

N.R.C.D.308

ABANDONED PROPERTY (DISPOSAL) ACT, 1974

ARRANGEMENT OF SECTIONS

SECTION

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N.R.C.D.308

ABANDONED PROPERTY (DISPOSAL) ACT, 1974

AN ACT to provide for the vesting of scrap metal, the manner in which scrap metal should be dealt with, and for related matters.

1. Scrap metal

- (1) A scrap metal which is left or abandoned
 - (a) on a public land,
 - (b) on a road,
 - (c) within twenty feet of a road, or
 - (d) within fifty feet of a road, where the scrap metal, in the opinion of an authorised officer, has not been adequately fenced,may be removed by an authorised officer and disposed of in accordance with this section.
- (2) Where the scrap metal is a motor vehicle to which the engine and wheels are still attached, the authorised officer shall affix to the vehicle a notice requiring the owner to remove the vehicle within fourteen days after the date when the notice was affixed.
- (3) The notice shall state the date by which the motor vehicle should be removed.
- (4) Where the owner fails to remove the vehicle, the authorised officer may, after the expiration of the period of fourteen days, remove the vehicle.
- (5) In any other case the authorised officer may remove the scrap metal.
- (6) A scrap metal removed by an authorised officer under this section shall, on the removal, vest in the President and shall be disposed of
 - (a) in accordance with the instructions of the Minister responsible for Industries, or

1. This Act was issued as the Abandoned Property (Disposal) Decree, 1974 (N.R.C.D. 308), made on the 20th day of December, 1974 and notified in the *Gazette* on 27th December, 1974.

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- (b) in the absence of the instructions of the Minister, in the manner that the Inspector-General of Police or the Regional Minister may direct.

2. Timber

- (1) A tree, timber or log which is left or abandoned
 - (a) on a public land,
 - (b) on a road, or
 - (c) within fifty feet of a road,

may be removed by an authorised officer and disposed of in accordance with this section.

- (2) Subsection (1) does not apply to a tree, timber or log which has been lawfully placed by a timber contractor in the ordinary course of operations

4. Abatement of dangers

- (a) at a proper and recognised collection point, or
- (b) ~~Despite section 2, an authorised officer may cause the immediate removal to the nearest safe place of a property to which this Act applies, if the authorised officer finds that property is in a place where it may constitute a danger or obstruction.~~
owner to remove it within fourteen days after the date when the notice was affixed.
- (4) ~~Where the property is removed under subsection (1) to a safe place, the notice required by this Act shall be affixed to the property as if the property had not been removed.~~
- (5) Where the owner fails to remove the tree, timber or log, the authorised officer may, after the expiration of the period of fourteen days, remove the tree, timber or log.
- (6) A tree, timber or log removed by an authorised officer under this section shall, upon the removal, vest in the President and shall be disposed of
 - (a) in accordance with the instructions of the Minister responsible for Lands, or
 - (b) in the absence of the instructions of the Minister, in the manner that the Inspector-General of Police or the Regional Minister may direct.

3. Hoardings and signboards

- (1) Subject to subsection (2), an unauthorised hoarding or sign-board which is erected or left
 - (a) on a road or path,
 - (b) within ten feet of a road,
 - (c) within twenty feet of a road junction, roundabout or bridge,
 - (d) on a public land, or
 - (e) in a position that is obstructs the view of a driver on a road,

may be removed by an authorised officer and disposed of in accordance with this section.

- (2) This section does not apply to a hoarding or sign-board erected by or with the consent of the District Assembly or in the exercise of a statutory power, unless it is in a position that obstructs the view of a driver on a road.²

2. Under item 10 of the Second Schedule to the Local Government Act, 1993 (Act 462) the District Assemblies now deal with the subject-matter of this section.

(3) The authorised officer shall affix to the unauthorised hoarding or sign-board a notice requiring the owner to remove it within seven days after the date when the notice was affixed.

(4) The notice shall state the date by which the unauthorised hoarding or sign-board should be removed.

(5) Where the owner fails to remove the hoarding or signboard, the authorised officer may, after the expiration of the period of seven days, remove the tree, timber or log.

(6) An unauthorised hoarding or sign-board removed by an authorised officer under this section shall, on the removal, vest in the President and shall be destroyed or otherwise disposed of

(a) in accordance with the instructions of the Regional Minister, or

(b) in the absence of the instructions of the Regional Minister, in the manner that the Inspector-General of Police or the local authority for the area may direct.

5. Obstruction of authorised officer

A person who obstructs or molests an authorised officer in the exercise of a power under this Act, or who does an act with the intention of preventing an authorised officer from exercising that power, commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty penalty units or to a term of imprisonment not exceeding twelve months or to both the fine and the imprisonment.

6. Exemption from liability

A civil action, whether for compensation or otherwise, shall not be brought against the Republic or a public officer or an authorised officer in respect of an act done in good faith in the execution or intended execution of a provision of this Act.

7. Interpretation

In this Act, unless the context otherwise requires,

"authorised officer" means

- (a) a member of the Armed Forces acting in accordance with the written instructions of a Regional Minister;
- (b) a police officer acting in accordance with the written instructions of the Inspector-General of Police;

- (c) a public officer authorised in that behalf by the Minister responsible for Industries or by a Regional Minister;
- (d) an employee of a local authority;

"local authority" includes a District Assembly, a Metropolitan Assembly, a Municipal Assembly and any other local government unit;

"path" includes a pavement or footway;

"public land" includes land vested in the Republic, the President on behalf of the Republic, the Government, an organ or agency of the Government or a statutory corporation, whether the land is vested in trust or otherwise;

"road" means a highway, street, land or any other place whether a thoroughfare or not, to which motor vehicles have a right of access;

"scrap metal" includes

(a) a motor vehicle or trailer which is derelict,

(b) any other article made wholly or in part of metal which is derelict or substantially unfit for use and

(c) a part of any of the metals mentioned in paragraphs (a) and (b);

"vehicle" includes a motor vehicle, trailer, an agricultural vehicle and a cycle.