorisation by a local government of expenditure appropriated in an approved estimate for one purpose to other purposes therein contained.

PART IX

Audit

[No. 4 of 2006.]

72. Accounts to be audited

(1) The accounts kept by a local government in accordance with the

requirements of this Law or any other enactment shall be subject to audit by the Auditor General of the local government.

[KWS 9 of 1979, No. 4 of 2006.]

(2) Such accounts shall be audited at such intervals as the Commissioner may direct.

(3) A local government shall—

(a) make available at all times the accounts subject to audit, together with all books, papers, vouchers, cash and monies relating thereto, for inspection by the auditor appointed in respect of the local government;

(b) prepare and submit to such auditor statements or abstracts containing such particulars and relating to such periods as the Commissioner may specify.

73. Appointment of auditors

(1) The Auditor-General of the State may appoint a person to be an auditor in respect of a local government and may remove any person so appointed.

(2) Without prejudice to the generality of the power conferred by subsection (1) of this section, a person who is a member of the staff of the Ministry of Local Government may be appointed an auditor in respect of a local government.

74. Remuneration of auditors to be paid by local government

Payment shall be made by a local government in respect of the remuneration and expenses of any auditor appointed under this Law including the staff of such auditor, to such amount as may be prescribed.

75. Powers and duties of auditors

(1) It shall be the duty of an auditor at every audit held by him—

- (a) to disallow any item of account which is contrary to law or to financial memoranda issued under section 71 or is unsupported by proper records or accounts, or which he considers unreasonable;
- (b) to surcharge the amount of any expenditure disallowed upon the person responsible for incurring or authorising the expenditure;
- (c) to surcharge any sum which has not been duly brought into account upon the person by whom that sum ought to have been brought into account;
- (d) to surcharge the amount of any loss or deficiency upon any person by whose negligence or misconduct the loss or deficiency has been incurred;
- (e) to certify the amount due from any person upon whom he has made a surcharge; and
- (f) to certify, at the conclusion of the audit, his allowance of the accounts subject to any disallowances or surcharges which he may have made.

Provided that no expenses incurred by a local government shall be disallowed by the auditor, if they have been sanctioned by the Executive Council.

[No. 4 of 2006.]

(2) It is hereby declared for the avoidance of doubt that in subsection (1) of this section the word "**person**" includes—

- (a) any employee or former employee of a local government or a provisional authority;
- (b) any person who, though not an employee of a local government or a provisional authority, holds or formerly held an office the emoluments attaching to which are or were paid wholly or partly

from the revenue or other funds of a local government or a provisional authority;

(c) any President, chairman, or other member or former President, chairman or other member of a local government, committee of management appointed for a council, or a provisional authority;

(d) any administrator or former administrator appointed for a local government.

76. Special relief

Notwithstanding any of the provisions of the last preceding section, no liability to surcharge shall be incurred by an employee of the local government who can prove to the satisfaction of the auditor that he acted in pursuance of, and in accordance with, the terms of a resolution of the Local Government Council or of a committee duly appointed by the council, or on the written instructions of any employee of the local government to whose orders, in relation to the matter in question, he was subject.

Provided that nothing in this section shall exempt any person from liability to surcharge in accordance with the provisions of section 166 where that person knew or ought reasonably to have known that the terms of any resolution or any written instructions as aforesaid were unlawful.

77. Auditor may take evidence on oath, etc.

For the purpose of any examination under the provisions of this Part, the auditor may take evidence and examine witnesses, upon oath or affirmation (which oath or affirmation the auditor is hereby empowered to administer), and may, by summons under his hand, require all such persons as he may think fit, to appear personally before him at a time and place to be stated in such summons and to produce all such books and papers, including the minutes of the proceedings of the council or of any committee thereof, as he

may consider necessary for such examination.

78. Payment of sums due

Every sum certified by the auditor to be due from any person shall be paid by that person to the treasury of the local government concerned within sixty days after it has been so certified, or if an appeal with respect to that sum has been made, within thirty days after the appeal is finally disposed of or abandoned whether or not by reason of the non-prosecution thereof.

79. Recovery

(1) Any sum which is certified by the auditor to be due and has become payable shall be recoverable as a civil debt.

(2) In any proceedings for the recovery of such a sum, a certificate signed by the auditor shall be conclusive evidence of the facts certified, and a certificate signed by the Secretary to the local government concerned or any employee whose duty it is to keep the accounts that the sum certified to be due has not been paid to him shall be conclusive evidence of non-payment, unless it is proved that the sum certified to be due has been paid since the date of the certificate.

(3) Unless the contrary is proved, a certificate purporting to be signed by the auditor, or by the Secretary or the employee whose duty it is to keep the accounts, shall be deemed to have been signed by such auditor, Secretary or employee as the case may be.

80. Appeals from decisions of auditors

(1) Any person who is aggrieved by a decision of the auditor on any matter with respect to which he made an objection at the audit, and any person aggrieved by a disallowance or surcharge made by the auditor may, where the disallowance or surcharge or other decision relates to an amount not exceeding five thousand naira, appeal to the Commissioner, and may in any other case appeal to the High Court.

Provided that any appeal under this section shall be lodged by the person aggrieved by the decision, disallowance or surcharge, within thirty days of the decision or disallowance, or of the making of the surcharge, as the case may be.

[No. 4 of 2006.]

(2) The High Court or the Commissioner on such appeals shall have power to confirm, vary or quash the decision of the auditor, and to remit the case to the auditor with such directions as the High Court or the Commissioner thinks fit for giving effect to the decision on appeal.

(3) Where an appeal is made to the Commissioner under this section, he may at any stage of the proceedings state in the form of a special case for the opinion of the High Court any question of law arising in the course of the appeal, but save as aforesaid the decision of the Commissioner shall be final.

81. Local governments to render annual financial statements to Executive Council

Every local government shall render to the House of Assembly an annual financial statement in such form as the House of Assembly may direct and, unless the Executive Council shall otherwise direct, shall before the first day of September in each year publish such annual financial statement and the report of the auditor thereon at its own offices, and in any other manner customary in the area.

[No. 4 of 2006.]

PART X

By-laws

[No. 4 of 2006.]

82. Application

(1) The provisions of this Part shall apply to by-laws made by a local

government by virtue of—

- (a) this Law;
- (b) any enactment in force at the date of this Law; and
- (c) any enactment made or which comes into force after the commencement of this Law.

(2) By-laws shall be made under the common seal of the local government.

83. Penalty and other provisions

(1) There may be provided in or by any by-law a penalty, as the local government making the by-law may think fit, on any person who fails to take any action required by, or who disobeys, the by-law.

(2) A by-law may specify a further penalty not exceeding five naira for each day on which a breach of the by-law is committed after written notice has been served on the offender.

(3) Where any enactment confers power on a local government to make by-laws and to make provision therein in respect of fees or charges, the local government may provide in the by-laws for—

- (a) certified fees or charges;
- (b) maximum or minimum fees or charges;
- (c) maximum and minimum fees or charges;
- (d) for the payment of fees or charges either generally or under specified conditions; and
- (e) for the reduction, the waiver or refund in whole or in part of any such fees or charges either upon the happening of certain events or in the discretion of any person.

(4) Where any reduction, waiver or refund in whole or in part of any fee or charge is provided, such reduction, waiver or refund may be made to apply either generally or specifically—

- (a) in respect of certain matters or classes of matters;
- (b) in respect of certain documents or classes of documents;
- (c) where any event happens or ceases to happen;
- (d) in respect of certain persons or classes of person; and
- (e) in respect of any combination of such matters, persons, documents or events,

and may be made to apply subject to such conditions as may be set out in the by-laws or in the discretion of any specified person.

[No. 4 of 2006.]

84. Adoptive by-laws

(1) The Commissioner may make adoptive by-laws with respect to any matter for which a local government is authorised to make by-laws by virtue of this Law or any other enactment and such adoptive by-laws shall be brought to the notice of every local government by publication in the State Gazette or in any other manner as he may determine.

(2) Subject to the provisions of this section, a local government may adopt any bylaws published as aforesaid which relate to any matter with respect to which the local government has powers to make by-laws.

(3) The following provisions shall apply with respect to the adoption of any by-laws by a local government—

- (a) the adoption shall be by resolution passed at a meeting of the council;
- (b) notice of the resolution shall be published in the State Gazette and

shall be conclusive evidence of the resolution having been passed;

- (c) the adoption of the by-laws shall take effect from the date of the publication of the notice in the State Gazette;
- (d) by-laws adopted in accordance with the provisions of this section shall have the same force and effect as if they had been made by the local government and may be revoked by resolution of the council published in accordance with paragraph (c) of this subsection;
- (e) by-laws adopted in accordance with the provisions of this section may be amended by the adoption of any amendment made thereto by the Commissioner.

(4) Any adoptive by-laws adopted by a local government shall, notwithstanding the revocation of such adoptive by-laws or any part thereof by the Commissioner, remain of full force and effect.

(5) Any amendment by the Commissioner of adoptive by-laws shall not be of force within the area of any local government by which such adoptive by-laws have been adopted unless and until such amendment shall have been adopted in accordance with the provisions of subsections (2) and (3) of this section.

85. Copy of by-laws to be deposited at offices of local government

- (1) A copy of every by-law adopted by a local government—
 - (a) shall be deposited at the offices of the local government by whom the by-law was made or adopted, and shall at all reasonable times be open to public inspection without payment;
 - (b) shall be sent by the local government to the registrar or clerk of every magistrate's court or area court having jurisdiction within the area of authority of the local government.

(2) A copy of every such by-law shall, on application, be furnished to any person on payment of such sum as the local government may determine.

PART XI

Legal Proceedings

[No. 4 of 2006.]

86. Interpretation

In this Part—

"**court**" includes the High Court, a magistrate's court and an area court;

"**suit**" means a civil proceeding commenced by writ of summons or in such other manner as may be prescribed by rules of court.

87. Limitation of suits against local government

When any suit is commenced against any local government for any act done in pursuance or execution or intended execution of any law or of any public duty or authority, or in respect of any alleged neglect or default in the execution of any such law, duty or authority, such suit shall not lie or be instituted unless it is commenced within six months next after the act, neglect or default complained of, or in the case of a continuance of damage or injury within six months after the ceasing thereof.

88. Notice of suit to be given to local government by intending plaintiff

(1) No suit shall be commenced against a local government until one month at least after written notice of intention to commence the same has been served upon the local government by the intending plaintiff or his agent.

(2) Such notice shall state the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims.

89. Mode of service on local government

The notice referred to in section 88 and any summons, notice or other document

required or authorised to be served on a local government in connection with any suit by or against such local government shall be served by delivering the same to, or by sending it by registered post addressed to, the Secretary to the local government at the principal office of the local government.

Provided that the court may, with regard to any particular suit or document, order service to be effected in accordance with the terms of such order.

[No. 4 of 2006.]

90. Description of property

Wherever in any criminal process or proceeding it is necessary to refer to the ownership or description of property belonging to or under the management of a local government, such property may be described as the property of the local government.

91. Onus of proof in certain cases

Where in any proceedings under this Law any person is summoned or otherwise dealt with as the occupier of any tenement or building and such person alleges that he is not the occupier, the proof of such allegation shall be upon such person.

92. Name of local government, etc., need not be proved

In any proceedings instituted by or against a local government it shall not be necessary to prove the corporate name of the local government or the constitution and limits of its area.

PART XII

General

[No. 4 of 2006.]

93. Obstruction of employees, etc., of local governments

Any person who—

- (a) wilfully obstructs any member of Local Government Council or any employee of a local government in the execution of his duty as such; or
- (b) being the occupier of any premises, prevents the owner of such premises from complying with any of the requirements of a local government,

shall be guilty of an offence and shall be liable to a fine of five thousand naira or to imprisonment for six months or to both such fine and imprisonment.

[No. 4 of 2006.]

94. Delegation of powers by commissioner

(1) Subject to the provisions of this section, the Commissioner may, by notice in the State *Gazette*, delegate to any person by name or office to exercise and perform on his behalf such of the powers and duties conferred upon him by or under this Law as may be specified in the notice, and thereupon, or from the date specified in the notice, such person shall have and exercise such powers and duties.

(2) The Commissioner may in the notice specify conditions, exceptions and qualifications to which the exercise of any power or duty delegated by him shall be subject.

(3) The Commissioner may, in the like manner, revoke any such notice, and may exercise any powers or perform any duties conferred upon him by or under this Law notwithstanding the delegation by him of such powers or duties.

(4) The authority conferred on the Commissioner by subsection (1) of this section to delegate his powers shall not extend to any powers conferred by this Law to make regulations or orders.

