

CHAD BASIN DEVELOPMENT AUTHORITY DECREE 1973



Decree No. 32

[14th August 1973]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There is hereby established a body corporate by the name of the Chad Basin Development Authority (hereinafter in this Decree referred to as “the Authority”) which shall consist of eight members appointed in the following manner, that is to say—

Establish-
ment of
Chad Basin
Develop-
ment
Authority.

(a) two persons who possess detailed knowledge of the area of the Authority coupled with wide experience of planning and administration of agricultural and industrial development projects and who shall be appointed by the Commissioner with the approval of the Federal Executive Council ;

(b) one of the two persons specified in paragraph (a) above shall be appointed as the Chairman of the Authority at the time of appointment ;

(c) the Permanent Secretary, Federal Ministry of Agriculture and Natural Resources or his representative ;

(d) the Permanent Secretary, Federal Ministry of Economic Development and Reconstruction or his representative ;

(e) the Permanent Secretary, Federal Ministry of Industries or his representative ; and

(f) three persons appointed by the Government of North-Eastern State.

(2) The two members specified in paragraph (a) of subsection (1) above are hereafter referred to as nominated members.

(3) A reference to a representative of a member of the Authority shall be construed as a reference to any person duly appointed by that member to represent him at a meeting of the Authority.

(4) The provisions of the Schedule of this Decree shall have effect with respect to the constitution of the Authority and the other matters there mentioned.

2. The principal functions of the Authority shall be—

(a) the promotion of land and water development schemes in the Chad Basin for the purposes of increasing agricultural and fish production ;

(b) the construction and maintenance of dams, polders, irrigation and drainage canals, and other works necessary for the purposes specified in paragraph (a) above ;

Principal
functions
of the
Authority.

(c) the resettlement of persons affected by the works specified in paragraph (b) above or under special resettlement schemes ;

(d) the development of land for the cultivation of crops and the supply of water for irrigation purposes to private farmers or any recognised associations for a fee to be determined by the Authority ;

(e) the regulation of navigation and fishing on Lake Chad ;

(f) the development of plantations for the production of food and crops which require to be processed before being consumed as well as ranches for cattle and other species of livestock ;

(g) the undertaking of land and water conservation schemes including afforestation ; and

(h) the exploitation of underground water resources (including the sinking of wells and bore-holes) for human and livestock consumption.

Power of
the
Authority.

3.—(1) Subject to subsections (2) and (3) of this section, the Authority shall have power to do anything which in its opinion is calculated to facilitate the carrying out of its functions, including without prejudice to the generality of the foregoing provisions the taking over, management and development of any irrigation scheme or project established or in existence at the date of commencement of this Decree.

(2) Except with the general or special approval of the Federal Executive Council, the Authority shall not have power to borrow money.

(3) The Commissioner may give the Authority directions of a general character or relating generally to particular matters with regard to the exercise of its functions by the Authority and it shall be the duty of the Authority to comply with the directions.

(4) The Authority may in consultation with the State Government make by-laws for regulating the use of land and water for irrigation as well as fishing and navigation with respect to its functions specified in section 2 above, but no by-law made in pursuance of this section shall come into force unless it is confirmed by the Federal Executive Council.

Establish-
ment and
function of
Advisory
Committee.

4.—(1) There shall also be established a body to be called the Chad Basin Development Advisory Committee (hereinafter in this Decree referred to as "the Committee"), which shall consist of—

(a) the Chief Executive and General Manager of the Authority who shall be the Chairman ;

(b) the Secretary of the Authority ;

(c) the Director of the Inland Waterways Department of the Federal Ministry of Transport ;

(d) the Chief Water Resources Officer of the Federal Ministry of Agriculture and Natural Resources ;

(e) the Director of the Federal Department of Fisheries ;

(f) the Chief Agricultural Officer of the State ;

(g) the Chief Irrigation Engineer of the State ;

(h) the Chief Conservator of Forests of the State ;

(i) the Chief Veterinary Officer of the State ; and

(j) the General Manager of the Nigerian Livestock and Meat Authority.

