

2006 - ADAMAWA STATE AGENCY FOR MUSEUMS AND MONUMENTS LAW

ADAMAWA STATE AGENCY FOR MUSEUMS AND MONUMENTS LAW, 2006

ARRANGEMENT OF SECTIONS

Section

PART 1 – PRELIMINARIES AND ESTABLISHMENT OF THE AGENCY

1. Citation and Commencement
2. Interpretation
3. Establishment of the Agency
4. Composition of the Agency
5. Tenure
6. Procedure
7. Objectives
8. Functions of the Agency

PART II – DECLARATION OF ANTIQUITIES AS STATE MONUMENTS, ETC.

9. Special powers of the Agency
10. Steps towards declaration of antiquity as a State Monument
11. Powers in relation to antiquity pending declaration as State Monument
12. Powers to maintain other Monuments
13. Public access to Monuments
14. Compensation to Owners
15. Offences in relation to Monuments

PART III – EXCAVATION AND DISCOVERIES

16. Restriction of Excavation
17. Discovery of Objects of Archaeological interest

PART IV – PROHIBITED TRANSFERS

18. Ban on buying and selling of antiquities
19. Search
20. Registration of antiquities
21. Clearance permit
22. Export procedure
23. Regulations

PART V – STAFF OF THE AGENCY AND FINANCIAL PROVISIONS

24. Director-General of the Agency
25. Appointment of Directors and other staff of the Agency
26. Establishment of fund by the Agency
27. Power to accept gifts
28. Borrowing power and investment
29. Annual Estimates, Accounts and Audits.

A Law to establish the Adamawa State Agency for Museums and Monuments and to provide for matters incidental thereto

[23rd September, 2006]

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

PART I – PRELIMINARIES AND ESTABLISHMENT OF THE AGENCY

1. This Law may be cited as the Adamawa State Agency for Museums Citation and Monuments Law, 2006 and shall come into operation on the commencement 23rd day of September, 2006.

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

"accredited agent" means the Director-General or any employee of the Agency or any person or

body in the State, authorized by the Governor to act for the Agency;

"antiquity" means–

- (a) any object of archaeological interest or land in which any such object was discovered or is believed to exist;
- (b) any relic of early human settlement or colonization; or
- (c) any work of art or craft work, including any statue, model, clay figure, figure cast or rust metal, carving, house post, door, ancestral figure, religious mask, staff, drum, bolt, ornament, utensil, weapon, armor, regalia, manuscript or document of such work of art or craft work is of indigenous origin;

"the Agency" means the Adamawa State Agency for Museums and Monuments established under Section 3 of this Law; "Governor" means the Executive Governor of the State; "the National Commission" means the National Commission for Museums and Monuments;

"Local Government" means any Local Government Council in the State;

"maintenance" in relation to an antiquity, includes the fencing, repairing and covering of any antiquity and the doing of any other act or thing which may be required for the purpose of repairing of the antiquity or protecting it from decay or injury;

"monument" or "state monument" means any antiquity declared to be such under Section 10 of this Law; "object of archaeological interest" means –

- (a) any fossil remains of man or of animals in association with man; or
- (b) any side trace or ruin of an ancient habitation, working place, hidden or sacred places; or
- (c) any ancient structure, erection, memorial, causeway, bridge, carin, tumulus, grave, shine, cave excavation, well, water tank, artificial hole, monolith, grove of stores, earthwork, wall, gateway or fortification; or
- (d) any antique tool or object of metal wood, stone, clay, leather, textile, basket wear or other material .

3. (1) There is established for the State a body to be known as the Adamawa State Agency for Museums and Monuments, which shall have the functions assigned to it by this Law.

(2) The Agency shall be a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name.

4. The Agency shall consist of a Director-General and some key staff to be appointed by the

Governor.

5. A person appointed as a Director-General of the Agency shall hold office for four years and shall be eligible for re-appointment for one further period of four years.

6. The Agency may make standing orders regulating the proceedings of the Agency, meetings of any of its committees thereof.

7. The objectives for which the Agency was established are the following:

(a) to revive and reform the cultural heritage, natural endowment and valuable history of the State;

(b) to harness the cultural heritage of the State for mutual co-existence, social growth, and human development;

(c) to refurbish, package and preserve our traditional heritage for the purpose of education, recreation and tourist development; and

(d) to establish modern museums and monuments with up-to-date instruments of archaeological research, museological documentation, and tourism development.

8. (1) The functions of the Agency shall be:-

(a) to set up and administer State Museums, Monuments and antiquities;

(b) to establish and maintain State Museums and other outlets for or in connection with, but not restricted : only to the following, that is -

(i) antiquities;

(ii) science and technology;

(iii) traditional warfare;

(iv) African, Black and other antiquities;

(v) Arts and crafts;

(vi) Architecture;

(vii) Natural history; and

(viii) Educational services.

