

**FORFEITURE OF ASSETS (VOTENISKI NIGERIA LIMITED)
DECREE 1976**



Decree No. 24

[See section 7 (2)]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) The assets of the company known as Voteniski Nigeria Limited are hereby forfeited to the Government of the Benue-Plateau State and shall as from the commencement of this Decree vest in the Military Governor of the State free of all encumbrances without any further assurance apart from this Decree.

Forfeiture of
and vesting
of assets.

(2) Accordingly, all property (whether movable or immovable) held by the company or held on behalf of the company by any member, director or other officer of the company or by any other person shall on the commencement of this Decree vest as aforesaid.

2.—(1) Any person who holds any of the properties referred to in subsection (2) of section 1 of this Decree shall within 14 days of the making of this Decree or where the property comes to his possession after the making of this Decree, within 14 days after the property comes into his possession, deliver such property to the designated officer or notify him in writing of the place where the property may be recovered and, in the later case, shall take all other steps as the designated officer may require in the recovery of such property.

Delivery of
forfeited
properties,
etc.

(2) In this section and in section 3 "the designated officer" means the Secretary to the Military Government of Benue State or the Secretary to Military Government of Plateau State.

3.—(1) Where any property to which this Decree relates is immovable property or is a registrable negotiable security the appropriate registration authority shall on the production of this Decree to it by the designated officer or any person acting on his behalf remove from the relevant register the name of the person registered therein as owner and register the property without payment of any fee in the name of either the Military Governor of Benue State or of Plateau State.

Registration
of property,
etc.

(2) For the purposes of this section, the appropriate registration authority includes a registrar of titles or of land and the person by whatever title known charged with the duty of registration of particular negotiable securities.

Indemnity.

4. Any person who in intended compliance with this Decree deals with any of the properties affected by this Decree or who rectifies any register or other records relating to any such property shall stand indemnified in respect thereof and no suit or other proceedings shall lie at the instance of any person aggrieved for anything done in respect of such compliance or rectification.

Offences and penalties.

5.—(1) Any person who intentionally and unlawfully removes, disturbs or interferes in any manner with any assets forfeited under the provisions of this Decree or who commits nuisance or trespass in or upon the same shall be guilty of an offence and shall be liable on conviction to imprisonment for two years without an option of a fine.

(2) Any person who contravenes or fails to comply with any of the provisions of section 2 or 3 of this Decree shall be guilty of an offence and shall be liable on conviction to a fine of ₦2,000 or to imprisonment for two years.

**Exclusion of rights.
1963 No .20.**

6. The question whether any provision of Chapter III of the Constitution of the Federation has been, is being or would be contravened by anything done or proposed to be done in pursuance of this Decree shall not be enquired into in any court of law, and accordingly, sections 31, 32 and 117 (2) (a) of the Constitution shall not apply in relation to any such question.

Citation and commencement.

7.—(1) This Decree may be cited as the Forfeiture of Assets (Voteniski Nigeria Limited) Decree 1976.

(2) This Decree shall be deemed to have come into force on 28th August 1975.

MADE at Lagos this 14th day of June 1976.

LT.-GENERAL O. OBASANJO,
*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 purport)*

The Decree provides for the forfeiture of the assets of Voteniski Nigeria Limited and vests the properties of the company in the Military Government of the former Benue-Plateau State. Provision is made in the Decree for the recovery of the properties and penalties are prescribed for failure to deliver up the properties to the designated officer.

RIVER BASINS DEVELOPMENT AUTHORITIES DECREE 1976



Decree No. 25

[15th June 1976]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There are hereby established ten bodies corporate to be known by the following names, that is to say—

Establish-
ment, etc. of
River Basins
Authorities.

- (a) the Sokoto-Rima River Basin Development Authority ;
- (b) the Hadejia-Jama'are River Basin Development Authority ;
- (c) the Chad Basin Development Authority ;
- (d) the Upper Benue River Basin Development Authority ;
- (e) the Lower Benue River Basin Development Authority ;
- (f) the Cross River Basin Development Authority ;
- (g) the Anambra-Imo River Basin Development Authority ;
- (h) the Niger River Basin Development Authority ;
- (i) the Ogun-Oshun River Basin Development Authority ; and
- (j) the Benin River Basin Development Authority ;

which shall in their respective areas have such powers and exercise such functions as are specified in this Decree.

