

# TAFAWA BALEWA SQUARE MANAGEMENT ACT

## ARRANGEMENT OF SECTIONS

### SECTION

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### SCHEDULE

**An Act to revert and vest the management and control of the Tafawa Balewa Square in the Federal Government; to establish the new Board of Management to be responsible for the reconstruction, development and maintenance of the Square, and for other matters incidental thereto.**

[1973 No. 10.]

[23rd August, 1972]

[ Commencement.]

### **1. Transfer of functions of the former Tafawa Balewa Square Management Board to a new Federal Board**

(1) As from the prescribed date, the Board of Management formed under the Tafawa Balewa Square Management Act, 1961 (as amended by the Tafawa Balewa Square Management (Amendment) Law 1969 of Lagos State) shall cease to exist, and-

[1961 No. 65.1969 No. 19.]

- (a) the authority over, management and control of, the land, buildings, monuments and structures situate in Lagos and formerly known as "the Racecourse", the boundaries and the land whereof are delineated on the plan referred to in the Lagos Racecourse (Alteration of Boundaries) Order, shall revert to the Federal Government of Nigeria;
- (b) the funds of the Board of Management, to the extent that they comprise moneys voted by the Federal Government, unless the Minister for Finance by writing otherwise directs, shall thereupon be paid to the Accountant-General of the Federation, and shall form part of the Consolidated Revenue Fund of the Federation.

(2) Accordingly, there shall be, for the purposes of this Act, a Board of Management to be called the "Tafawa Balewa Square Management Board" (in this Act referred to as "the Board"), which shall control the land known as "Tafawa Balewa Square" as described in the Schedule to this Act on behalf of the Federal Government, and which shall replan and reconstruct the area and maintain it for the purpose of holding national and other important celebrations.

[Schedule.]

### **2. Constitution of the Board**

The Board shall consist of a chairman to be appointed by the Minister and the fol-

lowing other members, that is-

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- (a) the Director of Lands, Federal Ministry of Works and Housing or his representative;
- (b) the Accountant-General of the Federation or his representative;
- (c) a representative of the Ministry of Defence;
- (d) a representative of the Federal Ministry of Commerce;
- (e) a representative of the Lagos State Government;
- (f) the President of the Lagos Chamber of Commerce or his representative;
- (g) the President of the Nigerian Institute of Public Relations Practitioners or his representative;
- (h) the President of the Nigerian Legion;
- (i) the general manager and chief executive of the Board.

**3. Power to regulate procedure at meetings**

- (1) The Board may regulate its own procedure at any meeting.

(2) In the absence of the chairman at any meeting of the Board, the members present may elect one of their number to be the chairman of that meeting.

(3) The quorum of any meeting of the Board shall be four members.

#### **4. Functions of the Board**

It shall be the duty of the Board to-1988 o. 19.]

control the use of and maintain the Square for the purpose of important national celebrations, open air rallies, festivals and other similar purposes;

- (a) carry on the business of real estate;
- (a) develop the Square to an efficient city centre;
- (b) invest in bonds and securities;
- (c) appoint such qualified persons as it may determine as employees of the Board to assist the general manager in the exercise of his functions under this Act;
- (d) carry out such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on it under this Act.
- (e)
- (f)

#### **5. Funds**

The funds of the Board shall comprise-

- (a) moneys voted by the Federal Government for the management, maintenance, repair or improvement of the Square;
- (b) sums received from donations, subscriptions or amounts received for damages or otherwise howsoever;
- (c) income from rents, leases of facilities and from other facilities rendered;
- (d) such sums as may from time to time be lent to the Board by any body corporate or unincorporate;
- (e) any other income accruing to the Board in the discharge of its functions pursuant to this Act.

#### **6. Application of funds**

For the purpose of the discharge of its functions under this Act, the Board shall apply the funds of the Square in the following manner-

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- (a) to the cost of administration and maintenance of the Square or any of its properties; and
- (b) to the payment of salaries, gratuities and other benefits payable to the employees.

#### **7. Borrowing power**

(1) The Board may, with the general authority given in that behalf by the Federal Government, borrow by way of loan or overdraft from any source any sums required by the Board for the discharge of its functions under this Act.

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(2) The Board may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds with the consent or general authority given in that behalf by the Federal Government.

(3) The Board may invest any surplus funds of the Square in such securities as may be approved with any general authority given in that behalf by the Federal Government.

#### **8. Financial provisions**

(1) The Board shall cause to be prepared not later than 30th September in each year an estimate of the expenditure and income of the Board during the next succeeding year and when prepared they shall be submitted to the Minister.

