

CHAPTER 197

KAINJI LAKE NATIONAL PARK ACT

An Act to make provisions for the establishment of the Kainji Lake National Park and for matters connected therewith. 1979 No. 46.

[30th July, 1979] Commence-
ment

Establishment of the Kainji Lake National Park and Management Board, etc.

1. (1) There is hereby established a Park to be known as the Kainji Lake National Park (hereafter in this Act referred to as "the Park") which shall consist of the following areas, that is to say—

(a) all that piece of land in the Borgu Division of the Kwara State known as "the Borgu Forest Reserve" constituted by—

(i) the Borgu Local Government Doro River Forest Reserve Order 1961, the situation and limits whereof are set out in the First Schedule hereto, and

(ii) the Borgu Local Government Central Borgu Forest Reserve Order 1966, the situation and limits whereof are set out in the Second Schedule hereto; and

(b) all that piece of land in the Kotangora Division of the Niger State constituted by the Kotangora Local Government Zugurma Forest Reserve Order 1964 and the Zugurma Game Reserve Order 1971, the situation and limits whereof are set out in the Third Schedule hereto.

(2) The affairs of the Park shall be conducted by a board to be known as the Kainji Lake National Park Management Board (hereafter in this Act referred to as "the Board") which shall be a body corporate by the name

Establish-
ment of the
Kainji Lake
National
Park and
Management
Board.
1979 No. 46.

NNLN 79 of
1961.

NNLN 39 of
1966.

NNLN 13 of
1964.

NWSLN 7
of 1971.

aforesaid and shall consist of the following members, that is—

- (a) a Chairman to be appointed by the Minister with the approval of the National Council of Ministers from among persons who possess a detailed knowledge of the area of the Park;
- (d) a representative of the Federal Ministry of Trade and Tourism;
- (e) a representative of the Nigerian Tourist Board;
- (f) a representative of the Borgu Local Government;
- (g) a representative of the Mariga Local Government;
- (h) the Director, Federal Department of Forestry;
- (i) the Director, Kainji Lake Research Institute;
- (j) one person appointed by the Government of Kwara State; and
- (k) one person appointed by the Government of Niger State.

Functions of
the Board.

2. (1) The Board shall be charged with the general duty of—

- (a) controlling, managing and maintaining the Park;
- (b) constructing roads, bridges, fences and such other works as the Board may consider necessary for the purposes of the Park;
- (c) ensuring the security of wild and vegetable life within the Park;
- (d) conserving and preserving in a natural state the Park and the wild life therein;
- (e) ensuring the preservation and protection of any objects of geological, archaeological, historical, aesthetic or scientific interest in the Park;
- (f) the development of facilities and amenities within the Park and the general utilisation of the Park for the benefit of the public;
- (g) fostering in the mind of the general public the necessity for wildlife conservation and the importance of wildlife and National Parks with the object of developing a greater appreciation of the value of

Kainji Lake National Park Act

wildlife and scenic beauty as national assets; and

(h) doing all such things incidental to the foregoing functions which, in the opinion of the Board are calculated to facilitate the carrying on of the duties of the Board under this Act.

(2) The provisions of the Fourth Schedule to this Act shall have effect with respect to the matters therein mentioned.

3. (1) The Board shall, with the approval of the Minister, appoint a Controller of the Park (hereafter in this Act referred to as "the Controller") who shall, in the exercise of his functions under this Act, be responsible to the Board.

Controller of
the Park.

(2) Subject to the provisions of this Act, the Controller shall be charged with the following responsibilities, that is to say—

- (a) the execution of the policies of the Board;
- (b) the day to day running of the Park; and
- (c) such other things as the Minister or the Board, as the case may be, may require him to do.

(3) The exercise of the functions mentioned in subsection (2) of this section shall, subject to any directions by the Board, be exercised in the name of the Controller.

(4) The Controller shall also be the secretary to the Board.

(5) The Controller may, subject to the provisions of this Act and to any special or general directions of the Board, delegate any of his functions to any employee of the Board.

4. (1) The Board shall, subject to this Act, have power—

Staff of the
Board.

- (a) to appoint such employees of the Board as it may determine;
- (b) to pay its employees such remuneration and allowances as are payable to persons of equivalent grades in the public service of the Federation or of a State;

(c) to set up a superannuation scheme (whether contributory or not) in respect of its employees as it may determine.

(2) The employees of the Board shall exercise such duties as are conferred upon them by this Act or as are delegated or assigned to them by the Controller.

Vesting of assets.