(2) The provisions of the Schedule to this Decree shall have effect with respect to the composition of each Authority and the other matters therein mentioned.

2.—(1) The functions of each Authority shall be—

Functions of
each Autho-
rity.

- (a) to undertake comprehensive development of underground water resources for multi-purpose use ;
- (b) to undertake schemes for the control of floods and erosion, and for water-shed management ;
- (c) to construct and maintain dams, dykes, polders, wells, bore-holes, irrigation and drainage systems and other works necessary for the achievement of the Authority's functions under this section ;
- (d) to develop irrigation schemes for the production of crops and livestock and to lease the irrigated land to farmers or recognised associations in the locality of the area concerned, for a fee to be determined by the Authority concerned with the approval of the Commissioner ;

(e) to provide water from reservoirs, wells and bore-holes, under the control of the Authority concerned for urban and rural water supply schemes on request by the State Governments and when directed to do so by the Commissioner ;

(f) the control of pollution in rivers and lakes in the Authority's area in accordance with nationally laid down standards ; and

(g) to resettle persons affected by the works and schemes specified in paragraphs (c) and (d) above or under special resettlement schemes.

(2) Nothing in this section shall preclude the Federal Government or its agencies or, as respects any area falling within a State, the Government of that State or its agencies, from undertaking schemes similar to those of any Authority within that Authority's area.

Power of the Authorities.

3.—(1) Subject to this section, each Authority shall have power to do anything which in its opinion is calculated to facilitate the carrying out of its functions.

(2) No Authority may acquire or lease land or take over any existing project without the agreement of the State Government concerned.

(3) No authority may borrow or lend money without the general or special approval of the Federal Executive Council.

(4) Each Authority may, with the agreement of the Governments of all the States having representation on that Authority, make by-laws for the management of irrigation schemes and regulating the use of water with respect to the 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.

(5) The Commissioner may give to any of the Authorities directions of a general character or relating generally to particular matters with regard to the exercise of the functions of the Authority concerned and it shall be the duty of that Authority to comply with the directions.

Area of each Authority.

4. The functions of each Authority under this Decree shall be exercised within its area which for the purpose of this Decree shall, in the case of—

(a) the Sokoto-Rima River Basin Development Authority, be the Sokoto-Rima Basin, being the area within Nigeria drained by the Sokoto and Rima Rivers and their tributaries and that part of the Niger River from the international boundary to its confluence with but excluding the Malendo River ;

(b) the Hadejia-Jama'are River Basin Development Authority, be the Hadejia-Jama'are River Basin, being the area drained by the Hadejia and Jama'are Rivers and their tributaries, including the Misau River ;

(c) the Chad Basin Development Authority, be the Chad Basin, being the area between the Lake Chad in the east and a line drawn from Matsena on the boundary with Niger Republic in the north, through Potiskum and Biu to Mubi on the boundary with Cameroun Republic in the south ;

(d) the Upper Benue River Basin Development Authority, be the Upper Benue River Basin, being the area drained by the Benue River and its tributaries from the international boundary down to and including the Pai River Basin on the northern bank and the Donga River Basin on the southern bank ;

(e) the Lower Benue River Basin Development Authority, be the lower Benue River Basin, being the area drained by the Benue River and its tributaries from its confluence with the Niger River up to but excluding the Donga River on the southern bank and the Pai River Basin on the northern bank ;

(f) the Cross River Basin Development Authority, be the Cross River Basin, being the area within Nigeria drained by the Cross River and its tributaries, including the Kwa Iboe River Basin ;

(g) the Anambra-Imo River Basin Development Authority, be the Anambra-Imo River Basin, being the area on the east bank of the Niger River drained by the Anambra and Imo Rivers and their tributaries, excluding the lower Imo and its estuary ;