95. Delegation of powers by governor

(1) Subject to the provisions of this section, the Governor may, by notice in the

State *Gazette*, delegate to the Commissioner to exercise and perform on his behalf such of the powers and duties conferred upon him by or under any of the provisions of this Law as may be specified in the notice, and thereupon, or from the date specified in the notice, the Commissioner shall have and exercise such powers and duties.

(2) The Governor may in the notice specify conditions, exceptions and qualifications to which the exercise of any power or duty delegated by him shall be subject.

(3) The Governor may, in the like manner, revoke any such notice and may exercise any powers or perform any duties conferred upon him by or under this Law notwithstanding the delegation of such powers or duties.

(4) The authority conferred on the Governor by subsection (1) of this section to delegate his powers shall not extend to any powers conferred by this Law to make Instruments, regulations or orders.

96. Reports and returns by joint boards

Every joint board shall make to the Commissioner such reports and returns and give him such information with respect to its functions as he may require.

97. Publication of notices

Save as in this Law is otherwise expressly provided, the publication of any notice or other document required by this Law to be published shall be deemed to be duly made if it is fixed, for a reasonable time, in some conspicuous place on or near the outer door of the office of the local government during office hours, and also in some other conspicuous place or situation within the area of the authority of the local government.

98. Service of notices by the local government

(1) Subject to the provisions of this section, any notice, order or other document required or authorised by this Law or any other enactment to be served by or on behalf of a local government, or by any employee of the local government, on any person shall be

deemed to be duly served—

- (a) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business, and is either—

 - (i) sent by registered post; or
 - (ii) delivered at the registered office, or at an office or place of business of the company within the area of authority of the council;
- (b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business or an office or place of business within the area of authority of the council, identifying it by the name or style under which its business is carried on, and is either—

 - (i) sent by registered post; or
 - (ii) delivered at that office;
- (c) where the person to be served is a public body, an authority or a corporation, society or other body, if the document is addressed to the chairman, clerk, president, secretary, treasurer or other principal officer of that body, authority, corporation or society at its principal office and is either—

 - (i) sent by registered post; or
 - (ii) delivered at that office.
- (d) in any other case, if the document is addressed to the person to be served, and is either sent to him by registered post or delivered at his residence or place of business.

(2) Any document which is required or authorised to be served on the owner or occupier of any premises may be addressed "the owner" or "the occupier", as the case may be, of those premises (naming them) without further name or description, and shall be deemed to be duly served—

(a) if the document so addressed is sent or delivered in accordance with paragraph (d) of subsection (1) of this section; or

(b) if the document so addressed or a copy thereof so addressed is affixed to some conspicuous part of the premises.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any premises, the local government may by notice in writing require the occupier of the premises to state the name and address of the owner thereof, and if the occupier refuses or wilfully neglects to do so, or wilfully mis-states the name and address of the owner he shall, unless in the case of a refusal he shows cause to the satisfaction of the court for his refusal, be guilty of an offence and shall be liable in respect of each offence to a fine of two thousand naira or in default of payment to imprisonment for a term of three months.

(5) In this section the word "**document**" means any notice, order or other document which is required or authorised to be served as specified in subsection (1) of this section.

99. Instruments executed or issued by local government

(1) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of a local government by any person generally or specially authorised by such local government for that purpose.

(2) Any document purporting to be a document duly executed or issued under the seal of a local government or on behalf of a local government shall, unless the contrary is proved, be deemed to be a document so executed or issued, as the case may be.

100. State rights not affected

Save as is otherwise expressly provided, nothing in this Law shall affect prejudicially any estate, right, power, privileges or exemption of the State.

PART XIII

Miscellaneous and Supplementary

[No. 4 of 2006.]

101. Repeals and savings, etc.

(1) Subject to the provisions of this section, the Local Government Authority Law is hereby repealed to the extent to which it applies to Kwara State and all Local Government Authorities established thereunder are hereby dissolved.

[Cap. 77 of 1963.]

(2) Without prejudice to the provisions of the Interpretation Law, reference in any enactment other than this Law to Local Government Authority (howsoever called or designated) shall, unless the context otherwise requires, be construed as a reference to a local government established under this Law.

(3) Nothing in this Law shall affect any order, rule, regulation, appointment, conveyance, mortgage, deed or agreement made, resolution passed, direction given, proceeding taken, instrument issued or thing done under the enactment repealed; but every such order, rule, regulation, appointment, conveyance, mortgage, deed or agreement made, resolution passed, direction given, proceeding taken, instrument issued or thing if in force immediately before the appointed day shall, on the appointed day, continue in force, and in

so far as it could have been made, passed, given, taken, issued or done under this Law shall have effect as if so made, passed, given, taken, issued or done and shall be construed with such modifications, amendments and omissions as would bring it into line with the general intendment of this Law.

(4) Nothing in this Law shall be construed so as to prohibit the continuation of any inquiry whatsoever appointed under the repealed enactment, begun before the appointed day, but the provisions of this Law shall apply to the report of any such inquiry as they apply to inquiries conducted under this Law.

(5) Notwithstanding the provisions of this Law, any tax or rate leviable under the repealed enactment for the year ending on the 31st day of March, 1977 or any preceding financial year (however computed) may be levied and collected in accordance with the provisions of the repealed enactment.

(6) In this section and in sections 102 and 103 "**the repealed enactment**" means any enactment repealed by subsection (1) of this section.

[No. 4 of 2006.]

102. Temporary provisions for existing subordinate area authorities

Notwithstanding the provisions of this Law but subject as herein provided, any subordinate area authority constituted by or under any repealed enactment existing immediately before the appointed day may continue to discharge any functions conferred upon it by or under such repealed enactment in so far as nothing relating to such discharge is inconsistent with the provisions of this Law:

Provided that no such subordinate area authority shall continue to discharge functions conferred upon it by the repealed enactment after the 31st day of March, 1977 or such earlier date upon which provision is made for its continued existence (either by itself or as a part of another subordinate area authority or otherwise howsoever) by the local

government concerned pursuant to the provisions of this Law.

103. Transfer of certain functions

The functions conferred by any enactment (including the repealed enactment) on any resident, district officer, divisional officer, sole administrator or such similar officer of the State government shall, as from the appointed day and until other provision is made therefor, be conferred upon and be discharged by the following persons, that is—

(a) in so far as such functions relate to ceremonial matters, by the chairman of the Local Government Council, or where provision is made for the appointment of an Executive President, by the President; and

(b) in so far as such functions relate to other matters (not being ceremonial matters referred to in paragraph (a) above), by the Secretary to the local government,

and in cases of doubt reference shall be made to the Governor whose decision thereon shall be final.

104. Transfer of assets and liabilities

(1) By virtue of this Law, there shall be vested in the local government or local governments on the appointed day without any further assurance all assets, funds, resources and other moveable or immoveable property which immediately before the appointed day were vested in any local government authority (hereafter referred to as a "dissolved authority") constituted within an area that has become the area of authority of a local government established under this Law or part thereof; and any dispute arising from the foregoing between any two or more local governments shall be referred to the Governor whose decision thereon shall be final.

(2) As from the appointed day—

- (a) the rights, interests, obligations and liabilities of the dissolved authority under any contract or instrument, or at law or in equity apart from any contract or instrument, shall by virtue of this Law be assigned to and vested in the local government;
- (b) any such contract or instrument as is mentioned in paragraph (a) above shall be of the same force and effect against or in favour of the local government and shall be enforceable as fully and effectively as if instead of the dissolved authority, the local government had been named therein or had been a party thereto; and
- (c) the local government shall be subject to all the obligations and liabilities to which the dissolved authority was subject immediately before the appointed day, and all other persons shall as from the appointed day have the same rights and remedies against the local government as they had against the dissolved authority immediately before the appointed day.

(3) Any proceeding or cause of action pending or existing immediately before the appointed day by or against the dissolved authority in respect of any right, interest, obligation or liability of the dissolved authority may be commenced, continued or enforced by or against the local government as it might have been against the dissolved authority if this Law had not been made.

(4) Notwithstanding the dissolution of any authority existing immediately before the appointed day, any person who immediately before that day held office under any dissolved authority shall, if the Local Government Service Board so directs, be deemed to have been appointed to the corresponding office in the local government; and service under the dissolved authority shall be regarded as service under the local government for pensions

purposes.

105. Existing by-laws, staff regulations, financial memoranda, etc.

(1) Subject to this Law, by-laws made by any dissolved authority and in force immediately before the appointed day shall—

(a) to the extent that they relate to a matter with respect to which the local government may make by-laws under this Law, have effect as if made thereunder;

(b) to the extent that they relate to a matter with respect to which the local government may, after the appointed day, make by-laws under any provision of any other enactment, have effect as if made under this Law.

(2) Subject to this Law, by-laws adopted by a dissolved authority under any repealed enactment in force immediately before the appointed day shall, to the extent that the local government may make by-laws with respect to that matter under this Law, have effect as if adopted under section 84 of this Law.

[No. 4 of 2006.]

(3) Subject to this Law, staff regulations made under any repealed enactment in force immediately before the appointed day shall have effect as if made under this Law.

(4) Subject to this Law, financial memoranda (however called) issued under any repealed enactment in force immediately before the appointed day shall have effect, in so far as they are not inconsistent with the provisions of this Law, as if made under this Law.

(5) Notwithstanding the savings effected by this section and until other provision is made in that behalf, the Education Law, every other enactment referred to in this Law, every by-law, regulation or any provision of the memoranda referred to above shall be construed with such modifications, amendments and omissions as would bring it into line

with the general intendment of this Law.

106. General interpretation

(1) In this Law, unless the context otherwise requires—

"**appointed day**" means the date of coming into force of this Law;

"**casual vacancy**" means a vacancy in a Local Government Council;

[No. 4 of 2006.]

"**Chairman**" means the chairman of a Council or of a Committee;

"**Commissioner**" means the State Commissioner charged with responsibility for local government;

"**council**" means a Local Government Council constituted for a Local Government and, where the context so requires, includes an Emirate or Traditional Council established under Part V of this Law;

[No.4 of 2006.]

"**Electoral Officer**".....

[No. 4 of 2006.]

"**Emirate or Traditional Council**" means any Council set up under Part V of this Law;

[No. 4 of 2006.]

"**Executive Council**" means the Executive Council of the State;

"**functions**" includes powers and duties;

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

"**Instrument**".....

[No. 4 of 2006.]

"**Local Government**" means any local government established under the Constitution of the Federal Republic of Nigeria;

[No. 4 of 2006.]

"member of a council" means an elected member of a council;

[No. 4 of 2006.]

"President" means the *ex officio* President of a council;

"public office" means any office of emolument in the public service of the Federation or public service of a State;

"public service of the Federation" means the service of the Federation in a civil capacity in respect of the government of the Federation;

"public service of the State" means the service of the State in a civil capacity in respect of the government of that State;

"Secretary" or **"secretary of the council"** means the Secretary to the local government appointed under section 46;

[No. 4 of 2006.]

"State" means the Kwara State of Nigeria;

"subordinate area authority" means any town, district, village or other area authority, committee, community or council (by whatever name called) as may be constituted by a local government to which the local government may delegate any of its functions, pursuant to this Law;

"Supervisory Councillor" means a member of a council.

[No. 4 of 2006.]

(2) For the purposes of this Law, the resignation of a chairman of a council, a member of a council or a member of a committee or any other body constituted under or pursuant to this Law shall be deemed to have effect from the time it is received by the person to whom it is required to be addressed.

(3) Subject to the provisions of this Law or any other enactment, any person

whose office or seat in a council, a committee of a council, a joint board, has become vacant may, if qualified, again be appointed or elected, as the case may require, to the body concerned.

[No. 4 of 2006.]

(4) Except as may be otherwise expressly provided by this Law, the provisions of this Law shall apply to a local government in its capacity as a local education authority for the purposes of the Education Law.

(5) For the avoidance of doubt, it is hereby declared that the provisions of the Interpretation Law shall, save as is otherwise provided or required by the context, apply to this Law.

[Cap. 15.]

107. Citation, application and commencement

This Law may be cited as the Local Government (Miscellaneous Provisions) Law, and shall apply throughout the State.

[No. 4 of 2006.]

CHAPTER L8

LOCAL GOVERNMENT LAW

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Local Government (Adoptive By-laws) Order.
2. Local Government (Membership of a Traditional Council) (Ile-Ire District) Order.