(c) to make recommendations to any local government or other person or authority concerning the establishment and management of museums and preservation of antiquities and monuments, not being state museums.

(2) The powers conferred on the Agency under this Section may be exercised on its

behalf by any person or authority authorized either generally or specially by the Agency in that behalf.

9. (1) The Agency may if it considers that any antiquity is in need of protection or preservation and ought in the national interest to be protected or preserved publish notices to that effect in the State Gazette and cause a copy of the notice to be served on the owner of the antiquity concerned and every such notice shall –

- (a) specify the antiquity and the place where it is or believed to be;
- (b) state that it is intended to make an application to the Governor to declare the antiquity to be state monument; and
- (c) state that any objection to such declaration shall be lodged with the Agency within two months from the date of publication of the notice.

(2) The Agency shall in any case in which it is reasonably practicable so to do, cause a copy of any notice published under subsection (1) of this section to be posted in a conspicuous place on or near the antiquity to which it relates and additional copies shall be sent to the Local Government in which the antiquity is located; and the Secretary to the Local Government concerned shall post a copy of such notice in a conspicuous place in the premises of such Local Government, the antiquities and monuments declared to be state antiquities and monuments.

(3) For purposes of the proper discharge of its functions under this Law, the Agency –

- (a) shall have power to acquire and dispose of any interest in land or other property; and
- (b) may by agreement of the owner of any antiquity undertake or make arrangement for the maintenance of any such antiquity on such terms and conditions as may be approved by the Agency.

PART II – DECLARATION OF ANTIQUITIES AS STATE MONUMENTS, ETC

10. (1) For the purpose of the discharge of its functions under this Special Powers. Law, the Agency may –

- (a) for the purpose of discovering antiquities in any area, carry out excavation with the knowledge of the Local Government and Traditional authorities concerned;

- (b) by agreement with the owner of any antiquity (other than a monument) undertake its maintenance or any other measures which the agency would have power to undertake if such antiquity were a State Monument;
- (c) if the Agency considers it expedient that any antiquity (other than a monument) should be preserved in a Museum, and with the knowledge of the Local Government concerned, arrange for the purchase or loan of the antiquity and its removal to a state or other approved Museum; and
- (d) enter upon any land where archaeological excavations or other operations are being carried on, and inspect same.

(2) From the date of publication of a notice under subsection (1) of this section, until the publication of an order by the Governor under subsection (4) of this section or if no such order is published until the expiring of three months thereafter, it shall be an offence to destroy, deface, alter, remove or excavate or to transfer the possession of the antiquity to which the notice relates except with the permission in writing of the Agency. ;

(3) The Agency shall within one month after the publication of a notice under subsection (1) of this section, submit to the Governor in such manner as may be prescribed, its application for the declaration as a State Monument of the antiquity to which the notice relates.

(4) An application submitted under sub-section (3) of this section shall be considered by the Governor together with any objections furnished in relation thereto and the Governor may with prior approval of the State Executive Council by order published in the State Gazette either declare the antiquity to which the application relates to be a State Monument, or notify his refusal to do so:

Provided that no such declaration shall be made after the expiration of three months from the date of publication of the notice under subsection (1) of this Section to which the application relates.

- (5) An order made under subsection (4) of this Section –
 - (a) may at any time be revoked by the Governor with the like consent whereupon the antiquity to which it relates shall cease to be a State Monument; and
 - (b) shall, unless and until it is revoked be conclusive evidence of the fact that the antiquity to which it relates is a State Monument.
- (6) Any person who contravenes the provision of subsection (2) of this section shall be guilty of an offence and shall be liable on conviction to a fine of ₦5,000.00 or

imprisonment for six months or to both such fine and imprisonment.

11. Where a notice has been published in respect of antiquity under subsection (1) of section 10 of this Law, and the Agency considers that it is necessary to take immediate steps for the protection or preservation of an antiquity, the Agency may if so authorized by the Governor do all such things as it would have been entitled to do if the antiquity had been declared a State Monument.

12. The Agency may with the consent of the owner of a monument, or if it appears to it that the monument is in danger of decay, destruction or removal or damage from neglect or injudicious treatment, maintain such monument and may –

(a) have access at all reasonable times to the monument for the purposes of inspecting it and doing such acts as may be required for maintenance thereof; and

(b) where practicable remove the monument or any part of it for purposes of repair or protection for such period as may be agreed between the owner thereof and the Agency.

13. The public shall have access to a monument to such extent including where applicable the payment of such fees as may be determined by the Agency.

14. (1) Where an antiquity has been declared to be a State Monument as provided in this Law, the owner thereof shall be entitled to compensation for the value at the time of declaration and thereafter any estate, right, title and interest in and to such antiquity shall be extinguished.