(h) the Niger River Basin Development Authority, be the Niger River Basin, being the area drained by the Niger River and its tributaries from its confluence with the Ubo River in the south up to its confluence with and including the Malendo River in the north ;

(i) the Ogun-Oshun River Basin Development Authority, be the Ogun-Oshun River Basin, being the area between the international boundary in the west and the Shasha River in the east, drained by the Ogun, Oshun and other rivers and their tributaries and the associated creeks and lagoons which flow into the sea ;

(j) the Benin River Basin Development Authority, be the Benin River Basin, being the area between the west bank of the Niger River in the east and the Oni River in the west, drained by the Forcados, Benin, Siluko and other rivers and their tributaries and the associated creeks and lagoons which flow into the sea.

5.—(1) Each Authority shall maintain a fund from which shall be defrayed all expenditure incurred by the Authority.

Financial provisions.

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

(a) such sums as may be provided by the Federal Military Government or by the Government of any State in the Federation for the purposes of this Decree either by way of loans or grants ; and

(b) such other assets as may from time to time accrue to the Authority.

(3) Each 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.

6.—(1) For the purpose of this Decree, the land and Native Rights Act shall have effect as if references in section 13 to the Government of the Federation include references to each of the Authorities established by this Decree.

Compulsory acquisition of land.
Cap. 96.

(2) Property vested in any Authority shall not be liable to be acquired compulsorily under any enactment.

(3) Any person who suffers loss by reason of subsection (1) of this section 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.

Annual
reports.

7.—(1) Each 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 shall also send a copy to the Military Governors of the States concerned.

(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.

Transfer of
certain
functions to
the Niger
River Basin
Authority,
etc.

8.—(1) The non-power functions of the National Electric Power Authority exercised in respect of the dam on the River Niger in the vicinity of Kainji being functions set out in subsection (3) of this section shall, on the commencement of this Decree, be transferred to the Niger River Basin Development Authority.

1972 No. 24.

(2) As from the date of transfer mentioned in subsection (1) above the power conferred on the National Electric Power Authority under the National Electric Power Authority Decree 1972 relative to the functions transferred under the said subsection (1) shall no longer be exercisable by the National Electric Power Authority and section 7 (e) of that Decree shall stand repealed accordingly.

(3) The non-power functions referred to in subsection (1) above are—

(a) the promotion of pisciculture ; and

(b) the operation of irrigation schemes.

Transfer of
assets and
liabilities of
certain
existing
Authorities ;
repeals.

9.—(1) The Chad Basin Development Authority Decree 1973 and the Sokoto-Rima Basin Development Authority Decree 1973 are hereby repealed and the assets and liabilities of the Authorities established under those Decrees are transferred respectively to the Chad Basin Development Authority and the Sokoto-Rima Development Authority established under this Decree.

1973 No. 32.

1973 No. 33.

1975 No. 25.

1975 No. 26.

(2) The Chad Basin Development Authority (Amendment) Decree 1975 and the Sokoto-Rima Basin Development Authority (Amendment) Decree 1975 are hereby, consequentially, repealed.

10.—(1) There shall also be established a body to be called the National River Basins Development Co-ordinating Committee which shall consist of —

(a) the Permanent Secretary in the Federal Ministry of Water Resources who shall be Chairman ;

(b) the General Manager of each of the Authorities established under section 1 of this Decree ;

(c) the General Manager of the National Electric Power Authority ;

(d) the General Managers of the National Grains and Root Crops Production Companies ;

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

(f) the Director of Fisheries ;

(g) the Director of Inland Waterways ;

(h) the Secretary of the Agricultural Research Council of Nigeria ;

(i) a representative of the Federal Ministry of Co-operatives and Supply ;

(j) a representative of the Federal Ministry of Economic Development ;

(k) a representative of the Federal Ministry of Housing, Urban Development and Environment ; and

(l) the Director of the Federal Department of Water Resources.

(2) The Committee may co-opt other persons who in its opinion can make useful contributions to the work of the Committee.