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

(3) The Board shall cause the accounts of the Square to be audited within six months after the end of the financial year to which the accounts relate by a firm of auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

(4) The Board shall not later than 30 June in each year submit a report on the activities of the Square and its administration during the immediately preceding year and shall include in such report the audited accounts of the Board to the Secretary to the Government of the Federation who shall submit the report to the President.

### **9. Appointment of general manager and other staff of the Board**

(1) There shall be a general manager of the Board who shall be appointed by the Board with the prior approval of the Minister.

(2) Subject to the general control of the Board, the general manager shall be the chief executive of the Board and shall be responsible for the execution of the policy of the Board and the day-to-day running of the affairs of the Square.

(3) Without prejudice to the generality of subsection (1) of this section, the Board shall have power-

- (a) to appoint a secretary to the Board and such other staff as it may from time to time determine;
- (b) to pay its staff remuneration and allowances as it may, with the approval of the Minister, determine;
- (c) to pay in respect of any staff such pensions and gratuities as are payable to persons of equivalent grade in the civil service of the Federation;
- (d) to give loans to its staff for purposes approved by the Minister; and
- (e) to establish and maintain a medical benefit fund from which the staff may receive benefits therefrom.

(4) The secretary to the Board shall be responsible for taking minutes of meetings of the Board and shall perform such other duties as the Board or the general manager may assign to him from time to time.

### **10. Staff regulations**

(1) The Board may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the employees of the Board and without prejudice to the generality of the foregoing, such regulations may provide for-

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- (a) the appointment, promotion and disciplinary control (including dismissal) of employees of the Board; and
- (b) appeals by such employees against dismissal or other disciplinary measures,

and until such regulations are made, any instrument relating to the conditions of service in the civil service of the Federation shall be applicable, with such modifications as may be necessary, to the employees of the Board.

(2) Staff regulations made under subsection (1) of this section shall not have effect until approved by the Minister, and when so approved they need not be published in the Federal *Gazette* but the Board shall cause them to be brought to the notice of all affected persons in such manner as it may from time to time determine.

(3) For the purposes of pension, service with the Board shall be declared public service under the provisions of the Pensions Act.

[Cap. P4.J

### **11. Power of making bye-laws**

(1) The Board may, with the consent of the Minister, make bye-laws for all or any of the following purposes, that is to say-

- (a) for the management, control and regulation of the Square and for regulating the arrangements for the holding of national and other celebrations;
- (b) for the appointment and removal of its servants and for regulating their duties, conduct and remuneration;
- (c) for the removal by any police constable or person authorised by the Board of any person infringing the bye-laws;

- (d) for the promotion of different forms of recreation;
- (e) for the preservation of growing trees or plants;
- (f) for preventing injury and damage to the land or to any buildings, monuments, fences or seats thereon; and
- (g) generally for carrying into effect the purposes of this Act.

(2) A court before which any person is convicted of committing a breach of any bye-laws may, in addition to any penalty which may be imposed, order the person convicted to pay to the Board the actual or estimated cost of repairing any damage or injury done.

## 12. Proceedings for breach, etc., of bye-laws

Proceedings in respect of any breach of a bye-law or damage under this Act shall be taken in the name of the Attorney-General of the Federation.

## 13. Procedure in respect of suits against the Board

(1) No suit shall be commenced against the Board before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Board by the intending plaintiff or his agent; and the notice shall clearly and explicitly state-

- (a) the cause of action;
- (b) the particulars of the claim;
- (c) the name and place of abode of the intending plaintiff; and
- (d) the relief which he claims.

(2) The notice referred to in subsection (1) of this section and any summons, notices or other documents required or authorised to be served upon the Board in connection with any suit by or against the Board shall be served by delivering the same to the chairman or the general manager of the Board.

## 14. Restriction on execution against the property of the Board

In any action or suit against the Board no execution or attachment or process in the nature thereof shall be issued against the Board but any sums of money which by judgment of the court is awarded against the Board shall, subject to any direction given by the Board, be paid from the funds of the Board.

## 15. Representation of the Board at hearing of suit

In any suit pending before a court, the Board may be represented at any stage of the proceedings by any servant or agent of the Board who shall satisfy the court that he is duly authorised in writing by the Board in that behalf.

## 16. Repeals, etc.

(1) The following enactments are hereby repealed, that is-

- (a) the Tafawa Balawa Square Management Act, 1961 (which was by operation of law rendered redundant);

[1961 No. 65.1969 No. 10.]

- (b) the Tafawa Balawa Square Management (Amendment Law 1969 of Lagos State.)

(2) Any proceedings instituted before the commencement of this Act under any enactment or provision repealed by subsection (1) of this section may continue and be completed as if this Act had not been passed.