(2) In case of dispute as to the amount of compensation payable under this section, such dispute shall be referred to a court of competent jurisdiction in the area concerned.

15. (1) Any person who, save as it is provided in the law, willfully destroys, defaces, alters, removes or excavates any Monument, shall be guilty of an offence and shall be liable on conviction to a fine of ₦10,000.00 or twice the value of such Monument (whichever is higher) or to imprisonment for twelve months or to both such fine and imprisonment.

(2) Any person who, without lawful authority destroys, defaces, alters or removes any Monument or any notice, mark or sign, denoting any Monument or any fence, covering or other thing erected or provided for the maintenance of a Monument, shall be guilty of an offence and liable on conviction to a fine of ₦5,000.00 or to imprisonment for six months or to

both such fine and imprisonment.

(3) Nothing in the foregoing provisions of this section shall be construed as prohibiting the doing by the holder of a mining title of any act in relation to a Monument or a thing erected or provided for maintenance of a Monument which is within the area to which a mining title relates to—

- (a) such act is authorized by the mining title;
- (b) the mining title was granted or became effective before the date on which the Monument was so declared; and
- (c) the holder has given the Agency at least three months notice in writing of his intention to do such act.

PART III – EXCAVATION AND DISCOVERIES

16. (1) No person shall by means of excavation or similar operations search for any antiquities unless authorized by permit issued by the Agency or the National Commission and with the consent of the Local Government in whose territory the search is to be carried out.

(2) The Agency shall before issuing a permit under this section satisfy itself that the applicant is competent by training and experience to carry out the operations for which the permit was required and may in its discretion require to be satisfied that he has the financial means or the financial or other support of an archaeological or scientific society or institution of good repute.

(3) A permit issued under this section:—

- (a) may be subject to such conditions as the Agency may deem fit to impose;
- (b) may at any time be revoked by the Agency without any reason being assigned; and
- (c) shall not of itself confer any right to enter upon any land without the consent of the holder or occupier of the land or of any other person entitled to grant such consent.

(4) Notwithstanding the issue of a permit under this section, the person to whom the permit was issued and all persons engaged in any excavation or other operations to which the permit relates shall, if so requested by any person duly authorized in writing by the Agency that they may be resumed.

(5) Any person who contravenes the provision of subsection (1) of (4) of this section or fails to comply with any conditions of a permit granted to him under this section, shall be guilty of

an offence and liable on conviction to a fine of ₦ 5,000.00 or imprisonment for six months.

17. (1) Any person who discovers an object of archaeological interest in the course of operations permitted under section 16 of this Law shall, not later than seven days thereafter, give notice thereof to the Agency.

(2) Any person who discovers an object of archaeological interest otherwise than in the course of operations mentioned in subsection (1) of this section shall, not later than seven days thereafter, give notice thereof together with particulars of the place and the circumstances of the discovery to the Agency and to the Secretary to the Local Government where such discovery is made or to such other person as may be prescribed.

(3) Any person who knowingly fails to comply with any of the foregoing provisions of this section shall be guilty of an offence and liable on conviction to a fine of ₦5,000.00 or to imprisonment for six months.

(4) A magistrate shall notwithstanding the provisions of any other enactment, have jurisdiction for the summary trial of any matter under this part of this Law and may impose any fine, any sentence or any other penalty, provided by this Law.

PART IV – PROHIBITED TRANSFERS

18. (1) No person Shall –

- (a) buy any antiquity unless he is an accredited agent; or
- (b) sell any antiquity to any person other than an accredited agent.

(2) Any person who contravenes the provisions of this section, shall be guilty of an offence and on conviction shall be liable to a fine of ₦20,000.00 or five times the value of the antiquity, whichever is the greater, or to imprisonment for three years, and the court imposing the fine or the imprisonment shall make an order for the forfeiture of the antiquity connected with the offence to the State.

19. (1) The Agency or anyone authorized by it, may at anytime search with a warrant issued by a magistrate, any person or the property of any person reasonably suspected of:-

- (a) buying any antiquity while he is not an accredited agent;
- (b) selling any antiquity to a person who is not an accredited agent and anything

reasonably suspected to be antiquity together with any container in which it is kept may be seized.

(2) Anything seized under subsection (1) of this section shall as soon as possible be taken before a magistrate who shall make an order of the forfeiture of the tiling seized together with any container in which it is kept to the state, if it is established that the tiling seized is an antiquity and that it has been bought or sold contrary to the provisions of section 18 of this Law.