(3) It shall be the function of the National River Basins Development Co-ordinating Committee to advise the Commissioner with respect to—

(a) the potential for integrated development of each River Basin ;

(b) the effects of the activities of each Authority on the other River Basins ;

(c) the co-ordination of the activities of the Authorities so as to ensure the even development of the different River Basins ; and

(d) such other matters as the Commissioner may from time to time determine.

11. In this Decree, unless the context otherwise requires—

“the Authorities” means the Authorities established by section 1 of this Decree and when used in the singular means any of those Authorities ;

“the Commissioner” means the Federal Commissioner charged with responsibility for water resources ;

“functions” include powers and duties.

12. This Decree may be cited as the River Basins Development Authorities Decree 1976.

Establishment of National River Basins Development Co-ordinating Committee.

Interpretation.

Citation.

SCHEDULE

COMPOSITION, ETC. OF THE AUTHORITIES

Membership

1. Each Authority shall consist of ten members made up of five persons appointed by the Federal Military Government and five persons appointed by the Governments of the States within which the River Basin concerned is situated.

2. The Federal members of each Authority shall consist of the following—

(a) two persons possessing detailed knowledge of the area of the Authority concerned coupled with wide experience in the administration of development projects in the public or private sector (hereafter in this Schedule referred to as "nominated members") 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 Chairman of the Authority at the time of his appointment ;

(c) one representative of the Federal Ministry of Water Resources ;

(d) one representative of the Federal Ministry of Agriculture and Rural Development ; and

(e) one representative of the Federal Ministry of Economic Development.

3. The State members of the Authorities shall consist of the following—

(a) in respect of the Sokoto-Rima River Basin Development Authority—

(i) three persons appointed by the Government of Sokoto State ; and

(ii) two persons appointed by the Government of Kaduna State ;

(b) in respect of the Hadejia-Jama'are River Basin Development Authority—

(i) three persons appointed by the Government of Kano State ;

(ii) one person appointed by the Government of Bauchi State ;

(iii) one person appointed by the Government of Borno State ;

(c) in respect of the Chad Basin Development Authority—

(i) three persons appointed by the Government of Borno State ;

(ii) one person appointed by the Government of Gongola State ; and

(iii) one person appointed by the Government of Kano State ;

(d) in respect of the Upper Benue River Basin Development Authority—

(i) two persons appointed by the Government of Gongola State ;

(ii) two persons appointed by the Government of Bauchi State and ;

(iii) one person appointed by the Government of Borno State ;

(e) in respect of the Lower Benue River Basin Development Authority—

(i) two persons appointed by the Government of Benue State ;

(ii) two persons appointed by the Government of Plateau State ; and

(iii) one person appointed by the Government of Gongola State ;

(f) in respect of the Cross River Basin Development Authority—

(i) two persons appointed by the Government of the Cross River State ;

(ii) one person appointed by the Government of the Imo State ;

- (iii) one person appointed by the Government of Anambra State ; and
- (iv) one person appointed by the Government of Benue State ;
- (g) in respect of the Anambra-Imo River Basin Development Authority—
 - (i) two persons appointed by the Government of Imo State ;
 - (ii) two persons appointed by the Government of Anambra State ; and
 - (iii) one person appointed by the Government of Benue State ;
- (h) in respect of the Niger River Basin Development Authority—
 - (i) two persons appointed by the Government of Niger State ;
 - (ii) two persons appointed by the Government of Kwara State and
 - (iii) one person appointed by the Government of Kaduna State ;
- (i) in respect of Ogun-Oshun River Basin Development Authority—
 - (i) two persons appointed by the Government of Oyo State ; and
 - (ii) two persons appointed by the Government of Ogun State ; and
 - (iii) one person appointed by the Government of Lagos State ;
- (j) in respect of the Benin River Basin Development Authority—
 - (i) three persons appointed by the Government of Bendel State ;
 - (ii) two persons appointed by the Government of Ondo State.

Terms of Office

4. A nominated or State appointed member shall hold office for a period of 3 years from the date of his appointment and shall be eligible for reappointment for two further terms of 3 years each.