5. (1) Subject to the provisions of this Act, all property, rights, liabilities and obligations which immediately before the commencement of this Act (hereafter in this Act referred to as "the vesting date") were property, rights, liabilities and obligations of the Borgu Forest Reserve or the Zugurma Game Reserve established by the instruments mentioned in section 1 (a) and (b) of this Act (hereafter in this Act referred to as "the respective body") shall, as from the date of this Act, without further assurance vest or be deemed to have vested on the Board.

(2) Subject to the provisions of this Act, every agreement to which subsection (1) of this section relates shall, unless its terms or subject-matter make it impossible that it should have effect as modified in the manner provided by this subsection, have effect as from the vesting date, as if—

(a) the Board had been a party to the agreement;

(b) for any reference (however worded, and whether express or implied) to the respective body there were substituted, as respects anything falling to be done on or after the vesting date, a reference to the Board.

Financial provisions.

6. (1) The Board shall maintain a fund which shall consist of—

(a) such moneys as may, from time to time, be provided by the Federal Government by way of loan or grant or otherwise howsoever;

(b) such moneys as may be received by the Board in the course of its operations or in relation to the exercise of its powers; and

(c) such sums as may be received by the Board by way of voluntary subscriptions, donations, bequests or

gifts from any State Government, Local Government or individual, and from such fund shall be defrayed all expenses incurred by the Board.

(2) Subject to any general or special directions that may be given in that behalf by the Minister under this Act, the Board may invest its funds and maintain general financial reserves.

(3) The Board shall submit to the Minister for final approval not later than 31st December in every year, an estimate of its income and expenditure for the next succeeding year.

(4) The Board shall keep proper accounts and proper records in relation thereto and shall prepare in respect of each financial year a statement of accounts in such form as the Minister may direct.

(5) The Board shall as soon as may be after the end of the financial year to which the accounts relate cause the accounts to be audited by auditors appointed from the list and in accordance with guidelines supplied by the Auditor-General of the Federation.

7. (1) The Board shall submit to the National Council of Ministers not later than 30th June in each year a report of its activities during the preceding year, and shall include in the report a copy of the audited accounts of the Board and the auditors' report thereon.

Annual reports.

(2) The Minister shall cause a copy of each report made to him under this section to be laid before the National Council of Ministers.

Offences and penalty

8. (1) Any person who, save in accordance with the provisions of this Act, enters into or resides in the Park shall be guilty of an offence.

Restrictions on entry into or residence in the Park.

(2) This section shall not apply to—

(a) any employee of the Park;

- (b) any member of the Board;
- (c) any police officer or public officer on specified duty requiring his presence in the Park;
- (d) any person travelling through the Park along a public road within the confines of the road reserve;
- (e) any person in possession of a permit to enter or reside issued by the Controller or any other employee of the Board duly authorised in writing by the Controller to issue such a permit;
- (f) any person admitted pursuant to any relevant regulations made pursuant to section 16 of this Act;
- (g) any person who enters the Park pursuant to regulations made under the provisions of section 16 of this Act:

Provided, however, that the persons in categories (a) to (f) of this subsection shall be subject to any relevant regulations made pursuant to section 16 of this Act, except where appropriate, any such regulation may provide for the payment of any charge or fee for permission to enter or reside in the Park or for the admission of a motor car or other vehicle into the Park.

Restriction
on hunting,
etc. in the
Park.

9. (1) Any person in the Park who, without a permit issued pursuant to subsection (3) or (4) of this section—

- (a) hunts, kills, injures, captures or disturbs any wild animal, reptile or fish;
- (b) removes or destroys the nest of any bird or reptile;
- (c) is in possession of any wild animal, bird or reptile;
- (d) cuts or sets on fire any vegetation;
- (e) removes from or damages within the Park any object of archaeological, geological, prehistoric, historic, aesthetic or scientific interest; or
- (f) removes any other object whether animate or inanimate,

shall be guilty of an offence.

(2) Any person who aids, abets or procures another person to commit any offence specified in subsection (1) of this section shall be guilty as if he himself had committed

the offence and shall be similarly punished.

(3) The Controller or any employee of the Board, duly authorised by the Controller in that behalf, may issue a permit to any person to fish in the Park.

(4) The Controller may issue a permit to any person authorising such person under the direction of the Controller to hunt wild animals within the Park—

- (a) if the Controller is satisfied that any wild animal ought to be hunted for the better preservation of other animal life within the Park; or
- (b) if the Controller is satisfied that any wounded animal ought to be destroyed; or
- (c) in order to ensure that the population of a particular specie does not exceed the carrying capacity of the Park.