(2) The Authority may notwithstanding the foregoing provisions appoint such other persons (not exceeding three in number) in addition, as it thinks fit to be members of the Committee.

(3) It shall be the function of the Committee to tender to the Authority, either on the initiative of the Committee or at the invitation of the Authority, advice with respect to—

- (a) the matters referred to in section 2 of this Decree ;
- (b) the regulation of navigation and fishing in the waters of Lake Chad, with respect to the international character of the Lake ;
- (c) the planning and operation of irrigation and other land reclamation schemes with which the Authority is concerned ; and
- (d) such other matters, if any, as the Authority may determine from time to time.

(4) The quorum of the Committee shall be six, and the Committee may regulate its own procedure.

(5) The Authority may from time to time make available to the Committee such facilities by way of transport, accommodation, staff and other privileges as it considers appropriate ; but those facilities shall not include the making of any payment to members of the Committee. -

5.—(1) For the purposes of this Decree—

(a) the Land and Native Rights Act shall have effect as if references in section 13 to the Government of the Federation include references to the Authority ; and

(b) it shall be the duty of the Authority to secure that as little damage as is reasonably possible is done in the exercise of power conferred by virtue of subsection (1) of this section.

(2) Property vested in the Authority shall not be liable to be acquired compulsorily under any enactment ; and notwithstanding anything in any other enactment, no mining operations shall be carried on, in or under any land vested in the Authority or any land over which the Authority is entitled to rights of support for benefit of lands so vested except with the prior approval in writing of the Federal Executive Council.

In this subsection, "mining operations" includes prospecting for minerals, the getting of minerals, and activities preparatory or incidental thereto.

(3) Any person who suffers loss by reason of subsection (1) of this section or the provisions of the last foregoing subsection relating to mining operations shall—

(a) be paid adequate compensation by the Authority in respect of the loss, and

(b) be entitled to refer any question as to his interest in the subject-matter of the loss and as to the amount of any compensation payable in pursuance of this subsection for determination by the High Court having jurisdiction in the area in which the subject-matter is situated.

(4) This section binds the Government of the Federation and the Government of any State in the Federation.

6.—(1) There may be made to the Authority, out of moneys provided by the Government of the Federation, payments for the purposes of this Decree, either by way of grant or by way of loan or both, of such amounts and on such terms as may be approved by the Federal Executive Council.

(2) The Authority shall submit to the Federal Executive Council for final approval the total cost of its projects when worked out by consultants.

Compulsory
acquisition
of lands, etc.

Cap. 96.

Financial
provisions.

(3) The Authority shall keep proper accounts in respect of each financial year, and proper records in relation to those accounts and shall cause the accounts to be audited as soon as may be after the end of the financial year to which the accounts relate by a firm of auditors approved, as respects that year, by the Federal Commissioner for Finance.

Annual
report.

7.—(1) The Authority shall prepare and submit to the Commissioner, not later than eighteen clear months after its establishment, and once every year thereafter, a report in such form as the Commissioner may direct on the activities of the Authority during the last preceding financial year, and shall include in the report a copy of the audited accounts of the Authority for that year and of the auditors' report on the accounts.

(2) The Commissioner shall cause a copy of each report made to him under this section to be laid before the Federal Executive Council, and also send a copy to the Military Governor of the State.

(3) For the purposes of the Authority's first report under this section, the last preceding financial year shall be deemed to include so much of any period before the beginning of that year as begins with the date of the first meeting of the Authority.

Citation and
interpretation.

8.—(1) This Decree may be cited as the Chad Basin Development Authority Decree 1973.

(2) In this Decree unless the context otherwise requires—

"the Authority" means the Chad Basin Development Authority as established by section 1 above;

"Chad Basin" means so much of the area defined in the Convention of the Lake Chad Basin Commission as falls within Nigeria;

"the Commissioner" means the Federal Commissioner for Agriculture and Natural Resources;

"the Committee" means the Chad Basin Development Advisory Committee as established by section 4 above;

"functions" includes powers and duties; and

"the State" means the North-Eastern State and "State Government" shall be construed accordingly.