## 17. Interpretation

In this Act, unless the context otherwise requires-

"**Board**" means the Tafawa Balawa Square Board of Management established by this Act;

[1988 No. 19.]

"**Minister**" means the Minister charged with responsibility for matters relating to defence;

"**prescribed date**" means 24th August 1972;

"**Square**" means the Tafawa Balawa Square;

"**suit**" includes action and any civil proceedings commenced by writ of summons or in such other manner as may be prescribed by rules of court and does not include a criminal proceeding.

## 18. Short title

This Act may be cited as the Tafawa Balawa Square Management Act.

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### SCHEDULE

[Section 1 (2).]

All those two parcels of land known as Tafawa Balawa Square in the City of Lagos containing respectively areas of approximately 35.19 acres and approximately 4.49 acres, the boundaries of which are described below.

#### *Parcel I*

Starting from a concrete pillar marked PBL 1994, the co-ordinates of which are 24,386.87 feet south and 10,603.15 feet east of a concrete pillar marked L.C.S. 165 P, the origin of the Lagos Cadastral Surveys. The boundaries run in straight lines, the bearings and lengths of which are as follows-

<i>From</i>	<i>Bearings</i>	<i>Lengths</i>	<i>To</i>
PBL 1994	100°45'	285.1 feet	PBL 3252
PBL 3253	102°27'	631.0 feet	PBL 3251
PBL 3251	115°51'	145.0 feet	PBL 3250
PBL 3250	132°17'	443.8 feet	PBL 3249
PBL 3249	148°17'	114.6 feet	PBL 3277
PBL 3277	180°09'	88.6 feet	PBL 3276
PBL 3276	202°04'	157.6 feet	PBL 3275
PBL 3275	218°59'	163.8 feet	PBL 3274
PBL 3274	224°01'	169.6 feet	PBL 3265

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<i>From</i>	<i>Bearings</i>	<i>Lengths</i>	<i>To</i>
PBL 3265	223°24'	66.3 feet	PB 3273
PBL 3273	255°07'	138.1 feet	Point "B"
Point "B"	134°23'	17.0 feet	PBLS 952
PBLS 952	224°22'	225.1 feet	Point "A"
Point "A"	236°17'	38.0 feet	PBLS 953
PBLS 953	261°14'	85.8 feet	PBLS 954
PBLS 954	279°00'	34.5 feet	PBLS 955
PBLS 955	311°36'	20.2 feet	PBLS 3271
PBL 3271	314°13'	306.5 feet	PBL 3270
PBL 3270	321 °35'	265.7 feet	PBL 3269
PBL 3269	319°42'	252.7 feet	PBL 3268
PBL 3268	313°07'	152.8 feet	PBL 3267
PBL 3267	301°59'	39.2 feet	PBL 2000
PBL 2000	318°58'	370.1 feet	PBLS 1999
PBLS 1999	6°09'	125.0 feet	PBLS 1998
PBLS 1998	11°34'	160.0 feet	PBLS 1997
PBLS 1997	33°34'	100.0 feet	PBLS 1996
PBLS 1996	52°08'	104.7 feet	PBLS 1995
PBLS 1995	73°37'	105.0 feet	PBLS 1994

(the starting point.)

All property beacons are concrete pillars, all bearings and lengths are approximate and all bearings are referred to True North.

\*Note: The measurements in this Schedule are in English measurements and may be converted to the metric system as and when they are required.

*Parcel 2*

Starting from a concrete pillar marked PBL 2002 the co-ordinates of which are 25,922.67 feet south and marked L.C.S. 165 P, the origin of the Lagos Cadastral Surveys.

The boundaries runs in straight lines, the bearings and length of which are as follows-

<i>From</i>	<i>Bearings</i>	<i>Lengths</i>	<i>To</i>
PBLS 2002	44°44'	482.2 feet	PBLS 2001
PBLS 2001	138°53'	184.0 feet	PBLS 2010
PBLS 2010	110°09'	109.9 feet	PBLS 2009
PBLS 2009	207°01'	407.4 feet	PBLS 2024
PBLS 2024	230°44'	164.8 feet	PBLS 2008
PBLS 2008	304°35'	40.7 feet	PBLS 2007



<i>From</i>	<i>Bearings</i>	<i>Lengths</i>	<i>To</i>
PBLS 2007	305°50'	80.2 feet	PBLS 2006
PBLS 2006	3 WOO'	191.1 feet	PBLS 2005
PBLS 2005	321°33'	25.1 Ieer	PBLS 2004
PBLS 2004	350°17'	49.5 feet	PBLS 2003
PBLS 2003	17°13'	31.3 feet	PBLS 2002

(the starting point.)

All property beacons are concrete pillars, all bearings and lengths are approximate and all bearings are referred to True North.

### **SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*