3. Ilorin Local Government (Control of Noise Pollution) By-laws.
4. Emirate and Traditional Councils (Establishment) Order, 2005

Local Government (Adoptive By-laws) Order

ARRANGEMENT OF REGULATIONS

REGULATION

1. Short title and commencement.
2. Adoption laws.
3. Use of defined terms.

FIRST SCHEDULE

Control of Advertising (Adoptive By-laws)

SECOND SCHEDULE

Entertainers (Adoptive By-laws)

THIRD SCHEDULE

Bicycle Licence and hire Control (Adoptive By-laws)

FOURTH SCHEDULE

Control of Fishing (Adoptive By-laws)

FIFTH SCHEDULE

Hawkers (Adoptive By-laws)

SIXTH SCHEDULE

Reporting of Marriages (Adoptive By-laws)

SEVENTH SCHEDULE

Palm Wine Tappers (Adoptive By-laws)

EIGHTH SCHEDULE

Motor Park (Adoptive By-laws)

NINTH SCHEDULE

Control of Domestic Animals (Adoptive By-laws)

TENTH SCHEDULE

Stone and Sand Collection (Adoptive By-laws)

ELEVENTH SCHEDULE

Commission Agent (Adoptive By-laws)

TWELFTH SCHEDULE

Taxi and other Commuter Vehicles Permit (Adoptive By-laws)

THIRTEENTH SCHEDULE

Market (Adoptive By-laws)

FOURTEENTH SCHEDULE

Eating Houses, Food Preparing and Preserving (Adoptive By-laws)

FIFTEENTH SCHEDULE

Control of Trucks (Adoptive By-laws)

SIXTEENTH SCHEDULE

Slaughter of Animals (Adoptive By-laws)

SEVENTEENTH SCHEDULE

Parking and Abandonment of Vehicles (Adoptive By-laws)

EIGHTEENTH SCHEDULE

Alienation of Land (Adoptive By-laws)

NINETEENTH SCHEDULE

Registration of Births and Deaths (Adoptive By-laws)

LOCAL GOVERNMENT (ADOPTIVE BY-LAWS) ORDER

In exercise of the powers conferred by section 175 of the Local Government Law, 1976 and of all other powers enabling me in that behalf, I, Adamu Gene, Commissioner for Local Government hereby make the following Order.

[SLGN 6 of 1984.]

[Date of commencement: 1st January, 1984]

1. Short title and commencement

This order may be cited as the Local Government (Adoptive By-laws) Order, 1984, and shall be deemed to have come into force on the 1st day of January, 1984.

2. Adoption Laws

(1) Subject to the provisions of subparagraph (2) of this paragraph, a Local Government may adopt all or any of the Adoptive by-laws contained in the Schedule to this Order in accordance with the provisions of section 175 (3) and 176 of the Local Government Law, 1976, with respect to any matter on which the Local Government is authorised to make any by-laws.

[Schedule.]

(2) The appendices to the by-laws mentioned in subparagraph (1) of this paragraph may subject to the approval of the Commissioner, be adopted by a local government with necessary modifications to suit such local government.

3. Use of defined terms

In this order, and in the Schedules and Appendices thereto, unless otherwise provided, words used and or defined in the order shall, in accordance with section 15 of the Interpretation Law have the same meaning as they have in the Law.

[Cap. 15.]

FIRST SCHEDULE

Control of Advertising (Adoptive By-laws), 1984

1. **Short title**

These by-laws may be cited as the Control of Advertising (Adoptive By-laws), 1984.

2. **Interpretation**

In these by-laws, unless the context otherwise requires—

"**advertisement**" includes any word, letter model, sign, placard, board, notice, bill, poster, device or representation, whether illuminated or not, in the nature of and employed wholly or in part for the purpose of advertisement, announcement or direction and without prejudice to the foregoing provisions, dry hoarding or similar structure used or adopted for use for the display or advertisements shall be construed accordingly; and

"**building**" includes any structure or erection of any kind.

3. **Control and display of advertisement**

No advertisement shall be displayed within the area of a local government without a permit first granted by the local government.

4. **Application for permit**

Application shall be made to the local government for a permit in respect of any advertisement which is being displayed before the date of commencement, and where the grant of a permit is refused, the local government may exercise the powers of enforcement of control under paragraph 11 of these by-laws.

5. **Refusal to grant permit**

(1) The local government may refuse to grant a permit for the display of an advertisement where it considers the advertisement is—

(a) on account of the size of sitting not in the interest of amenity in the

area; or

(b) not in the interest of public safety;

(c) obscene or offensive.

(2) The local government, in granting a permit for the display of an advertisement may impose such conditions as it may deem necessary in the interest of amenity, public safety or morality.

6. Powers to modify permit

The local government may revoke or modify any permit for the display of an advertisement if it appears to the local government that it is expedient to do so in the interest of amenity, public safety or morality.

7. Form of permit

A permit granted under paragraph 3 of these by-laws shall be in the form set out in Appendix 1 hereto.

[Appendix 1.]

8. Fees

There shall be payable in respect of each type of permit specified in the first column of Appendix 2 hereto the fee specified respectively opposite each such permit in the second column of the said Appendix.

Provided that if any of the permits mentioned in the said Appendix is granted at any time after the 30th day of June in any year, one-half of the rate of the fee prescribed for that type of permit shall become payable.

[Appendix 2.]

9. Duration of permit

A permit granted under the provisions of paragraph 3 of these by-laws shall, unless it is previously revoked under the provisions of paragraph 6 of these by-laws be in force

until the 31st December of the year in which it is granted and shall then expire.

10. Restriction on display of advertisement

No advertisement shall be attached to any tree, shrub or hedge or other growing thing or to any church or mosque, and any advertisement so attached may be removed or destroyed by the local government or its duly authorised servant.

11. Removal of advertisements

(1) When any advertisement has been displayed without a permit required in that behalf, or where conditions subject to which a permit was granted have not been complied with, the Local Government may serve on the person who displayed it or, where such a person is not known, on the owner, a notice to remove the advertisement, or as the case may be, comply with the said conditions, within the period specified therein, being a period, not less than fourteen days from the date of service of such notice, and if the advertisement constitutes a danger to road users or other members of the public, the Local Government may remove it without the necessity of serving a notice or waiting for the period of notice to expire.

(2) Where the person who displayed the advertisement or caused it to be displayed cannot be ascertained or found, or where any such person found, refuses, neglects or omits to comply with the notice issued under these by-laws, the Local Government may remove the advertisement and the cost of removal where the advertisement constitutes a danger to the public or other road users, shall be recoverable from the person who displayed it or from the owner or occupier of the land or building, as the case may be.

12. Offences

Any person who contravenes any of the provisions of these by-laws or who fails to comply with any notice given under these by-laws shall be guilty of an offence, and on conviction, shall be liable to a fine of N20 or to imprisonment for twenty days or to both

such fine and imprisonment.

13. Exemptions from control

(1) Advertisement of the following classes may be displayed without permit subject to the provisions of paragraph 13 (2) of these by-laws—

- (a)* advertisement employed wholly for the purpose of announcement or direction in relation to any of the functions of a government ministry, statutory corporation or body established under any law or by a Local Government;
- (b)* advertisements for the purpose of identification, direction or warning with respect to the land or building on which they are displayed and not exceeding one square metre in area;
- (c)* advertisements relating to any person, partnership or company carrying on a profession, business or trade at the premises where any such advertisement is displayed; limited to mean advertisement not exceeding 0.22 metre by 0.22 metre in respect of each such person, partnership or company;
- (d)* advertisement displayed in a market or shop window;
- (e)* advertisement of a religious nature by religious bodies.

(2) Where any of the advertisements specified in paragraph 13 (1) of these by-laws constitutes a danger to road users or to other members of the public, the provisions of paragraph 11 of these by-laws as to removal shall apply.

APPENDIX 1

[Para. 7.]

Permit to Display Advertisement

Permission is hereby granted
to.....
of.....to display an
advertisement
(description of which is specified below)
at.....
until the.....day of.....
20.....
Dated this.....day
of.....20.....

DESCRIPTION OF ADVERTISEMENT

.....
.....
.....
.....
.....
.....
.....

APPENDIX 2

[Para. 8.]

Types of Permit

.....

.....

Type of Advertisement	Fee
(i) Advertisement not exceeding 0.25 metre by 0.25 metre	
.....	N5.00
(ii) Advertisement exceeding dimension in (i) above but not exceeding one metres by N10.00 one metre.....	
(iii) Advertisement exceeding dimension in (ii) above	
.....	N30.00

The Common Seal of the

Local Government was hereto affixed

L.S

in the presence of—

.....

Local Government Secretary

SECOND SCHEDULE

Entertainers (Adoptive By-laws)

1. Short title

These by-laws may be cited as the Entertainers (Adoptive By-laws), 1984.

2. Interpretation

In these by-laws—

"**entertainers**" include all persons who shout praises of any person whether or not such persons sing or play minstrel instrument.

3. Prohibition of practice

No musical entertainer shall practice his profession unless he has obtained a permit issued under these by-laws.

4. Power to issue licence and permit

The Local Government may issue to any entertainer—

- (a) an annual licence as in Form 1 of the Appendix thereto; or
- (b) a twenty-four hour permit as in Form 2 of the said Appendix to these by-laws which such form shall contain such conditions, as the Local Government shall think fit, as to the day, place or time during which he shall practice his profession.

[Appendix Form 1 Form 2.]

5. Annual licence

An annual licence shall entitle the holder to practice his profession at all times within the premises of his house.

Provided that this shall not entitle him to practice elsewhere except in accordance with the terms and conditions of his annual licence or his twenty-four hour permit.

6. Fees payable

(1) The fees payable for—

- (a) an annual permit; or
- (b) a twenty-four hour permit for a single entertainer or leader of a party of entertainers; and
- (c) each follower in a leader's party shall be as specified in the said Appendix which shall be payable at the office of the Local Government.

(2) An annual licence shall be issued to the entertainer concerned and a twenty-four hour permit to the person who intends to employ such entertainer for such specified

period.

7. Penalties for unlicensed practising

(1) Any person who practices the profession of entertainment in contravention of the provisions of these by-laws shall be guilty of an offence and liable on conviction to a fine of ₦20.00 or imprisonment for two days.

(2) The Local Government may cancel an annual licence held by a person convicted of an offence under paragraph 7 (1) of these by-laws.

8. Penalties for abuse

(1) No licensed entertainer shall utter or use any abusive word or words on any person.

(2) Any entertainer who contravenes paragraph 8 (1) of these by-laws shall, notwithstanding any other penalty prescribed in these by-laws, be guilty of an offence and liable on conviction to a fine of ₦50.00 or to imprisonment for three months or to such fine and imprisonment.

APPENDIX

[Para. 4.]

FORM I

Annual Permit

Permit is hereby granted
to.....
of.....to practice the
profession
of entertainment from
.....to.....

Fee Payable: ₦ : k

Twenty Four Hour Permit

The Common Seal of the
Local Government was hereto affixed
in the presence of—

L.S

Bicycle Licence and hire Control (Adoptive By-laws)

- ## 1. Short title

This permit is valid for one year with effect from.....day
of
.....,20.....

Fee Paid: ₦

FOURTH SCHEDULE

Control of Fishing (Adoptive By-laws)

1. Short title

These By-laws may be cited as the Control of Fishing (Adoptive By-laws), 1984.

2. Prohibition of fishing without licence

(1) No person shall for the purpose of catching fish use any of the nets, traps or hooks specified in Appendix 2 hereto without a licence as in Appendix 1 having been first issued to him.

(2) Such licence shall be valid in respect only of the type or types of net, trap or hook specified therein and for a period of one year from the date of issue.

3. Fees

Upon the issue of a licence under these by-laws there shall be payable in respect of each type of net, trap or hook the fees prescribed in Appendix 2 hereto.

4. Offences and penalties

Any person who contravenes or fails to comply with the provisions of paragraph 2 above shall be guilty of an offence and liable on conviction—

- (a) on a first offence to a fine not exceeding ₦2.00 or to imprisonment for a period not exceeding seven days;
- (b) for a subsequent offence to a fine not exceeding ₦10.00 or to imprisonment for a period not exceeding fourteen days.

APPENDIX 1

[Para. 2(1).]

Fishing Licence

.....
...of
.....is hereby licensed to fish
with
.....
.....
(Type or types of net, trap or hook)

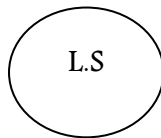
.....
Local Government Secretary

APPENDIX 2

[Paras 2(1) and 3.]

Type of net, trap or hook	Fee:	N	:	k
---------------------------	------	---	---	---

The Common Seal of the
Local Government was hereto affixed
in the presence of:—



.....
Local Government Secretary

FIFTH SCHEDULE

Hawkers (Adoptive By-laws)

1. Short title

These by-laws may be cited as the Hawkers (Adoptive By-laws) 1984.

2. Interpretation

In these by-laws—

"**child**" means a person under the age of fourteen years;

"**young female**" means a female who has attained the age of fourteen years but who is under the age of seventeen years.

3. Hawking of goods, etc., in the street

(1) Any person who hawks goods or food without a permit from the Local Government in writing shall be guilty of an offence.

(2) Any person who sells or exposes goods or food for sale other than on open premises without a permit from the Local Government in writing shall be guilty of an offence.

