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Lagos State Government Notice No. 62

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Pages

LAW. No. 7 - A Law to prohibit forceful entry and illegal occupation of Landed properties, violent and fraudulent conducts in relation to Landed Properties in Lagos State and connected purposes.

A47-51



MR. AKINWUNMI AMBODE
GOVERNOR OF LAGOS STATE.

Law No. 7

2016

Lagos State of Nigeria

ALAW
TO PROHIBIT FORCEFUL ENTRY AND ILLEGAL OCCUPATION OF
LANDED PROPERTIES, VIOLENT AND FRAUDULENT CONDUCTS IN
RELATION TO LANDED PROPERTIES IN LAGOS STATE AND FOR
CONNECTED PURPOSES

(15th August 2016)

Commence-
ment.

THE LAGOS STATE HOUSE OF ASSEMBLY enacts as follows:

1. In this Law unless the context otherwise requires –

Interpreta-
tion.

“Agent” means a person who acts or purports to act on behalf of any party to a real property transaction, whether in respect of a sale, lease, license, mortgage or other dealings or disposal of, or relating to the property including any person engaged for the purpose of forceful take over or sale of a landed property;

“Access” means right to enter or make use of any part of any site, building or property.

“Construction Activities” includes roofing, repairs, decking, fencing and other building works, restoration or improvement on any property;

“Encroachment” means entry into another’s property without right or permission; trespass, violation, intrusion and usurpation;

“Landed property” means a property, a parcel of land, an improvement on a land, a building, any land ancillary to a building, a site comprising of any building(s) with any land ancillary to it.

“State” means Lagos State of Nigeria.

Prohibition of
Forceful Land
Take Over

2.

(1) As from the commencement of this Law a person or group of persons shall not use force or self-help to take over any landed property or engage in any act inconsistent with the proprietary right of the owner in the State.

(2) A person or group of persons who having used force to take over a landed property in the State before the commencement of this Law and still remains in possession of the said property three (3) months after the commencement of this Law commits an offence.

(3) A person who commits an offence under the provisions of subsections (1) and (2) above shall on conviction be liable to ten (10) years imprisonment.

Prohibition of
Entry by
Violence.

3.

(1) A person who, without lawful authority, uses or threatens violence for the purpose of securing entry into any landed property for himself or for any other person commits an offence.

(2) A person's right to possession or occupation of any property shall not for the purposes of subsection (1) of this Section constitute lawful authority for the use or threat of violence by him or anyone acting on his behalf for the purpose of securing entry into that property.

(3) For the purpose of this Section, an offence is committed whether or not-

- (a) the violence is directed against the person or against the property; and
- (b) the violence is intended to secure entry for the purpose of acquiring possession of the property or for any other purpose.

(4) (a) A person who commits the offence of forceful entry under the provisions of this Law shall on conviction be liable to ten (10) years imprisonment.

(b) Any person who-

- (i) makes forceful entry with firearms, offensive weapons or any obnoxious or chemical materials;
- (ii) is in company of any person so armed; or
- (iii) wounds or uses violence on any person contrary to this Section

commits an offence and is liable on conviction to four (4) years imprisonment.