5. A nominated or State appointed member may resign his appointment by a letter addressed to the Commissioner or to the Secretary to the Military Government of the State that appointed him and the resignation shall take effect on the date of receipt of the letter by the Commissioner or the Secretary to the State Military Government.

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

Proceedings of the Authorities

7. Subject to the provisions of section 26 of the Interpretation Act 1964 (which provides for decisions of a statutory body to be taken by a majority of its members and for the chairman to have a casting vote), each Authority may make standing orders regulating its proceedings or any committee thereof. 1964 No. 1.

8. The quorum for meetings of each Authority shall be 6 of whom at least three shall be members appointed by State Governments having representation on the Authority concerned.

9. Each Authority shall meet not less than twice in each year and on such other occasions as the Authority may consider necessary. Any member of the Authority or any committee thereof having a personal interest in any contract or arrangement entered into or proposed to be entered into by the Authority or any committee shall forthwith declare his interest to the Authority and shall not vote on any questions relating to the contract or arrangement.

10.—(1) Each Authority shall establish an Advisory Committee which shall consist of—

- (a) the General Manager of the Authority who shall be Chairman ;
- (b) a representative of the Federal Department of Water Resources ;
- (c) a representative of the Federal Department of Agriculture ;
- (d) a representative of the Federal Department of Fisheries ;
- (e) a representative of the National Electric Power Authority ;
- (f) a representative of the Inland Waterways Department ;
- (g) a representative of the Federal Ministry of Housing, Urban Development and Environment ;
- (h) the General Managers of the National Grains and Root Crops Production Companies, or their representatives ;
- (i) the Directors of Research Institutes conducting research relevant to work of the Authority as determined by the Authority, or their representatives ;
- (j) the Heads of the Agricultural and Irrigation Divisions in the appropriate Ministries or Departments of the States with representation on the Authority, or their representatives ; and
- (k) the Heads of the agencies responsible for urban and rural water supplies in the States with representation on the Authority.

(2) Each Authority may, notwithstanding the foregoing provisions, appoint other persons in addition as it thinks fit, to be members of the Advisory Committee.

(3) It shall be the function of the Advisory Committee to advise the Authority with respect to—

- (a) the matters mentioned in section 2 of this Decree generally ;
 - (b) the technical soundness of specific projects ; and
 - (c) such other matters as the Authority may from time to time determine.
- (4) Each Authority may also establish such other standing, steering and ad-hoc committees to carry out on behalf of the Authority such of its functions as the Authority may determine.

Officers and Servants

11. For each Authority there shall be a General Manager who shall be the chief executive and who shall be appointed by the Commissioner with the approval of the Federal Executive Council on the recommendation of the Authority.

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

- (a) to appoint a secretary and such other officers and servants as it may determine ;
- (b) to pay its officers and servants such remuneration and allowances as are payable to persons of equivalent grades in the public service of the Federation or of a State ;
- (c) 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 as are payable to persons of equivalent grade in the public service of the Federation or of a State ; and
- (d) to give loans to its officers and servants for purposes approved by the Authority.

Miscellaneous

13. The fixing of the seal of each Authority shall be authenticated by the signature of the Chairman or of a member of the Authority authorised in that behalf by the Authority.

14. 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.

15. 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.

16. 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.

MADE at Lagos this 15th day of June 1976.

LT.-GENERAL O. OBASANJO,
*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 purpose)

The Decree establishes 10 statutory corporations, that is—

- (a) the Sokoto-Rima River Basin Development Authority ;
- (b) the Hadejia-Jama'are River Basin Development Authority ;
- (c) the Chad Basin Development Authority ;
- (d) the Upper Benue River Basin Development Authority ;
- (e) the Lower Benue River Basin Development Authority ;
- (f) the Cross River Basin Development Authority ;
- (g) the Anambra-Imo River Basin Development Authority ;
- (h) the Niger River Basin Development Authority ;
- (i) the Ogun-Oshun River Basin Development Authority ; and
- (j) the Benin River Basin Development Authority.

Each Authority is vested with powers to develop and manage within its area the projects specified in section 2 of the Decree.