4. Street Hawkers Permit, Appendix

(0) A permit for the purpose set out in paragraph 3 of these by-laws shall be known as a Street Hawker's permit and the charge for such permit, which shall expire at the end of each year of issue shall be as prescribed in the Appendix hereto payable in advance.

(0) A Street Hawker's Permit shall bear the photograph of the person in whose name the permit is issued.

5. No permit to be issued to a child or young female

No Street Hawker's Permit shall be issued by the Local Government to any child or young female.

6. Local Government to specify area in permit

The Local Government shall specify in every Street Hawker's Permit issued by it, the area or locality in which the holder may hawk goods or food or set up a table or stall for the display and sale of good or food.

7. Permit holders may hawk only in area specified by the Local Government

Any permit holder who hawks any goods or food or who sells or exposes for sale any goods or food in locality other than that specified in his permit shall be guilty of an offence.

8. Penalty for contravention paragraphs 3 and 7

Any person who is guilty of an offence under the provisions of paragraphs 3 or 7 of these by-laws shall be warned by the Local Government in writing and after such warning shall be liable upon conviction to a fine not exceeding ₦5 for every day or part of a day on which such offence continues.

9. Permits not transferable and to be carried when hawking

A permit issued in accordance with these by-laws shall not be transferable and shall be carried at all times by the person to whom it is issued when engaged in hawking and shall be produced for inspection on demand by the Local Government or any police officer.

10. Penalty for transferring of permit

Any person, in respect of whom a permit has been issued by the Local Government in accordance with these by-laws who permits the same to be used or carried by any other person shall be guilty of an offence and shall on conviction thereof be liable to a fine not exceeding ₦10.00.

11. Penalty for employing or permitting child or young female to hawk

Any person who employs or any parent or guardian who allows any child or young female to hawk contrary to the provisions of these by-laws shall be guilty of an offence and shall be liable on conviction thereof to a fine not exceeding ₦100.00 or in default to imprisonment not exceeding six months.

12. Cancellation of permit on conviction

The Local Government may upon the conviction of any permit holder of a breach of any of the provisions of these by-laws or of any disorderly act or conduct cancel the permit and any fees paid shall not be recoverable.

APPENDIX

[Para. 4.]

Permit

This is to certify that

.....of

.....whose photograph

appears

below is permitted to hawk goods or food or set up a table or stall for the display and sale of goods or food

within.....area.

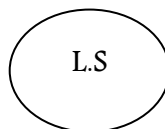
This Permit is valid till.....day of

.....20.....

The Common Seal of the

Local Government was hereto affixed

in the presence of—



.....

Local Government Secretary

SIXTH SCHEDULE

Reporting of Marriages (Adoptive By-laws)

1. Short title

These by-laws may be cited as the Reporting of Marriages (Adoptive By-laws), 1984.

2. Person contracting marriage to furnish information

A person contracting marriage according to customary law shall report within seven days of such marriage to the nearest Area Court and shall furnish the Registrar therein with the following particulars in respect of both the husband and the wife—

- (a) name, address and occupation;
- (b) age, if known;
- (c) date of marriage;
- (d) names of parents or guardians consenting to the marriage;
- (e) bride price, if any;
- (f) details of previous divorce, if any.

3. Fees

The fees prescribed in the Appendix hereto shall be paid for the recording of such particulars and for a further fee of 50k the Registrar shall provide either party with a certified copy of such entry.

4. Offence and penalty

Any person who contravenes or fails to comply with the provisions of paragraph 2 of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦10.00 or to imprisonment not exceeding one month.

APPENDIX

[Para. 3.]

Fees payable ₦

SEVENTH SCHEDULE

Palm Wine Tappers (Adoptive By-laws)

1. Short title

These By-laws may be cited as the Palm Wine Tappers (Adoptive By-laws), 1984.

2. Interpretation

In these by-laws—

"**enforcement officer**" means a person appointed in accordance with paragraph 8 of these by-laws; and

"**palm wine tapper**" means a person who taps wine from palm trees either for consumption or for sale.

3. No tapping of palm wine without licence

A person who taps palm wine without first obtaining a licence as in Form I in Appendix 1 hereto shall be guilty of an offence and liable on conviction to a fine of ₦10.00 or, in default of payment, to imprisonment for one month.

[Form 1, Appendix 1.]

4. Application for licence

An application for a licence under these by-laws shall be as in Form 2 in Appendix 1 hereto.

[Form 2, Appendix 1.]

5. Duration of licence

(1) A licence issued under these by-laws shall come into force on the date

specified therein and shall expire on the thirty-first day of December next following.

[Form 1.]

(2) A licence under these by-laws shall be accompanied with an appropriate fee set out in Form 1 in Appendix 2.

[Appendix 2.]

6. Issue of licence to be discretionary

A licence under these by-laws shall be issued at the discretion of the Local Government.

7. Dilution of palm wine

A licensee who—

- (a) dilutes palm wine otherwise than with clean drinking water;
 - (b) adds to palm wine any matter other than a fair quantity of clean drinking water;
 - (c) handles or transports palm wine in such a way to make its consumption injurious to health; or
 - (d) knowing that he is suffering from a communicable disease, engages in the handling of palm wine intended for consumption by or sale to the public,
- shall be guilty of an offence and liable on conviction to a fine of ₦10.00 or in default of payment, to imprisonment for one month.

8. Appointment of an Enforcement Officer

(1) The Local Government may appoint a fit and proper person to be an Enforcement Officer for the purpose of enforcing the provisions of these by-laws.

(2) An Enforcement Officer appointed for the purposes of these by-laws shall be issued with a statement of identity as in Form 2 in Appendix 2.

[Form 2, Appendix 2.]

9. Obstruction

Any person who hinders or obstructs an Enforcement Officer in the performance of his duties under these by-laws shall be guilty of an offence and liable on conviction to a fine of ₦10.00 or to imprisonment for one month.

10. Cancellation of licence

Upon the conviction of a licensee for an offence under these by-laws, the court may, in addition to any other penalty, direct that the licence be cancelled.

APPENDIX 1

[Para. 3.]

FORM 1

Palm Wine Tapper's Licence

.....
...of
.....is licensed for the period
of
.....20.....to tap Palm Wine in
the
.....Local Government Area.

.....

Local Government Secretary

FORM 2

[Para. 4.]

Application for Palm Wine Tapper's Licence

Name of

Applicant.....

Address of Applicant

.....

Age of

Applicant.....

Has the applicant previously held a Palm Wine Tapper's Licence (if so, state where the licence

was tenable and the year in which licence held).....

.....

.....

Dated this.....day

of.....20.....

.....

Signature of Applicant

.....

Local Government Secretary

APPENDIX 2

[Para. 5.]

FORM 1

	Period	Fees Payable	
	Licence.		N
(a)	one calendar year with effect from 1st January.....	10	Palm wine
(b)	if issued after 30th June in a calendar year	5	tapper's
	licence		

FORM 2

Enforcement Officer's Identity

.....

...of

..... is hereby authorised to

enforce

the provisions of the Palm Wine Tappers' (Adoptive By-laws), 1984.

Dated thisday
of.....20.....

The Common Seal of the

Local Government was hereto affixed

in the presence of—

.....

Local Government Secretary

EIGHTH SCHEDULE

Motor Park (Adoptive By-laws)

1. **Short title**

These by-laws may be cited as the Motor Park (Adoptive By-laws), 1984.

2. **Interpretation**

In these by-laws—

"**lorry**" includes all motor vehicles of which the gross weight exceeds 2.03 tons, ten kilos;

"**motor vehicle**" means a mechanically propelled vehicle intended or adapted for use on roads for the conveyance of goods or persons, but does not include a motor bicycle or scooter;

"**motor park**" means the parcel of land which is marked out for parking of motor vehicles and such other place or places as the Local Government may from time to time declare to be motor park;

"**motor park Attendants**" means all the persons appointed by the Local Government to be Attendants at the Motor Park; and

"**superintendent**" means a person appointed by the Local Government to be Superintendent of the Motor Park.

3. **Control of motor park**

(1) A motor park shall be under the management and control of a Superintendent who shall be responsible for the parking of all motor vehicles using the park.

(2) A person who disobeys or fails to obey a reasonable direction given by the Superintendent in the course of his duty shall be guilty of an offence.

4. **Traffic in motor park**

(1) A motor vehicle using the motor park shall enter by the gate marked "IN" and leave by the gate marked "OUT".

(2) A person shall not ride a bicycle in the motor park.

(3) A person who contravenes paragraph 4 (1) of these by-laws shall be guilty of an offence.

5. Eating houses and or hawking sheds

(1) The Local Government may provide eating-houses and or hawking sheds which may be either permanent or temporary in the motor park and it shall be lawful for a person to sell food and or wares therein if he is in possession of a licence to that effect.

(2) A licence issued under paragraph 5 (1) of these by-laws shall be in form as set out in Appendix 1 hereto and the appropriate fees as prescribed in Appendix 2 shall be paid by an applicant for a licence half yearly or annually to the Local Government.

(3) Any person to whom a licence is issued under paragraph 5 (1) of these by-laws shall during the period of validity of the licence, be responsible for repairing any damage to the eating houses or hawking sheds not arising from their wear and tear.

(4) The agents of the Local Government may at any time enter any eating house or hawking shed and carry out inspection or repairs.

6. Demolition of illegal structure

The Superintendent shall demolish or dismantle or cause to be demolished or dismantled any structure or erection in the motor park declared illegal by the Local Government.

7. Vehicle guards and identification

(1) A lorry using the motor park shall be provided with two guards in addition to the driver.

[Appendix 2.]

(2) A lorry owner shall see that each guard is provided with a written identification specifying the registration number of the motor vehicle to which he is attached.

(3) An identification card shall be issued by the Local Government on application by the lorry owner on payment of the fee stipulated in Appendix 2 hereto.

8. Prohibition of tout

Any person who operates as a tout inside or in the immediate vicinity of the motor park shall be guilty of an offence.

9. Loading and off-loading in unauthorised place

Any person who, being the driver or guard of transport lorry—

- (a) picks up or sets down, or causes to be picked up or set down, a passenger from or at a place within the area of the Local Government which is not licensed as a motor park; or
- (b) takes in or discharges from a lorry any load or goods from or at a place within the area of the Local Government which is not licensed as a motor park (except the lorry is specifically chartered to carry those goods) shall be guilty of an offence.

10. Maintenance fees

(1) The maintenance fees set out in the Appendix 2 hereto shall be paid to the Local Government in respect of any motor vehicle using the motor park.

[Appendix 2.]

(2) Any person in charge of a vehicle who refuses or fails on demand to pay the appropriate fees in respect of that vehicle shall be guilty of an offence.

11. Penalty

A person who is guilty of an offence under these by-laws shall be liable on conviction to a fine of ₦20.00 or in default imprisonment for two months or to both such fine and imprisonment.

APPENDIX 1

[Para. 5.]

Licence is hereby granted
to.....
of.....for the temporary/permanent
eating house/hawking shed in the..... Motor
Park
from the.....day
of.....,20.....

APPENDIX 1—*continued*

to the.....day
of.....20.....subject
to the provisions of the Motor Park (Adoptive By-laws,) 1984. The Local Government reserves the right to revoke this Licence at any time.

APPENDIX 2

[Para. 5 (2), 7 (3), 10.]

(a) Maintenance Fees—

- (i) Taxi Cabsper day
- (ii) Lorriesper day

- (iii) Fees for identificationper day
- (b) Licence Fees—
 - Temporary Eating House or Hawking Sheds ₦.....per year;
 - Permanent Eating House ₦.....per year.

NINTH SCHEDULE

Control of Domestic Animals (Adoptive By-laws)

1. Short title

These by-laws may be cited as the Control of Domestic Animals (Adoptive By-laws), 1984.

2. Interpretation

In these by-laws—

"**animal**" include cattle, glending, ram, goat, swine and the young of any such animal;

"**impound**" with its grammatical variations means to take and confine in an area or place appointed by the Sole Administrator to be a pound;

"**poundmaster**" means a person appointed in writing by the Local Government to have charge of a pound.

3. Prohibition of keeping of animals within specified area

The owner or custodian of any animal shall ensure that while within the area of authority of the Local Government, such animal is confined within a pen or is tied or is under proper control.

4. Penalties

Any person who confines or causes to be confined an animal within a pen in which it has no adequate space, shade and water shall be guilty of an offence and be liable on conviction to a fine not exceeding ₦20.00 or in default of payment to imprisonment not exceeding one month.

5. Stray animal to be impounded

Any animal found straying may be impounded by any authorised servant or agent of the Local Government.

6. Claim for conditional release

The owner of any impounded animal may claim that animal and it shall be released to him on payment to the poundmaster of the penalties and expenses set out in the Appendix thereto.