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| <p>4. (1) A person who is occupying a property as an encroacher and fails to leave the property on being required to do so by or on behalf of the owner of the property commits an offence.</p> <p>(2) A reference in this Law to property includes a reference to an access to the property, whether or not any such access itself constitutes property, within the meaning of this Law.</p> <p>(3) Anyone who enters or is in occupation of any property by virtue of any-</p> <p>(a) title derived from an encroacher ;or</p> <p>(b) license or right given by an encroacher shall himself be treated as an encroacher for the purpose of this Law and references in this Law to a person entering, being on or occupying any property as an encroacher shall be construed as such.</p> <p>(4) Anyone who is on any property as an encroacher shall not cease to be an encroacher by virtue of being allowed time to leave the property.</p> <p>(5) A person who commits an offence under the provision of this Section shall on conviction be liable to a fine not exceeding five million naira (N5,000,000.00) or to five (5) years imprisonment or both.</p> | <p>Illegal Occupation of Property.</p> |
| <p>5. From the commencement of this Law a person shall not cause to be placed on any land or landed property, any land agent(s) for the purpose(s) of forceful take over of the said land.</p> | <p>Use of Land Agents.</p> |
| <p>6. No Law Enforcement Agent, Vigilante group, ethnic, cultural/ traditional militia shall execute the judgment of a Court in respect of any landed property except as may be provided for under the Sheriff and Civil Process Act or any other Law.</p> | <p>Illegal use of Law Enforcement Agent etc.</p> |
| <p>7. A person who is on any property as an encroacher and having with him on the property any firearms, dangerous/offensive weapon(s) commits an offence and is liable on conviction to ten (10) years imprisonment.</p> | <p>Encroaching with a Weapon.</p> |
| <p>8. (1) Any person who-</p> <p>(a) offers for sale any property knowing that he has no lawful title to the property or authority of the owner to offer for sale commits an offence and is liable on conviction to a fine of five hundred thousand naira (N500,000.00) or six (6) months imprisonment or both;</p> <p>(b) sells a property knowing that he has no lawful title to the property or that the property has been previously sold by him or his privies; and</p> <p>(c) without lawful authority of the owner sells the property entrusted to him,</p> <p>commits an offence and is liable on conviction to a fine not</p> | <p>Sale of Property Without Authority.</p> |

exceeding 100% of the value of the property or to imprisonment for five (5) years or both, and the property shall revert to the lawful owner.

- (2) A person shall not sell or cause to be sold-
- (a) family land, property or any part of it without the consent or authority of the family head and other accredited members of the family;
 - (b) Government land, property or any part of it without the consent or authority of the State.
- (3) A person or group of persons shall not sell or offer for sale any land that has been previously sold without a Court Judgment repudiating the earlier sale.
- (4) A person or group of persons that contravenes the provisions of subsections (2) and (3) above commits an offence and is liable on conviction to twenty-one (21) years imprisonment.

Professional
Misconduct.

9. A Professional-

- (1) shall not in the conduct of his professional duties facilitate a Contractual Agreement between a land owning family and any other person knowing that such contractual Agreement will contravene the provisions of this Law or any other Law;
- (2) who executes a judgment of Court without following due process as provided for in the Sheriff and Civil Process Act or any other Law commits an offence;
- (3) who contravenes the provision of subsection (1) above commits the offence of aiding and abetting the commission of such offence;
- (4) found guilty under the provisions of this Law shall be reported to the relevant professional body for misconduct and necessary actions.

Frivolous
Petitions.

10. (1) A person(s) shall not write frivolous and unwarranted petitions to any Law Enforcement Agency knowing such claims contained in the petition to be false.
- (2) A petition in respect of a landed property shall be accompanied by a sworn declaration by a petitioner.

Demand for
Fee, etc.

11. (1) A person shall not, whether for himself or acting as an agent demand for any fee or levy in respect of construction activities on any property, disrupt or obstruct construction works provided that the provision of this Section shall not be interpreted to preclude land owning families under the authorization of the family head to demand for the customary fee for possession (in the name of foundation levy) from buyers, or ratification fee pursuant to judgment of a court of competent jurisdiction.

(2) Any person who contravenes the provision of subsection (1) above commits an offence and shall on conviction be liable to a fine not exceeding one million naira (₦1,000,000.00) or two (2) years imprisonment or both.

12. There is established a Task Force Unit in the State which shall be responsible for the enforcement of the provisions of this Law.

Establishment
of Task Force
Unit.

13. The power to arrest under this Law shall be vested in the Task Force Unit establish under this Law, and any other Law Enforcement Unit/Agency in the State

Power to
Arrest.

14. The Special Offences Court or any other court shall have jurisdiction to try any person for any offence specified in this Law.

Jurisdiction.

15. This Law may be cited as the Lagos State Properties Protection Law and shall come into force on the 15 th day of August 2016.

Citation and
Commence-
ment.

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

MR. A. A. SANNI

Acting Clerk of the House of Assembly