(5) Any permit issued pursuant to subsection (4) of this section shall specify the specie and number of wild animals which may be hunted thereunder.

(6) The Controller may at any time in his absolute discretion, revoke or cancel any permit issued pursuant to subsection (3) or (4) of this section.

(7) This section shall not apply to any employee of the Board or other public servant or police officer acting in the performance of his duties under this Act or under any other written law.

10. (1) Any person in the Park who, without a permit issued pursuant to subsection (2) of this section, or who, in breach of any express condition of any such permit or in breach of any regulation made pursuant to this Act, conveys into the Park or being within the confines thereof, is in possession of, carries or uses for any purpose any firearm, spear, bow, arrow or other weapon, explosive, snare, net, trap or poison, shall be guilty of an offence.

Restrictions on weapons, etc. in the Park.

(2) The Controller or any employee of the Board duly authorised in that behalf by the Controller may, subject to such conditions as he may deem fit, issue a permit to any person to convey into the Park or within the confines of it,

to possess, carry or use for any purpose expressly stated in such permit any firearm, spear, bow, arrow or other weapon or any explosive, snare, net, trap or poison, as the case may be, and any such permit shall be valid for the period expressed therein.

(3) In any proceedings for a contravention of this section, the onus of proving that the conveyance into or possession, carriage or use within the Park of any such firearm, spear, bow, arrow or other weapon or of any explosive, snare, net, trap or poison, as the case may be, was lawful shall be on the person charged.

(4) This section shall not apply to any officer of the Board or other public or police officer acting in the performance of his duties under this Act or other written law.

Prohibition of introduction of wild animals, etc. into the Park.

11. (1) Any person who, without the consent of the Controller, conveys, drives or introduces any wild animal into the Park, shall be guilty of an offence.

(2) If any employee of the Board finds within the Park any wild animal which was driven, conveyed or introduced therein in contravention of subsection (1) of this section, he may destroy the said animal.

Prohibition of domestic animals in the Park.

12. (1) Any person, being the owner of any domestic animal or the person in charge or control thereof, who, without the consent of the Controller—

(a) drives, conveys or introduces such domestic animal into the Park or causes or permits such animal to be so driven, conveyed or introduced;

(b) permits or causes such domestic animal to stray into the Park; or

(c) permits or causes such domestic animal to worry, harass or otherwise interfere with any wild animal within the confines of the Park,

shall be guilty of an offence.

(2) Upon the conviction of any person being the owner of such domestic animal of an offence under this section, the court may, in addition to any other penalty imposed, declare the said domestic animal to be forfeited or order it

to be destroyed without compensation.

13. (1) Any person who, without the consent of the Controller, brings any vegetation or causes any vegetation to be brought into the Park shall be guilty of an offence.

Prohibition of introduction of vegetable into the Park.

(2) If any officer of the Board finds within the confines of the Park any vegetation which was brought into the Park in contravention of subsection (1) of this section, he may destroy the said vegetation or order it to be destroyed.

14. A person guilty of an offence under the provisions of this Act shall be liable on conviction—

Penalty.

(a) in the case of an offence under section 9 (1) or (2) of this Act, to a fine of not less than ₦1,000 or imprisonment for a term not exceeding five years or to both;

(b) in any other case, to a fine of not less than ₦500 or to imprisonment for a term not exceeding three years or to both.

15. (1) If any employee of the Board duly authorised in writing by the Controller to act under this section has reasonable grounds to believe that any person has committed or is committing or is about to commit an offence under this Act or thinks it necessary for the purpose of verifying any licence or permit purported to have been issued to any person under this Act or under the Firearms Act he may, without warrant, inspect and search any building or tent or any baggage, package, wagon, caravan, vehicle, boat or aircraft in the possession or under the control of such person whether within or without the Park, and if such employee finds any game animals, meat of any game animal, vegetation, firearms, spear, bow, arrow or other weapon or any explosive, net, snare, trap or poison, which appear to have been obtained or to be possessed or to have been used or to be about to be used in contravention of this Act, such game animal, meat, vegetation, firearm, spear, bow, arrow or other weapon or explosive, net, snare, trap or poison may be seized and detained by such employee on behalf of the Controller.

Right to search.

Cap. 146.

(2) Any such employee of the Board who seizes or detains anything, weapon or articles pursuant to subsection

(1) of this section, shall give to the person from whom such thing, weapon or article was seized a receipt therefor in the prescribed form signed by the said employee.