7. Sale of unclaimed impounded animals

(1) Subject to the provisions of paragraph 6, any impounded animal which is unclaimed within seven days after the date of impounding shall be sold by auction by the poundmaster, and the proceeds of the sale placed on deposit with the Local Government.

(2) Any amount so deposited in respect of any animal may be claimed by and paid over to the owner after deduction therefrom of any penalties and expenses payable under paragraph 6 of these by-laws.

8. Court

The penalties imposed and the expenses prescribed under the provisions of these by-laws may be imposed and recovered in an Area Court or a Magistrate Court.

APPENDIX

[Para. 6.]

Penalty

For every head of cattle impounded.....

For every other animal impounded
.....

For a head of Swine.....

EXPENSES OF KEEP

For every head of cattle impounded for each day or part
thereof.....

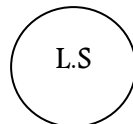
For every other animal impounded for each day or part
thereof.....

Dated this.....day
of.....20.....

The Common Seal of the

Local Government was hereto affixed

in the presence of—



.....

Local Government Secretary

TENTH SCHEDULE

Stone and Sand Collection (Adoptive By-laws)

1. Short title

These by-laws may be cited as the Stone and Sand Collection (Adoptive By-laws),

1984.

2. Prohibition of quarrying sand and stone

No person shall quarry stone or sand without first obtaining from the Local Government a permit in the form set out in Appendix 1 hereto:

Provided that any person who holds a licence to remove stone issued under the Land Use Act 1978, the and Tenure Law or any other Laws shall not be required to obtain a permit under these by-laws.

[Appendix, Cap. 59 of 1963 Laws.]

3. Fees

The fees for such a permit shall be as set out in the Appendix to the Schedule.

Provided that the Local Government may at its own discretion, issue a free permit where the stones or sand are required for public purposes.

4. Penalty

Any person who fails to comply with the provisions of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦100.00 or to imprisonment for a term not exceeding four months or to both such fine and imprisonment.

APPENDIX

[Para. 2.]

FORM or PERMIT

Permit to Quarry Stone and Sand

Permission is hereby granted
to.....
of.....to quarry sand/stone

at

.....from.....

...

until 31st December, 20.....

APPENDIX 2

[Para. 3.]

Fees Paid N: k.

Note: This Permit expires on 31st December, 20.....

ELEVENTH SCHEDULE

Commission Agent (Adoptive By-laws)

1. Short title

These by-laws may be cited as the Commission Agent (Adoptive By-laws), 1984.

2. Interpretation

In these by-laws—

"**commission agent**" means one who acts on behalf of another for a fee but does not include the motor touts.

3. Control of commission agents

No Commission Agent shall practice his profession except under and in accordance with the terms and conditions of an annual permit issued as hereinafter.

4. Annual permit

An annual permit set out in the Appendix hereto shall entitle the holder to practice his profession within the jurisdiction of the Local Government.

[Appendix.]

5. Fees

The fees payable for annual permit shall be as prescribed in the said Appendix.

6. Penalties and offences

Any person who fails to comply with the provisions of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦100.00 or to imprisonment not exceeding four months or to both such fine and imprisonment.

APPENDIX

[Paras 4 and 5.]

Annual Permit for a Commission Agent

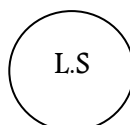
Permission is hereby granted
to.....
of..... to practice the
profession
of Commission Agent
from.....to.....

Fees Paid: ₦ : k

This Permit expires on 31st December, 20.....

Dated this.....day
of.....,20.....

The Common Seal of the
Local Government was hereto affixed



In the presence of-

.....
Local Government Secretary

TWELFTH SCHEDULE

Taxi and other Commuter Vehicles Permit (Adoptive By-laws)

1. Short title

These by-laws may be cited as the Taxi and Other Commuters Vehicles Permit (Adoptive By-laws), 1984.

2. Interpretation

In these by-laws—

"taxi and other commuter vehicles" means mechanically propelled vehicles plying roads for commercial purposes within the jurisdiction of the Local Government.

3. Control of tax and other vehicles

No driver or owner or a taxi of any other commuter vehicle used for commercial purposes shall ply the roads within the jurisdiction of the Local Government except under and in accordance with the terms and conditions of an annual permit issued as hereinafter provided.

4. Annual permit

An annual permit as set out in Appendix 1 hereto shall entitle the holder to ply any of the roads within the jurisdiction of the Local Government.

[Appendix 1.]

5. Fees

The fees payable for annual permit shall be as set out in Appendix 2 hereto.

[Appendix 2.]

6. Penalties and offences

Any person who fails to comply with the provisions of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦100 or to imprisonment not exceeding four months or to both such fine and imprisonment.

APPENDIX 1

[Para. 4.]

Permit to Operate Taxi and other Commuter Vehicles

Permission is hereby granted to
.....
of.....to operate his
Taxi/Bus
Registration
No.....from.....
until 31st December, 20.....
Fees Paid ₦ : k.
Permit expires on 31st December, 20.....
Dated this.....day of
.....20.....

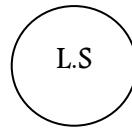
APPENDIX 2

[Para. 5.]

Taxi Permit Annually.....
Bus and Others Annually.....

Dated this.....day
of.....20.....

The Common Seal of the
Local Government was hereto affixed



In the presence of-

.....
Local Government Secretary

THIRTEENTH SCHEDULE

Market (Adoptive By-laws)

1. Short title

These by-laws may be cited as the Market (Adoptive By-laws), 1994.

2. Interpretation

In these by-laws—

"council" means the Ilorin West Local Government Council;

"fees" means all monies payable to the Local Government under the provisions of these by-laws, but shall not include fines or other penalties levied for contravention of any such by-laws;

"food stuff" means any article of local produce used for food or drink by man or cattle;

"goods" means commodities of any kind and includes farm produce, food stuffs, merchandise and manufactured wares;

"Health Officer" includes a Medical Officer of Health, a Sanitary Inspector or other person acting under the authority, whether general or special of a Medical

Officer of Health;

"**market**" means any area of land or place declared as market by the Local Government;

"**market supervisor**" means a person appointed under these by-laws to have charge of a market;

"**stall**" means any erection, permanent or temporary designed to give the occupant protection from the weather or construction affixed to the ground for the display of goods for sale; and

"**to sell**" includes to offer or expose for sale.

3. Establishment of market

(1) No person shall establish or maintain a market without the permission of the Local Government.

(2) Notwithstanding any provision of these by-laws, the Local Government shall have the power to close any unauthorised market within the area of the Local Government.

Offences.

(3) Any person who contravenes the provisions of paragraph 3 of these by-laws shall be guilty of an offence and liable on conviction, to a fine not exceeding ₦20.00 or to a term of imprisonment not exceeding two months or to both such fine and imprisonment.

Market Day and Stallages

4. Market hours

(1) Market shall be opened from 6.00 a.m. to 7.00 p.m. on such days as the Local Government may appoint.

(2) A person who—

(a) sells or purchases food or merchandise; or

(b) carries on his trade or calling in the market, on a day or at an hour when the market is not lawfully opened shall be guilty of an offence and liable on conviction to a fine not exceeding ₦25.00 or to a term of imprisonment not exceeding two months or to both such fine and imprisonment.

(3) No person other than a duly authorised watchman shall be in any portion of the market between the hours of 8.00 p.m. and 5.00 a.m.

5. Stallage fees

The appropriate stallage fees set out in Appendix hereto shall be paid by each person exposing for sale in the market food or merchandise or carrying on their trade or calling in the market.

[Appendix 1.]

6. Payment of stallages fees

Stallage fees shall be paid in advance to the market supervisor.

7. Offences

(1) Any person who intends to take the benefit of the market without paying the appropriate stallage fees, or sells outside a market or exposes food, merchandise for sale in the market or carries on his trade or calling in the market or exercises any right in the market without having first paid the appropriate stallage fee shall be guilty of an offence and liable on conviction to a fine not exceeding ₦20.00 or to a term of imprisonment not exceeding two months or to both such fine and imprisonment.

(2) Any person who sells or purchases food or merchandise in the market or carries on his trade or calling in the market on any day or at any hour when the market is not opened in accordance with paragraph 4 of these by-laws shall be guilty of an offence and liable on conviction to a fine not exceeding ₦25.00 or to a term of imprisonment not

exceeding two months or to both such fine and imprisonment.

Stalls

8. Consent of Local Government to erect stall

No person shall erect a stall, shed, building, wall, fence or enclosure within the market boundary without the consent of the Local Government.

9. Alteration to existing stalls

No person shall make any alteration in any stall, building, fence, wall or enclosure within the market existing at the date of application of these by-laws without the consent of the Local Government.

10. Constructional requirement

All stalls constructed after the date of the application of these by-laws in the market shall conform in all respect with the requirements of the Local Government.

11. Allotment of Stalls

The Local Government may allot to any person the exclusive use of a Local Government's stall for a period not exceeding one year upon the payment in advance of the appropriate stallage fee.

12. Order by the Local Government on unsafe and unsanitary stall

(1) If any stall, other than the Local Government's stall, appears to the Local Government to be unsafe or unsanitary, the Local Government may by order in writing require the owner or occupier thereof to render the same safe or sanitary. If the said owner or occupier shall fail to comply with the order within one month of the receipt of the order, the Local Government may cause the stall to be removed and no compensation shall be payable in respect of the stall, but the owner or occupier shall be liable for the cost of the removal.

(2) The provisions of paragraph 12 (1) of these by-laws shall be without

prejudice to any action that may be taken by the Local Government under any other provision of these by-laws.

13. Unauthorised erection of stalls, etc.

(1) Any person who in contravention of these by-laws erects any stall, shed, building, wall, fence or enclosure within the market, or within ten metres, of the market boundary may be required to, remove the erection within such a reasonable time as shall be fixed by the Local Government and if any such person shall refuse or neglect to comply with the order of the Local Government he shall be guilty of an offence and liable on conviction to a fine not exceeding ₦5.00 or to a term of imprisonment not exceeding one month or to both such fine and imprisonment.

(2) The Local Government may, after the expiration of the time fixed in respect of any work in accordance with paragraph 13 (1) of these by-laws remove the same and sell any materials recovered and apply the proceeds of such sale towards the expense of removal, any balance being paid to the owner.

14. Offence

Any person who contravenes the provisions of paragraphs 8, 9 or 10 of these by-laws shall be guilty of an offence and liable on conviction to a fine not exceeding ₦10.00 or to a term of imprisonment not exceeding one month or to both such fine and imprisonment.

Sanitary Provision

15. Stall not to be used as dwelling place

No stall in the market shall be used as dwelling place.

16. Nuisance

No person shall commit a nuisance in the market.

17. Cleaning stalls, etc.

Every occupier of a stall, table or site in the market shall on every day and when he shall use such a stall, table or site keep the same in a sanitary condition to the satisfaction of the Market Supervisor.

18. Offence

Any person who contravenes the provision of paragraphs 15, 16 or 17 of these by-laws, shall be guilty of an offence and liable on conviction to a fine not exceeding ₦5.00 or to a term of imprisonment not exceeding one month or to both such fine and imprisonment.

19. Fire to be kept under proper control

A fire or light used in connection with a stall shall be kept under proper control and shall be extinguished not later than an hour after the market closes.

20. Bearing of firearms in market

No person shall enter a market bearing a firearm, spear, sword or other dangerous weapon; provided that the prohibition shall not apply to butchers carrying flaying knives or to any person bringing swords, knives, spears or other weapons to market as articles of trade.

21. Prohibition of slaughtering of animals in unauthorised places

No person shall—

- (a) slaughter an animal in a market otherwise than in slabs provided by the Local Government for that purpose; or
- (b) bring or cause to be brought into the market any offal or skin of any animal which has not been thoroughly dried.

22. Prohibition of riding, etc.

Within a market, no person shall ride a bicycle or drive any vehicle except on roadways and in motor parks which are maintained by the Local Government for that purpose.

23. Prohibition of obstruction

No person shall during market hours, cause obstruction in the market or in any of the roadways, passages, or approaches thereof.

24. Obedience to reasonable direction

Every person using the market shall obey the reasonable direction of the Market Supervisor or any other person duly appointed by the Local Government for the purpose of preserving order and regularity in the market.

25. Prohibition of unlawful collection of fees

Any person other than the Market Supervisor or any person duly appointed by the Local Government for that purpose, who collects or attempts to collect any fees payable to the Local Government shall be guilty of an offence and liable on conviction to a fine not exceeding ₦50.00 or to a term of imprisonment not exceeding two months or to both such fine and imprisonment.