SCHEDULE

Section 1

CONSTITUTION, ETC. OF THE AUTHORITY

Tenure of Office of Members

1. A member of the Authority other than a nominated member shall hold office for such period and on such terms as may be specified in his instrument of appointment.

2. A nominated member shall hold office on first appointment for a period of 5 years renewable for a further term of 3 years.

Proceedings of the Authority

3. Subject to the provisions of this Schedule, the Authority may make standing orders regulating the proceedings of the Authority.

4. The quorum of the Authority shall be five.

Officers and Servants

5. Without prejudice to the generality of subsections (1) and (2) of section 3 of this Decree, but subject to subsection (3) of that section, the Authority shall have power—

(a) to appoint a general manager who shall be the chief executive ;

(b) to appoint a secretary, and such other officers and servants as it may determine ;

(c) to pay its officers and servants such remuneration and allowances as the Authority may determine ;

(d) as regards any officer or servant in whose case it may determine to do so, to pay to or in respect of such officer or servant such pensions and gratuities, or to provide and maintain for such officer or servant such superannuation schemes (whether contributory or not), as the Authority may determine ;

(e) to give loans to its officers and servants for purposes approved by the Authority ; and

(f) to receive grants from the State Government and Local Authorities of the area in which it operates.

Miscellaneous

6. The fixing of the seal of the Authority shall be authenticated by the signature of a member of the Authority.

7. Any contract or instrument which, if made or executed by a person not being a body corporate would not be required to be under seal may be made or executed on behalf of the Authority by any person generally or specially authorised by the Authority to act for that purpose.

8. Any document purporting to be a document executed under the seal of the Authority and authenticated as aforesaid shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

9. The validity of any proceedings of the Authority shall not be affected by any vacancy in the membership of the Authority or by any defect in the appointment of a member of the Authority.

10. Any member of the Authority who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Authority shall forthwith disclose his interest to the Authority and shall not vote on any question relating to the contract or arrangement.

MADE at Lagos this 14th day of August 1973.

GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree but is intended to explain its general purport)

The Decree establishes the Chad Basin Development Authority as well as the Chad Basin Development Advisory Committee for the purposes of the development and management of the projects specified in section 2 thereof.

**SOKOTO-RIMA BASIN DEVELOPMENT AUTHORITY
DECREE 1973**



Decree No. 33

[14th August 1973]

**Commence-
ment.**

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There is hereby established a body corporate by the name of the Sokoto-Rima Basin Development Authority (hereinafter in this Decree referred to as “the Authority”) which shall consist of nine members appointed in the following manner, that is to say—

Establish-
ment of
Sokoto-
Rima
Basin
Develop-
ment
Authority.

(a) two persons who possess detailed knowledge of the area of the Authority coupled with wide experience of planning and administration of agricultural and industrial development projects and who shall be appointed by the Commissioner with the approval of the Federal Executive Council ;

(b) one of the two persons specified in paragraph (a) above shall be appointed as the Chairman of the Authority at the time of appointment ;

(c) the Permanent Secretary, Federal Ministry of Agriculture and Natural Resources or his representative ;

(d) the Permanent Secretary, Federal Ministry of Economic Development and Reconstruction or his representative ;

(e) the Permanent Secretary, Federal Ministry of Industries or his representative ;

(f) three persons appointed by the Government of the North-Western State ; and

(g) one person appointed by the Government of the North-Central State.

(2) The two members specified in paragraph (a) of subsection (1) above are hereafter referred to as nominated members.

(3) A reference to a representative of a member of the Authority shall be construed as a reference to any person duly appointed by that member to represent him at a meeting of the Authority.

(4) The provisions of the Schedule of this Decree shall have effect with respect to the constitution of the Authority and the other matters there mentioned.

2. The principal functions of the Authority shall be—

Principal
functions
of the
Authority.