20. (1) Any person who has an antiquity in his possession or under his control either before or after the commencement of this Law shall, if so demanded by an accredited agents register the antiquity with the accredited agent who may call upon him in person between the hours of 8.00 am and 6.00 pm any day, except on work-free days, for that purpose,

(2) Any antiquity not so registered by a person who is in possession or control of it when an accredited agent has called upon him in person for the registration thereof shall be liable to seizure by a police officer, but the antiquity shall not be forfeited except on the order of a magistrate.

21. (1) Where a person is in any doubt as to whether or not the object in his possession is an antiquity, he may apply in person, or in writing, attaching the object in his possession or a photograph of it, to the Agency for the determination of the matter.

(2) Where the Agency is satisfied that the object in the possession of the application is not an antiquity, it may issue a permit (hereinafter called a "clearance permit") in respect of that object.

(3) A clearance permit issued in respect of an object shall be conclusive proof that the object is not an antiquity.

22. The Agency may facilitate the application for the export of antiquity through the National Commission.

23. Subject to the other provisions of this Law, the Governor may make regulations generally for the purposes of this Law and the due administration thereof.

PART V – STAFF OF THE AGENCY AND FINANCIAL PROVISIONS

24. (1) There shall be an officer of the Agency to be known as the Director-General who shall

be appointed by the Governor.

(2) The Director-General shall be the chief executive of the Agency and shall hold office on such terms and conditions as may be specified and shall hold office on such terms and conditions as may be specified in his letter of appointment or on such other terms and conditions as may be determined from time to time.

25. (1) There shall be appointed by the Agency the following officers, that is

- (a) a Director of Museums and Monuments;
- (b) a Director of Research and Training; and
- (c) a Director of Administration and Finance.

(2) The Director of Museums and Monuments shall be responsible to the Director-General for the upkeep and general maintenance of Museums and Monuments under the control or management of the Agency and the collection of stock for such Museums and identification to be declared as Monuments.

(3) The Director of Research and Training shall be responsible to the Director-General for coordinating research staff and research projects of the Agency and collation and publication of research material and for training of technical staff of the Agency and from elsewhere.

(4) The Director of Administration and Finance shall be responsible to the Director-General for the day-to-day administration and for the finances of the Agency.

(5) There may be appointed, seconded or posted from the state civil service such other staff as the Agency may require for the purposes of the efficient performance of the functions conferred on the Agency under or pursuant to this Law.

26. (1) The Agency shall establish and maintain a fund which shall be applied towards the promotion of the objectives specified in this Law.

(2) There shall be paid and credited to the fund established pursuant to subsection (1) of this Section-

- (a) such sums as may be provided in each financial year to the Agency by the State Government;
- (b) fees charged for services rendered by the Agency;
- (c) subject to Section 27 (2) of this Law, all sums accruing to the Agency by way of endowments or contributions from philanthropic persons or organizations or otherwise howsoever.

27. (1) The Agency may accept gifts of any antiquity, monument or museum or of any land, money, loan, building work of art or other property connected with its functions under or pursuant to this Law upon such terms and conditions, if any, as may be specified by the person or organization making the gift.

(2) The Agency shall not accept any gift if the conditions attached by the person or organization making the gift or the acceptance thereof are inconsistent with the functions of the Agency.

28. (1) The Agency may, with the consent of the Governor, borrow by way of loan or overdraft from any source and sums required by the Agency for meeting its obligations and discharging its functions under this Law.

(2) The Agency may invest any surplus funds in such securities as may be approved by the Governor.

29. (1) The Agency shall cause to be prepared not later than 31st December in each year, an estimate of the expenditure and income of the Agency during the next succeeding financial year and when so prepared, it shall be submitted to the State Executive Council for approval.

(2) The Agency shall cause to be kept proper accounts and proper records in relation thereto and when certified by the Agency such accounts shall be audited as provided in subsection (3) of this section.

(3) The accounts of the Agency shall be audited as soon as may be after the end of each financial year by auditors appointed by the Agency with the approval of the Governor and the fees of the auditors and the expenses of the audit generally shall be paid from the funds of the Agency.

(4) Before appointing auditors as provided in subsection (3) of this section, the Agency consult the State Auditor-General.

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

HAJIYA ASMA'U G. SALIMU,

Clerk to Adamawa State House of Assembly.

I assent this 23rd day of September, 2006.

BONI HARUNA,
Governor,
Adamawa State of Nigeria.

SCHEDULE OF BILL

SHORT TITLE	LONG TITLE	SUMMARY OF CONTENTS	DATE PASSED BY HOUSE
Adamawa State Agency for Museums and Monuments Law, 2006.	A bill for a Law to establish the Adamawa State Museums and Monuments and to provide for matters incidental thereto.	The Bill seeks to establish an agency to harness the cultural heritage of the state to set up modern museums and monuments with up to date instruments of museological documentation and tourism development.	1 st August, 2008

HAJIYA ASMA'U G. SALIMU,
Clerk to Adamawa State House of Assembly.