26. Offences

Any person who contravenes the provisions of paragraphs 19, 20, 21, 22, 23 or 24 of these by-laws, shall be guilty of an offence and liable on conviction to a fine not exceeding ₦5.00 or to a term of imprisonment not exceeding one month or to both such fine and

APPENDIX

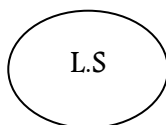
[Para. 5.]

Stallage Fee	<i>Fees per month</i>
1. Lock-up stall (Modern Market)	
2. Lock-up stall (Traditional Market).....	

3. Open stall (Modern Market).....
4. Meat Seller.....
5. Food Seller.....
6. Canteen.....
7. Goat Seller.....
8. Ram Seller.....
9. Sheep Seller.....

Dated this.....day of.....,
20.....

The Common Seal of the
Local Government was hereto affixed
in the presence of—



.....

Local Government Secretary

FOURTEENTH SCHEDULE

Eating Houses, Food Preparing and Preserving (Adoptive By-laws)

1. Short title

These by-laws may be cited as the Eating Houses, Food Preparing and Preserving (Adoptive By-laws), 1984.

2. Interpretation

In these by-laws—

"eating house, food preparing and preserving premises" includes any premises used for the purpose of serving or preparing food for sale to the public;

"food" means any article intended to be consumed as food;

"health officer" includes a Medical Officer of Health, Health Superintendent, Health Inspector or other person acting under the authority, whether general or special of the Medical Officer of Health and whether or not such Medical Officer of Health, Health Superintendent, Health Inspector or other person is serving in the Health Department of the Local Government.

3. Registration of eating houses, etc.

(1) All eating houses, food preparing and preserving premises shall be registered annually in the office of the Local Government by the proprietor or occupier carrying on the business.

Provided that no such registration shall be made until the premises have been inspected and approved by the Local Government on the recommendation of the Health Officer.

[Appendix 1, Appendix 2.]

(2) There shall be paid in respect of every such registration, the fees laid down in the Appendix I hereto.

(3) The Local Government shall issue a certificate of registration as in Form A in the Appendix 2 hereto and such certificate shall expire on the 31st December next following the date of issue.

(4) Any premises not registered in the month of January each year, shall be registered at any time during the year and the fees as in Appendix 1 hereto shall be paid.

Provided that half the fee prescribed in the Appendix hereto shall be paid where registration takes place after 30th June.

4. Application for licence

(1) Application for licence shall be made to the Local Government as in Form B

of Appendix 2 hereto, obtainable from the Local Government's Headquarters Office.

[Form B.]

(2) Applications for the renewal of licence shall be made as in Form C of Appendix 2 hereto and shall be submitted to the Local Government not later than 15th October, in any year.

[Form C]

(3) Any application submitted after that date shall not be considered without payment of the late fee specified in Appendix 1 hereto.

5. Paying concerting and drainage

(1) All eating houses, food preparing and preserving premises shall be paved or concreted and drained to the satisfaction of the Health Officer.

(2) The area of each room of such premises shall in no case be less than 11.5 square metres and the minimum height of the ceiling shall be three metres.

(3) Every eating house, food preparing and preserving premises shall have a separate kitchen accommodation with properly cemented floor and walls to the satisfaction of the Health Officer.

6. Lime-washing and cleaning

All eating houses, food preparing and preserving premises shall be lime-washed inside throughout, once every six months, or thoroughly cleaned periodically to the satisfaction of the Health Officer.

7. Animals or bird not allowed

No animal or bird shall be allowed on premises used as eating houses, food preparing and preserving premises.

8. Eating houses not to be used as sleeping apartments

No rooms used as eating houses, food preparing and preserving premises shall be

used as sleeping apartments or have any direct connection with any living room.

9. Conveniences

The sanitary arrangements and conveniences in all eating houses, food preparing and preserving premises, shall be to the satisfaction of the Health Officer.

10. Water to come from approved source

No water shall be used in any eating house, food preparing and preserving premises, except that obtained from a source approved by the Health Officer.

11. Food and water to be adequately covered

All food and water used in eating houses, food preparing and preserving premises, shall be kept adequately covered and all pans, plates, tables, counters and other utensils shall be maintained and kept clean to the satisfaction of the Health Officer.

12. Vermin to be kept down

Measure to the satisfaction of the Health Officer shall be taken by the proprietors or occupiers of eating houses, food preparing and preserving premises to exclude vermin.

13. Sick persons may be kept out

The Health Officer may in the interest of the public health and sanitation prohibit any person suffering from any disease or ailment from entering or remaining in any eating houses, food preparing and preserving premises.

14. Premises may be closed down for health reasons

If the Local Government shall, on the recommendation of the Health Officer, consider that any eating houses, food preparing and preserving premises should, in the interest of public health and sanitation be closed down, it may by notice in writing prohibit the proprietor or occupier from using such premises for any purposes whatsoever until such a time or for such a period as it may deem fit.

15. Cleanliness of personnel

The personal cleanliness of all persons employed in eating houses, food preparing and preserving premises shall be to the satisfaction of the Health Officer.

16. Penalty

Any person who contravenes or fails to comply with any of the provisions of these by-laws, shall be guilty of an offence and liable on conviction to a fine not exceeding N50 or in default of payment to imprisonment not exceeding one month.

APPENDIX 1

[Para. 3 (2).]

FEES	N
Canteen, Restaurant	
Food preparing premises.....	
For residential hotels	

APPENDIX 2

[Para. 3.]

FORMA

The premises described hereunder and in the control of.....
are registered.....from
to 31st December, 20)

Fees: N : k

Date.....,20.....

Description.....

...

FORM B

[Para. 4 (1).]

Application for a Licence

1. Name of applicant (if company or firm, state full title).....

2. Age of applicant.....

3. Address of applicant.....

4. Type of licence required.....

5. Description and situation of the premises in respect of which the licence is required.....

.....
.....
.....

6. Number of rooms to be used as eating house

7. Whether the applicant has held any licence previously (state address of premises, and year in which licence held).....

.....
...

Dated this.....day of.....,

20.....

.....
Signature of Applicant

FORM C

[Para. 4 (2).]

Application for the Renewal of Licence

1 Name and Address of holder of
licence.....

.....
.....

2. Type and number of licence
held.....

3, Description and situation of premises
licensed.....

.....
.....

FORM C—continued

4. Number of rooms used as eating
house.....

5. Was licence transferred from one person to another or from one address to another
during its currency? If so give
particulars.....

.....
.....

6. Whether any conviction has been endorsed on the current licence since it was

issued, and if so, the particulars of each
endorsement.....

.....

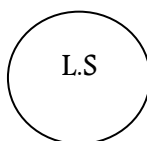
....

.....

'Signature of Applicant

The Common Seal of the

Local Government was hereto affixed



in the presence of—

.....

Local Government Secretary

FIFTEENTH SCHEDULE

Control of Trucks (Adoptive By-laws)

1. Short title

These by-laws may be cited as the Control of Trucks (Adoptive By-laws), 1984.

2. Interpretation

In these by-laws—

"**street**" includes a road, lane, square, passage, bridge, carriageway, partway, causeway, pavement and an open space within the area of the Local Government over which the public have a right of way;

"**the owner**" means the owner of a truck and also the caretaker of a truck and the person to whom the proceeds from a truck accrue;

"**truck**" means any vehicle with one or more wheels intended or adopted for

the carriage of goods not being a mechanically propelled vehicle or a bicycle or similar vehicle;

"truck controller" means the person pushing, pulling or controlling the movement of a truck at any given time otherwise causing it to move;

"verge" means land—

- (a) not forming part of a private plot or the premises of a public building or office; and
- (b) lying adjacent to a street to within fifteen metres of the centre of the street.

3. Requirement on truck

The owner of a truck shall—

- (a) cause his name and address to be painted or firmly affixed in legible characters on the rear side of the truck, not less than five centimetres in width together with serial number allotted to the truck by the Local Government;
- (b) provide the truck with a lantern or other suitable light when the truck is in the street at any time between 7.00 p.m. and 6.00 a.m.;
- (c) ensure that there is at least one responsible adult in control of the truck at all times when it is in the street.

4. Truck Licences

(1) The owner of a truck which is operated or intended to be operated within the area of authority of the Local Government shall obtain for it annually a truck licence which shall be in the form set out in the Appendix hereto.

(2) On the issue of a truck licence, the Local Government shall allot a serial number to the truck in respect of which the licence is issued.

(3) The fee payable annually in respect of a truck licence shall be as specified in

the Appendix hereto.

(4) A licence issued under this by-law shall be in force from the date of issue and shall expire on the 31st December, next following the date of issue.

5. Control of truck in streets, etc.

A truck controller in any street shall promptly obey all directions or signals given for the purpose of regulating traffic by any police officer or any person appointed for that purpose.

6. Parking

(1) The Local Government may prescribe parking places for trucks, and such parking places shall be indicated by notice board of the Local Government.

(2) Where a parking place is provided by the Local Government in pursuance of these by-laws, a person shall not park a truck in a verge, street or other public places within three hundred metres from the limit of the parking place.

7. Trucks not to be left stationary in major roads, streets, on verges

A truck controller shall not allow the truck to remain stationary in the major road, street or verge except—

- (a) for the purpose of being loaded or unloaded; or
- (b) as a result of a traffic hold-up; or
- (c) in obedience to or in consequence of an order or direction given by a police officer or any person appointed for that purpose.

8. Use of unwieldy and weak trucks prohibited

It shall be unlawful for the owner or truck controller to allow or cause the movement in a verge or street of any truck which is of such weak or unwieldy construction or in such state of disrepair as to constitute a danger to person using the verge or street or obstruction traffic or as to be likely to cause damage to the street.

9. Loading of truck

A truck shall be loaded in such a manner—

- (a)* that any part of the load projecting above the vertical sides or ends of the truck is properly secured;
- (b)* that no part of the load shall project beyond the sides of the truck or more than twelve decimetres beyond the ends of the truck, provided that there is no projection beyond the handles or the shaft of the steering-wheel, as the case may be;
- (c)* that it can be properly controlled or manouvered in traffic.

10. Penalty

A person who fails to comply with the provision of these by-laws shall be guilty of an offence and shall be liable upon conviction to a fine of ₦10.00 or in default of payment to a term of imprisonment for one month.

11. Unattended and unlicensed truck may be detained

(1) The Local Government may cause any truck which is found unattended to in any street or parking place or which is not licensed, to be detained and unless such truck is claimed within a period of ten days, it shall be sold by auction by the Local Government at a place, time and day to be fixed by the Local Government.

(2) A person who claims a truck under these by-laws shall before taking possession thereof pay to the Local Government a fixed charge of five naira as the cost of the Local Government for collecting and detaining the truck.

(3) The proceeds of the sale of the truck under these by-laws less the expenses payable under subparagraph (2) above shall be delivered to the owner.

(4) If no claim of the amount to be delivered to the owner under subparagraph

[Para. 4.]

Licence

Licence is hereby granted toofto
keep

The Licence expires on the 31st December, 20.....

of.....20.....

APPENDIX—continued

The Common Seal of the

1. S.

in the presence of –

.....

Local Government Secretary

SIXTEENTH SCHEDULE

Slaughter of Animals (Adoptive By-laws)

1. Short title

These by-laws may be cited as the Slaughter of Animals (Adoptive By-laws), 1984.

2. Interpretation

In these by-laws—

"**animals**" include cattle, sheep, goat, swine and camel;

"**health officer**" means a Medical Officer of Health or a person duly authorised by him for any purpose of these by-laws;

"**hide**" means the hide of cattle or camel;

"**meat**" means the flesh of an animal and those parts of the remainder of the carcass which are used for human consumption;

"**skin**" means the skin of sheep, goat, or swine;

"**slaughter**" means the killing of an animal intended for the food of man and intended to be offered for sale as such;

"**slaughter place**" means any slaughter house, slab, or place authorised by the Local Government for slaughter of animals; and

"**to butcher**" means to cut up a carcass in order to prepare it as meat or other animal products;

"**to flay**" means to remove the hides and skin from the carcass;

"**veterinary officer**" means veterinary officer of the Ministry of Agriculture

and Natural Resources.

3. Permit to slaughter

(1) Subject to paragraph 14 of these by-laws, a person shall not slaughter an animal for sale unless—

(a) in a slaughter house; and

(b) under a permit from the Local Government.

(2) A permit shall be issued only on the recommendation of the Veterinary Officer given after a medical examination of the animal concerned.

(3) A permit to slaughter which shall be issued on payment of the prescribed fees shall be in the form set out in Appendix 1 hereto and shall be valid for one year from the date of issue.

[Appendix 1.]

4. Examination of animals

(1) The Veterinary Officer shall appoint a suitable time and place for the examination of animals intended for slaughter.

(2) Where any animal is passed as fit for slaughter, the Veterinary Officer shall recommend the issue of a permit under paragraph 3 of these by-laws.