(a) the promotion of land and water development schemes in the Sokoto-Rima Basin for the purposes of increasing agricultural and fish production ;

(b) the construction and maintenance of dams, polders, irrigation and drainage canals, and other works necessary for the purposes specified in paragraph (a) above ;

(c) the resettlement of persons affected by the works specified in paragraph (b) above or under special resettlement schemes ;

(d) the development of land for the cultivation of crops and the supply of water for irrigation purposes to private farmers or any recognised associations for a fee to be determined by the Authority ;

(e) the development of plantations for the production of food and crops, which require to be processed before being consumed, as well as ranches for cattle and other species of livestock ;

(f) the undertaking of land and water conservation schemes including afforestation ; and

(g) the exploitation of underground water resources (including the sinking of wells and bore-holes) for human and livestock consumption.

Power of the
Authority.

3.—(1) Subject to subsections (2) and (3) of this section, the Authority shall have power to do anything which in its opinion is calculated to facilitate the carrying out of its functions, including without prejudice to the generality of the foregoing provisions the taking over, management and development of any irrigation scheme or project established or in existence at the date of commencement of this Decree.

(2) Except with the general or special approval of the Federal Executive Council, the Authority shall not have power to borrow money.

(3) The Commissioner may give the Authority directions of a general character or relating generally to particular matters with regard to the exercise of its functions by the Authority and it shall be the duty of the Authority to comply with the directions.

(4) The Authority may in consultation with the Governments of the States make by-laws for regulating the use of the land and water for irrigation with respect to its functions specified in section 2 above, but no by-law made in pursuance of this section shall come into force unless it is confirmed by the Federal Executive Council.

Establish-
ment and
function of
Advisory
Committee.

4.—(1) There shall also be established a body to be called the Sokoto-Rima Basin Development Advisory Committee (hereinafter in this Decree referred to as "the Committee"), which shall consist of—

(i) the Chief Executive and General Manager of the Authority who shall be the Chairman ;

(ii) the Secretary of the Authority ;

(iii) the Chief Water Resources Officer of the Federal Ministry of Agriculture and Natural Resources ;

(iv) the General Manager of the Nigerian Livestock and Meat Authority ;

(v) the Chief Agricultural Officer of each of the States ;

(vi) the Chief Irrigation Engineer of each of the States ;

(vii) the Chief Conservator of Forests of each of the States ; and

(viii) the Chief Veterinary Officer of each of the States.

(2) The Authority may, notwithstanding the foregoing provisions, appoint such other persons (not exceeding three in number) in addition, as it thinks fit to be members of the Committee.

(3) It shall be the function of the Committee to tender to the Authority, either on the initiative of the Committee or at the invitation of the Authority, advice with respect to—

(a) such matters referred to under section 2 of this Decree ;

(b) the planning and operation of irrigation and other land reclamation schemes with which the Authority is concerned ; and

(c) such other matters, if any, as the Authority may determine from time to time.

(4) The quorum of the Committee shall be five, and the Committee may regulate its own procedure.

(5) The Authority may from time to time make available to the Committee such facilities by way of transport, accommodation, staff, and other privileges as it considers appropriate; but those facilities shall not include the making of any payment to members of the Committee.

5.—(1) For the purposes of this Decree—

(a) the Land and Native Rights Act shall have effect as if references in section 13 to the Government of the Federation include references to the Authority ; and

(b) it shall be the duty of the Authority to secure that as little damage as is reasonably possible is done in the exercise of power conferred by virtue of subsection (1) of this section.

(2) Property vested in the Authority shall not be liable to be acquired compulsorily under any enactment ; and notwithstanding anything in any other enactment, no mining operations shall be carried on, in or under any land vested in the Authority or any land over which the Authority is entitled to rights of support for benefit of lands so vested except with the prior approval in writing of the Federal Executive Council.

In this subsection, "mining operations" includes prospecting for minerals, the getting of minerals, and activities preparatory or incidental thereto.

(3) Any person who suffers loss by reason of subsection (1) of this section or the provisions of the last foregoing subsection relating to mining operations shall—

(a) be paid adequate compensation by the Authority in respect of the loss ; and

(b) be entitled to refer any question as to his interest in the subject-matter of the loss and as to the amount of any compensation payable in pursuance of this subsection for determination by the High Court having jurisdiction in the area in which the subject-matter is situated.

(4) This section binds the Government of the Federation and the Government of any State in the Federation.