(3) In the event of—

(a) the Controller being advised by the Attorney-General of the Federation that no prosecution consequent upon any such search and seizure made under subsection (1) of this section should be instituted; or

(b) any such prosecution having been finally concluded; then in either such event, any such thing, weapon or article so seized and detained pursuant to subsection (1) of this section shall be returned to the owner thereof or the person from whose custody it was taken:

Provided that any such thing, weapon or article shall not be returnable under this subsection, if it has been declared by the court to be forfeited or ordered to be destroyed under the provisions of this Act or any other written law.

Miscellaneous and supplementary

Regulations.

16. (1) The Board may, by regulations, make provisions for—

(a) the conditions under which any person, vehicle, boat, or animal may enter into, travel through, reside or be kept within the Park or any part thereof;

(b) the conditions under which a person travelling through or within the Park on a public road may have in his possession or under his control any firearm or other weapon, ammunition, explosive, trap or poison;

(c) the conditions under which any game animal or species of game animal may be photographed within the Park;

(d) the regulation or prohibition of lighting of fires within the Park;

(e) the conditions under which any domestic or wild animal may be brought into or maintained within the Park or the prohibition thereof and may prescribe the fees to be charged for the bringing of any such

- domestic or wild animal into the Park;
- (f) the prohibition or control of the introduction into, the cutting or damaging within, or the removal from the Park of any vegetation whether alive or dead;
 - (g) the prohibition or control of the destruction, defacing, damaging or removal of anything whether animate or inanimate, within or from the Park;
 - (h) scales of charges for entry into the park or any part thereof and the fees for any services or amenities provided for the general public in the park;
 - (i) fees for fishing and the conditions under which a person may fish within the Park;
 - (j) rules of conduct and behaviour of persons while within the Park;
 - (k) the regulation of traffic on roads, other than public roads, within the Park;
 - (l) the carriage of passengers and goods within the Park, whether for hire or otherwise;
 - (m) the point at which persons and vehicles may enter or leave and the routes by which they may pass through or over the Park on roads other than public roads;
 - (n) without prejudice to any other written law, the prohibition, control or regulation of any trade or business carried on within the Park;
 - (o) generally, the efficient control and management of the Park.

(2) Regulations made under the provisions of this section shall be sent to the Minister as soon as possible for his approval and the Minister may approve the regulations with or without modification and any regulation shall, when approved, be thereafter published in the *Federal Gazette* and until such regulations are so published, they shall have no effect notwithstanding that they have been approved by the Minister.

(3) Any regulations made under this section may prescribe penalty for a breach thereof.

(4) Regulations made pursuant to this section may make different provisions for different persons or class of persons

or circumstances.

Interpreta-
tion.

17. In this Act, unless the context otherwise requires—

“animal” means any vertebrate animal and includes any mammal, bird, reptile, amphibian and the egg of any bird or reptile but does not include a fish or a human being;

“the Board” means the Kainji Lake National Park Management Board established pursuant to section 1 of this Act;

“to capture” includes to take eggs or nests;

“the Controller” means the Controller of the Park appointed pursuant to section 3 of this Act.

“domestic animal” includes a horse, donkey, mule, camel, cow, sheep, pig, goat, dog, cat or domestic fowl or any other animal of whatever kind or species, (whether a quadruped or not) which is tame or which has been or is sufficiently tame to serve some purpose for the use of man and includes any animal *ferae naturae* (wild by nature) which has become tame;

“the Minister” means the Minister charged with responsibility for matters relating to agriculture and water resources;

“the Park” means that area of land in the Borgu Local Government of Kwara State of Nigeria which consists of the Borgu Game Reserve; and that area of land in the Mariga Local Government of the Niger State which consists of the Zugurma Game Reserve; both areas as particularly defined in the First to Third Schedules hereto;

“prescribed fee”, in relation to any licence issued under this Act, means in the case of any game licence so issued, the fee prescribed by regulations made under the provisions of this Act;

Cap. 118 LL.
NN. 1963.

“public road” has the same meaning attributed to it by the Road Traffic Law;

“road” means any public or other way capable of being used by vehicular traffic and to which the public has access and includes bridges over which a road passes;

Kainji Lake National Park Act

“vegetation” includes any form of vegetable matter, dead or alive;

“wild animal” means any animal *ferae naturae* and includes any game animal but does not include any domestic animal;

“wild life” means wild animals or birds of species which are found in Nigeria in a wild state and vegetation which is indigenous to Nigeria and grows naturally without cultivation.

18. This Act may be cited as the Kainji Lake National Park Act. Short title.