5. Fees

The fees payable for examination and permit of any animal to be slaughtered in a slaughter house shall be as stated in Appendix 2 hereto.

[Appendix 2.]

6. Private slaughter house

(1) Without prejudice to paragraph 4 of these by-laws, a person who intends to use any premises as a private slaughter house shall in the first instance apply to the Local Government for a licence.

(2) The Local Government may impose and endorse on a licence any conditions which they think fit and may suspend or revoke a licence for breach of any of the conditions of these by-laws.

7. Examination of carcasses

(1) After the slaughter of an animal, the carcass shall be examined by the Veterinary Officer before any part of it is offered for sale.

(2) The whole or any part of a carcass found to be diseased shall be seized by the Veterinary Officer and destroyed at the expense of the owner.

8. Cleaning of slaughter house

It shall be the duty of any person who slaughters any animals at a slaughter house immediately to clean or clear away all blood, offal, and rubbish and to wash and clean the slaughter house to the satisfaction of the Veterinary Officer.

9. Sale of meat

Meat shall not be sold, offered for sale, or exposed for sale except in a market or in an approved butcher's shop.

10. Butcher's shop

(1) No person shall carry on the business of a butcher except with a permit issued by the Local Government in respect of premises approved by the Veterinary Officer.

(2) A permit issued under paragraph 3 of these by-laws shall expire on the thirty-first day of December, next following the date of issue.

(3) Premises shall not be approved as butcher's shop unless the following conditions are complied with—

(a) the rooms thereof shall have a minimum floor area of eleven square metres and a minimum ceiling height of three metres;

(b) the floors of the rooms shall be of concrete, the walls shall be tiled or

treated with other approved materials and the corners thereof shall be rounded in such a manner as in the opinion of the Veterinary Officer will facilitate the removal of dirt;

- (c) water supply shall be installed together with a suitable drainage system and the water appliance shall be so arranged that the entire room and its fittings can easily be swilled with water from a hose pipe;
- (d) the rooms shall not connect directly with any living quarters;
- (e) all tables and counters shall have tops impervious to water; and
- (f) the upper halves at least of the doors used by customers shall be glazed with glass so fitted as to enable the interior of a room in which meat is sold to be clearly visible from the outside at all times.

(4) The Local Government may endorse any conditions on a permit issued under these bylaws, and the endorsement may among other things relate to the use of scales, the installation of cold storage plant, the painting or lime washing of the premises and the hours of opening.

11. Handling and selling of meat

(1) A person who is employed in handling or selling of meat or delivering meat from a slaughter house to a butcher's shop shall take all such steps as may be reasonably necessary to protect meat from dust dirt, mud, filth, dirty water, animals, rodents, flies, insects and other sources of contamination by other persons and in particular shall cause the meat to be so placed as to prevent risk of contamination from such sources.

(2) Where it is reasonably necessary during delivery to protect the meat from such sources of contamination as are set out in the preceeding paragraph, he shall cover the meat and keep it with suitable clean material during transit.

12. Unauthorised entry prohibited

No person shall enter within the wall fence or any other structure enclosing a slaughter place unless he is either licenced in accordance with these by-laws or is one of the assistants authorised under such licence, or is authorised by the Local Government for that purpose.

13. Prohibition of unauthorised removal

The meat blood, carcass and offal and other part of any animal slaughtered shall be retained at a place until removal is authorised.

14. Exception

Nothing in these by-laws shall apply to the slaughter of sheep and goats as part of the celebration of religious festival or other religious ceremony or the slaughter of any animal received as a traditional gift.

15. Penalty

A person who contravenes any provision of these by-laws shall be guilty of an offence and liable on conviction to a fine not exceeding ₦50.00 or to imprisonment for a period not exceeding three months or both such fine and imprisonment.

APPENDIX 1

[Para. 3 (3).]

Permit to Slaughter

Licence is hereby granted
to.....

(Name and Address of Licencee)

Of.....whose signature or mark appears
below

to slaughter, flay and
butcher.....Cattle)

Camel)

Sheep)

Goat)

in accordance with the above named by-laws

atSlaughter house at such
times

as may be approved by the Local Government and to have to assist him at the Slaughter
house not more than three persons.

This licence shall be valid for one year and shall expire on
.....day

Of....., 20.....

Fees Paid: N : k.

Signature or

mark.....

Name.....

.....

Address.....

.....

Occupation.....

.....

Issued at.....this.....day of
20.....

APPENDIX 2

[Para. 5.]

Fees Payable

Cattle.....per

head

Sheepper

head

Goatper

head

Camelper

head

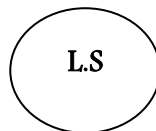
Swineper

head

The Common Seal of the

Local Government was hereto affixed

in the presence of—



.....

Local Government Secretary

SEVENTEENTH SCHEDULE

Parking and Abandonment of Vehicles (Adoptive By-laws)

1. **Short title**

These by-laws may be cited as the Parking and Abandonment of Vehicles (Adoptive

Bylaws), 1984.

2. Interpretation

In the by-laws—

"abandon" means to desert a vehicle on the highway whether temporarily or permanently and for any reason whatsoever;

"highway" means a public road, which all have right to go;

"parking" means leaving of vehicles whether attended to or unattended to on the highway;

"prohibited places/zones" mean places/zones where parking or abandonment of vehicles on the highway is forbidden;

"vehicle" means a mechanically propelled vehicle intended or adopted for use on roads including motor bicycle and scooter, for the conveyance of goods or persons, or for any other purpose whatsoever.

3. Prohibition of parking, etc.

(1) No vehicles, intended or adopted for use on roads for the conveyance of goods, persons, or for any other purpose, including motor bicycle and or scooter shall be allowed or caused to be allowed to be abandoned along both sides of the highway except where such abandonment was occasioned by mechanical faults, or any other faults, which made the movement of the vehicles impossible.

(2) Notwithstanding, subparagraph (1) hereof, where such abandonment occur due to the above reasons, it shall be the responsibility of the owner of such vehicle to remove the same without delay, in any case, not later than twenty-four hours after such abandonment except where such vehicle is subject to police investigation, in case of accidents, or detained by the police for any other reasons whatsoever.

4. Penalty

Any person contravening or failing to comply with the provisions of these by-laws shall be guilty of an offence and liable on conviction to a fine of ₦50.00 in respect of such an offence or default of payment to a term of imprisonment not exceeding three months.

5. Removal at owner's risk

(1) Notwithstanding, the provision of paragraph 4 of these by-laws, the Local Government reserves the right to remove vehicles parked or abandoned contrary to paragraph 3 of these by-laws.

(2) Vehicles so removed shall be entirely at owner's risks and the Local Government agents shall not be held responsible for any damage, loss or negligence, no matter how caused.

(3) For each vehicle so removed, a recovery fee of N20.00 shall be payable by the owner of such vehicle to the Local Government.

EIGHTEENTH SCHEDULE

Alienation of Land (Adoptive By-laws)

1. Short title

These by-laws may be cited as the Alienation of Land (Adoptive By-laws), 1984.

2. Interpretation

In these by-laws—

"**customary right of occupancy**" shall have the same meaning as in the Land Use Act, 1978.

3. Control of alienation of land

The holder of a customary right of occupancy shall not alienate his customary right of occupancy or part with possession thereof without the consent of the Local Government.

4. Application for permit and form of permit

An application for a permit shall be made to the Local Government as in Form of Appendix I hereto and a permit granted by the Local Government shall be as in Appendix 2 hereto.

5. Fees

The fee for such permit shall be as prescribed in Appendix 2 hereto which shall be paid to the Local Government by the holder of the customary right of occupancy.

6. Penalty

Any person who fails to comply with the provisions of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ₦100.00 or to imprisonment for a term not exceeding four months or to both fine and imprisonment.

APPENDIX 1

[Para. 4.]

FORMA

Application for a Permit to Alienate Land Government

Title number of customary right of occupancy.....

Full name of applicant
.....

Address of applicant.....

Description of land in respect of which permit is applied for.....

.....

.....

Area of
Land.....
Proposed date for completion of
alienation.....

I hereby apply for a permit to alienate the above described land by
sale/assignment/mortgage/ transfer of possession/sublease/bequest/or otherwise to:

FORM A—continued

Name.....

Address.....

Dated this.....day of....., 20.....

.....

Signature of Applicant

APPENDIX 2

[Paras 4 and 5.]

Permit to Alienate Land

Title number of customary right of
occupancy.....

.....of.....

.....

is hereby permitted to alienate by *sale/assignment/mortgage/transfer of possession
sublease/ bequest/or otherwise the land described below to—

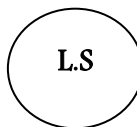
.....
.....
of.....land in respect of which
this
permit is
granted.....
.....
.....
.....

Fee Paid: ₦ : k.

Dated this.....day
of.....,20.....

The Common Seal of the Moro

Local Government was hereto affixed



in the presence of—

.....

Local Government Secretary

NINETEENTH SCHEDULE

Registration of Births and Deaths (Adoptive By-laws)

1. Short title

These by-laws may be cited as the Registration of Births and Deaths (Adoptive by-laws), 1984.

2. Interpretation

In these by-laws—

"particulars required to be furnished" means with reference to a birth the particulars comprised in Form A in Appendix 2 and, with reference to a death, the particulars comprised in Form B of the Appendix 2;

"to register in relation to a registrar" means to record in the proper book the particulars reported to him concerning a registrable birth or a registrable death; in relation to any other person, means to furnish to the best of his or her knowledge and belief to the registrar at the proper registration office, the particulars required to be furnished with regard to a registrable birth or death, and to sign the entry in the book relating to such birth or death.

[Second Schedule, Forms A and B.]

3. Appointment of Registrars and Registration Officers

The officers specified in the first column of the Appendix hereto and the offices specified in the second column of the said Appendix 1 shall for the areas described in the third column of the Appendix 1 be registrars and registration offices respectively for the purposes of these rules.

4. Duties of Registrar

A registrar shall keep such records and furnish such returns and perform such duties as the Local Government may direct.

5. Registration generally

Registrars shall be provided with Register Books in the Forms A and B in the Appendix 2 and shall subject to the provisions of these by-laws register in the proper book all births and deaths registrable in their areas immediately after the same have been reported to them.

[Appendix 2 Schedule, Forms A and B.]

6. Restriction on movement of register

No register shall be taken out of the registration office except by order in writing of the Local Government or by order of a court.

7. Births and deaths registrable

Every birth, other than the birth of a stillborn child, and every death occurring within an area described in the third column of the Appendix 1 shall be registrable.

[Appendix 1.]

Registration of Births

8. Duty to register birth

When a registrable birth occurs, the parents or in default of the parents the person having charge of the child according to customary law and custom, or in default of such person, if a birth took place in a house to the knowledge of the occupier thereof, such occupier, or if the birth took place in a compound to the knowledge of the head of such compound, then the head of such compound shall within fourteen days of the birth register the birth.

9. Late registration of births

Subject to the provisions of paragraph 10, a birth may be registered after the expiration of fourteen days from the date of such birth upon payment of the fees specified in the Appendix 3 to these rules.

[Appendix 3.]

10. No registration after five years

No birth shall be registered after the expiration of five years from the date thereof.

11. Procedure where birth not registered

When a birth has not been duly registered in accordance with these By laws the registrar may, by notice in writing in Form C of the Appendix 2 summon any of the persons

required by these By laws to register the birth to attend personally at the registry within such time as may be specified in the summons (being not less than two days after the receipt thereof and not more than twelve months after the date of the birth) and register the birth.

[Appendix 2, Form C]

12. Place of registration

The registration of a birth shall be made at the registration office for the area where the birth takes place.

13. Certificate

The registrar shall, upon payment of the fees specified in the Appendix 3 and upon registering any birth, deliver to the informant a certificate in the Form D in the Appendix 2.

[Appendix 3, Appendix 2]

14. Penalty for failure to register a birth

Any person responsible for the registration of a birth under paragraph 8 who fails to register or who fails to comply with a summons of the registrar or who shall wilfully refuse to answer any questions put to him by the registrar relating to the particulars required to be registered, shall be guilty of an offence and liable on conviction to a fine of N4.00 or in default of payment to imprisonment for a period of one month.

Registration of Deaths

15. Duty to register death

When a registrable death occurs, it shall be the duty of the next of kin according to native law and custom or, if there is no next of kin, the head of the house or compound in which the death occurs or if the death occurs elsewhere than in a house or compound and there is no next of kin according to native law and custom, then every person present at the death or in default of such person, every person finding or taking charge of the body, to register the death within forty-eight hours thereof at the office of the district in which the

death occurred.

16. No fee payable

No fee shall be payable in respect of the registration of a death.