6.—(1) There may be made to the Authority, out of moneys provided by the Government of the Federation, payments for the purposes of this Decree, either by way of grant or by way of loan or both, of such amounts and on such terms as may be approved by the Federal Executive Council.

(2) The Authority shall submit to the Federal Executive Council for final approval the total cost of its projects when worked out by consultants.

(3) The Authority shall keep proper accounts in respect of each financial year, and proper records in relation to those accounts and shall cause the accounts to be audited as soon as may be after the end of the financial year to which the accounts relate by a firm of auditors approved, as respects that year, by the Federal Commissioner for Finance.

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Report.

7.—(1) The Authority shall prepare and submit to the Commissioner, not later than eighteen clear months after its establishment, and once every year thereafter, a report in such form as the Commissioner may direct on the activities of the Authority during the last preceding financial year, and shall include in the report a copy of the audited accounts of the Authority for that year and of the auditors' report on the accounts.

(2) The Commissioner shall cause a copy of each report made to him under this section to be laid before the Federal Executive Council, and also send a copy to the Military Governors of the States.

(3) For the purposes of the Authority's first report under this section, the last preceding financial year shall be deemed to include so much of any period before the beginning of that year as begins with the date of the first meeting of the Authority.

Citation
and
interpreta-
tion.

8.—(1) This Decree may be cited as the Sokoto-Rima Basin Development Authority Decree 1973.

(2) In this Decree unless the context otherwise requires—

"the Authority" means the Sokoto-Rima Basin Development Authority as established by section 1 above;

"Commissioner" means the Federal Commissioner for Agriculture and Natural Resources;

"the Committee" means the Sokoto-Rima Basin Development Advisory Committee as established by section 4 above;

"functions" includes powers and duties; and

"Sokoto-Rima Basin" means the area within Nigeria drained by the Sokoto and Rima rivers and their tributaries.

"States" means the North-Western State and the North-Central State.

SCHEDULE

Section 1

CONSTITUTION, ETC. OF THE AUTHORITY

Tenure of Office of Members

1. A member of the Authority other than a nominated member shall hold office for such period and on such terms as may be specified in his instrument of appointment.

2. A nominated member shall hold office on first appointment for a period of 5 years renewable for a further term of 3 years.

Proceedings of the Authority

3. Subject to the provisions of this Schedule, the Authority may make standing orders regulating the proceedings of the Authority.

4. The quorum of the Authority shall be five.

Officers and Servants

5. Without prejudice to the generality of subsections (1) and (2) of section 3 of this Decree, but subject to subsection (3) of that section, the Authority shall have power—

- (a) to appoint a general manager who shall be the chief executive ;
- (b) to appoint a secretary, and such other officers and servants as it may determine ;
- (c) to pay its officers and servants such remuneration and allowances as the Authority may determine ;
- (d) as regards any officer or servant in whose case it may determine to do so, to pay to or in respect of such officer or servant such pensions and gratuities, or to provide and maintain for such officer or servant such superannuation schemes (whether contributory or not), as the Authority may determine ;
- (e) to give loans to its officers and servants for purposes approved by the Authority ; and
- (f) to receive grants from the Government of the States and the Local Authorities of the area in which it operates.

Miscellaneous

6. The fixing of the seal of the Authority shall be authenticated by the signature of a member of the Authority.

7. Any contract or instrument which, if made or executed by a person not being a body corporate would not be required to be under seal may be made or executed on behalf of the Authority by any person generally or specially authorised by the Authority to act for that purpose.

8. Any document purporting to be a document executed under the seal of the Authority and authenticated as aforesaid shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

9. The validity of any proceedings of the Authority shall not be affected by any vacancy in the membership of the Authority or by any defect in the appointment of a member of the Authority.

10. Any member of the Authority who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Authority shall forthwith disclose his interest to the Authority and shall not vote on any question relating to the contract or arrangement.

MADE at Lagos this 14th day of August 1973.

GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

(This note does not form part of the above Decree, but is intended to explain its general purport)

The Decree establishes the Sokoto-Rima Basin Development Authority as well as the Sokoto-Rima Basin Development Advisory Committee for the purposes of the development and management of the projects specified in section 2 thereof.