17. Certificate of registration of death

The registrar shall sign the register and, if the person reporting the death applies for a death certificate, the registrar shall hand over to him after registration a certificate of registration in the Form E in, Appendix 2.

[Appendix 2.]

18. Form E. No registration after two years

No death shall be registered after the expiration of two years from the date thereof.

19. Procedure where death not registered

When a death has not been duly registered, the registrar may by notice in writing in the Form C in Appendix 2 summon any person required by these by-laws to register the death to attend personally at the registry within such time as may be specified in the summons (being not less than two days after the receipt thereof and not more than twelve months after the date of death or the finding of the body) to register the death.

[Appendix 2, Form C]

20. Penalty for failure to register a death

Any person required under paragraph 15 of these by-laws to register a death who fails to do so or who fails to comply with the summons of a registrar or who shall wilfully refuse to answer any question put to him by the registrar relating to the particulars required to be registered shall be guilty of an offence and liable on conviction to a fine of ₦40.00 or in default to imprisonment for a period of one month.

21. When an inquest is held

When an inquest is held on and a certificate rendered in respect of any dead body in

accordance with the provisions of section 32 of the Coroners Ordinance—

[Cap. 41 (1948).]

- (a) the fact of the death and the particulars contained in such certificate shall be entered in the register and, if such death has been previously registered, such particulars shall be entered without any alteration of the original entry;
- (b) no person shall with respect to such dead body or death be liable to attend upon a summons of a registrar, or be subject to any penalty for failing to give information in pursuance of any provision of these rules.

Correction of Errors in Registers

22. Correction of errors

Whenever it is found that a birth or death has been registered at the wrong registration office, the registrar of the registration office where such erroneous entry has been made shall correct the same by an entry in the margin, stating the circumstances under which the alteration was made and the date thereof. The entry shall be signed by the person, if any, by whom the information is supplied and also by the registrar, who shall then rule one clear line through the erroneous entry. The registrar shall thereupon notify the erroneous entry, the correction and all the circumstances under which the correction is made to the registrar of the registration office in which the birth or death should properly have been registered, who shall forthwith make a special entry, explaining the facts attending the same as notified to him by the registrar of such other district.

Searches and Certified Extracts from Register

23. Inspection and copies

Every person shall be entitled, at all reasonable hours, to inspect any entry in any

register and to have a certified copy thereof on payment of the fees specified in the Appendix 3.

[Appendix 3.]

24. Certificate of copies

Every such certified copy shall be an exact copy of the entry in the register with a certificate at the foot in the Form F in the Appendix 3 and shall be signed by the registrar.

[Appendix 3, Form F.]

APPENDIX 1

[Paras. 3 and 7.]

Registrars

Registration Office

Area

APPENDIX 2

FORM A

The Registration of Births and Deaths Rules

Births Register

	Number
	Date of birth
	Place of birth
	Sex of child
	Full name and tribe of father
	Full maiden name and tribe of mother
	Rank or occupation of father (or in default, of mother)

	Signature, description and address of informant
	Date of registration
	Signature of Registrar
	Name if added after registration of birth

FORM B

The Registration of Births and Deaths Rules

	Number
	Date of Death
	Place of death
	Full name
	Sex
	Age
	Rank or occupation
	Abode
	Cause of death
	Name of certifying Practitioner (if any)
	Duration of illness
	Place of burial
	Signature, description address of informant
	Date of registration
	Signature of Registrar

FORM C

The Registration of Births and Deaths Rules

Registrar's Summons to Appear and Testify

To.....

...

Of.....you are hereby required to appear before me, the undersigned

Registrar of Births and Deaths aton the.....

day of.....,20to register a birth/death.

In default of appearance, you will be liable to a penalty of Four Naira (N4.00) or in default of payment to imprisonment for one month.

Dated this.....day of
,.....20.....

.....

Registrar

FORM D

The Registration of Births and Deaths (Adoptive By-laws)

Certificate of Registration of Birth

I.....

Registrar of

Births and Deaths at.....in Nigeria, do hereby certify

that I have this day registered the birth

of.....

FORM D—continued

.....born at

on ,.....20....., the child of.....

Given under my hand thisday of.....,
20.....

.....

Registrar

FORM E

The Registration of Births and Deaths (Adoptive By-laws)

Certificate of Registration of Birth

I..... Registrar of
Births and Deaths at.....in Nigeria, do hereby
certify

that I have this day registered the death of.....at
.....

on theday of
,.....20.....

Given under my hand thisday of
.....20.....

.....

Registrar

FORM F

The Registration of Births and Deaths (Adoptive By-laws)

Certificate of Correctness of Copy of Entry in Register Copy of Entry

Certified to be a true copy of an entry in the Register of Births/Deaths

at.....

.....

.....

Given under my hand thisday of.....,

20.....

.....

Registrar

APPENDIX 3

[Paras. 9, 13, 23, and 24.]

Fees for Registering a Birth

N

(a) after the expiration of thirty days from such birth

.....2

(b) after the expiration of twelve months from such birth

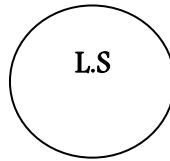
.....3

APPENDIX 3—continued

for inspecting any entry in a register and obtaining a certified copy thereof

Dated this.....day of20.....

The Common Seal of the
Local Government was hereto affixed
in the presence of—



.....

Local Government Secretary

LOCAL GOVERNMENT (MEMBERSHIP OF TRADITIONAL COUNCIL) (ILE-IRE DISTRICT)

ORDER

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Membership of traditional council.
3. Appointment of Oba Solomon Adeniyi Asinbiorin II as a member of council.

LOCAL GOVERNMENT (MEMBERSHIP OF TRADITIONAL COUNCIL) (ILE-IRE DISTRICT)

ORDER

[KWS LN 6 of 1987.]

[Date of commencement: 26th August, 1986]

In exercise of the powers conferred by section 76 of the Local Government Law, 1976 (as amended) and of all other powers enabling me in that behalf, I, Wing Commander Mohammed Ndatsu Umaru, Military Governor, Kwara State of Nigeria hereby makes the

following order—

1. Short title and commencement

This order may be cited as the Local Government (Membership of Traditional Council) (Ile-Ire District) Order, 1986 and shall be deemed to have come into force on the 26th day of august, 1986.

2.

(1) For the Ifelodun and Irepodun Traditional Councils (hereinafter referred to as the "Council") there shall be appointed as member, a representative of the Ile-Ire district.

(2) Representatives of the Ile-Ire district on the Council as reconstituted in subparagraph (1) of this paragraph shall be rotated between the Owa Kajola and the Owa Onire beginning with Owa Kajola.

3. Appointment of Oba Solomon Adeniyi Asinbiorin II as a member of council

For the avoidance of doubt, Oba Solomon Adeniyi Asinborin II, Owa Kajola is hereby appointed as the current member of the Council.

ILORIN LOCAL GOVERNMENT (CONTROL OF NOISE POLLUTION)

BY-LAWS

ARRANGEMENT OF SECTIONS

SECTION

1. Citation.
2. Interpretation.
3. Repeal.
4. Savings.
5. Prohibition of night Parties.

6. Permit to hold day parties.
7. Closure or Obstruction of road.
8. Penalties.
9. Power of arrest.
10. Prosecution.

FIRST SCHEDULE

SECOND SCHEDULE

LOCAL GOVERNMENT LAW (NO. 8) 1976 ILORIN LOCAL GOVERNMENT (CONTROL OF NOISE POLLUTION) BY-LAWS

[KWS LG LN No. 5 of 1991.]

[Date of commencement: *15th June*, 1991]

In exercise of the powers conferred by section 67 of the Local Government Law, 1976 (as amended) and of all other powers enabling in that behalf, the Ilorin Local Government hereby makes the following by laws—

1. Citation

These by-laws may be cited as the Ilorin Local Government (control of noise pollution) by-laws, 1991.

2. Interpretation

In these By-laws, unless the context otherwise requires—

"**day**" means the period from 6.00 a.m. to 6.30 p.m.;

"**Local Government**" means the Ilorin Local Government;

"**Night**" means the period from 6.30 p.m. to 6.00 a.m.;

"Party" means any feast or gathering staged in an open place involving the beating of drums but does not include those held in hotels or in-door.

3. Repeal

Subject to the provisions of these by-laws, the Ilorin Local Government (Tight Security-Night Party) by-law, 1991 is hereby repealed.

4. Savings

(1) Nothing in these by-laws shall be construed as prohibiting or invalidating the continuation of any inquiry or proceeding taken, order made or resolution passed pursuant to the repealed by-law.

(2) The provisions of these by-laws shall apply to any steps or action, inquiries or proceedings pending under the repealed by-law.

5. Prohibition of night parties

(1) The holding of night parties within the Local Government is hereby prohibited.

(2) Any person who organises or performs in a night party involving the beating of drums within the Local Government in contravention of the provisions of subparagraph (1) herein shall be guilty of an offence.

6. Permit to hold day parties

Any person who seeks to organise a day party shall first of all obtain a permit from the Local Government as in Form I in the First Schedule hereto upon the payment of a fee as contained in the second column of the Second Schedule hereto.

[First and Second Schedules.]

7. Closure or obstruction of road

Any person who seeks to close or cause any obstruction to the free flow of traffic on any road for the purpose of staging a party shall first obtain a permit from the Local

[First and Second Schedules.]

Any person who contravenes or fails to comply with any of the provisions of by-laws 5, 6 and 7 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding N400.00 or three months imprisonment or both such fine and imprisonment.

Any person found committing any offence under the provisions of these by-laws may be arrested without a warrant by a Police Officer, a Security and Civil Defence Corp member, a Public Health Officer or a staff of the Local Government.

A Police Officer or Public Health Officer shall have power to prosecute any person for any offence committed under these By-laws before any court of law.

Permit to Hold Out-Door Party

Permit is hereby granted
to.....
.....of.....
..... to organise party and/or close.....

.....Road at No.....of..... in
Ilorin

Local Government Area of Kwara State. This permit is valid for a period
between.....to

.....of.....day

of.....19.....

Fee paid.....(N :
k)

(Amount in words)

Issued at Ilorin this.....day
of.....,19.....

.....

Signature of Payer

.....

Signature of Issuer

SECOND SCHEDULE

Fees for Permits

Holding of party.....

₦100.00

Closure or obstruction of
road.....₦250.00

EMIRATE AND TRADITIONAL COUNCILS (ESTABLISHMENT) ORDER

ARRANGEMENT OF ORDERS

ORDER

1. Short title.
2. Establishment of Emirate Traditional Councils.

EMIRATE AND TRADITIONAL COUNCILS (ESTABLISHMENT) ORDER

In exercise of the powers conferred by section 76 (1) of the Local Government Law, Cap 92 of the Laws of Kwara State of Nigeria 1994, and by virtue of all other powers enabling me in that behalf, I, Doctor Abubakar Bukola Saraki, the Governor of Kwara State, hereby make the following order—

[Date of commencement: *5th October, 2005*]

1. Short title

This order may be cited as the Emirate and Traditional Councils (Establishment) Order, 2005.

2. Establishment of Emirate Traditional Councils

(1) There is hereby established the Emirate and Traditional Councils set out in the first column of the Schedule.

(2) The headquarters of each Council shall be as specified opposite the name of the Council in the second column of the Schedule.

(3) The chairman of each Council shall be as specified opposite the name of the headquarters of the Council in the third column of the Schedule; but in respect of the Baruten Local Government Traditional Council, the Chairmanship shall rotate yearly among the specified Emirs.

SCHEDULE

Emirate and Traditional Councils

<i>First Column</i>	<i>Second Column</i>	<i>Third Column</i>
Emirate or Traditional Council	Headquarters	Chairman of Council
Ilorin Emirate Council (comprising Asa, Moro, Ilorin East, Ilorin South, and Ilorin West Local Government Areas)	Ilorin	Emir of Ilorin
Patigi Emirate Council	Patigi	Etsu Patigi
Edu Local Government Emirate Council	Lafiagi	Emir of Lafiagi
Offa Local Government Traditional Council	Offa	Olofa of Offa
Oyun Local Government Traditional Council	Erin-Ile	Elerin of Erin
Ifelodun Local Government Traditional Council	Igbaja	Elese of Igbaja
Irepodun Local Government Traditional Council	Ajase-Ipo	Olupo of Ajase-Ipo
Isin Local Government Traditional Council	Isanlu-Isin	Olusin of Isanlu-Isin
Ekiti Local Government	Osi	Olosi of Osi

Traditional Council		
Oke Ero Local Government Traditional Council	Ilofffa	Alofffa of Ilofffa
Kaiama Emirate Council	Kaiama	Emir of Kaiama
Baruten Local Government Emirate Council	Kosu-Bosu	Emir of Okuta Emir of Yashikira Emir of Ilesha- Baruba Emir of Gwanara