



CROSS RIVER STATE OF NIGERIA

LAW NO. 10 (2007)

A Law to provide for the right of a female person to own and to inherit property and for matters connected therewith.. Long Title.

() Commencement

BE IT ENACTED by the Cross River State House of Assembly as follows- Enactment

1. (1) Notwithstanding any native law or custom to the contrary a female person has the right to acquire and own property. Right to Property, in-heritance etc.

(2) Subject to any other written law and notwithstanding any native law or custom to the contrary, a female person shall share in the intestate Estate of her deceased father, mother or husband in accordance with the provisions of this law.

(3) A female person may be the administrator or one of the administrators of her fathers, mothers or husbands estate.

2. Notwithstanding any native law or custom to the contrary, where any person who is subject to native law or custom contracts a marriage in accordance with the provisions of such native law or custom, and such person dies intestate subsequently to the Commencement of this law, leaving- A deceased subject to native Law or Custom.

- (a) a widow or husband;
(b) an issue of such a marriage;
(c) an issue of any other marriage contracted by the deceased; or
(d) an issue out-of-wedlock whose paternity was acknowledged by the deceased;

the personal property of such deceased shall be distributed in accordance with the provisions of section 3 of this law.

3. (1) The widow or husband of the deceased where the marriage produced no issue shall inherit the intestate property. Widow or husband to inherit deceased's property.

(2) Where the deceased is survived by a wife or husband and any issue of the marriage, the surviving wife or husband and any such issue of the marriage shall jointly inherit and own the intestate property.

(3) Where the deceased in addition to the beneficiaries as stated in sub-section 1 and 2 of this section, is survived by any issue out-of-wedlock whose paternity is acknowledged or an issue of any other marriage contracted by the deceased, any such issue shall jointly with all other beneficiaries inherit and own the intestate property.

4. Notwithstanding the provisions of Section 3 of this Law, where all the beneficiaries of the intestate property agree by consensus to distribute amongst themselves, such distribution shall be done in portions equal in-value. Beneficiaries may distribute in equal portions.

Equal status of wives under native law or custom.

5. Subject to the provision of any other written law, where a man has two or more wives married under native law or custom, they shall enjoy equal rights, and have equal status in law.

Consent of Spouse in the sale of property.

6. (1) Where any property or interest in the matrimonial home is jointly owned by the husband and by the wife, he or she shall not while the marriage subsists and without the consent of the other spouse alienate it by way of sale, gift, lease, mortgage or other wise; the other spouse shall have an interest therein capable of being protected by caveat, caution or otherwise under any law for the time being in force relating to the registration of title to land or deeds.

(2) Where any person alienates property or interest jointly owned in the matrimonial home in contravention of Subsection (1) above, such a transaction shall be a nullity, unless the person acquiring the property or interest can satisfy the court that he or she had no notice of the interest of the other spouse and could not by the exercise of reasonable diligence have become aware of it.

(3) Where during the subsistence of a marriage, any property is jointly owned by the husband and wife, there shall be a rebuttable presumption that their beneficial interests therein are equal.

(4) Where during the subsistence of a marriage either spouse gives any property to the other there shall be a presumption that the property thereafter belongs absolutely to the donee.

Right to reside wherever.

7. Notwithstanding any native law or custom to the contrary, a female person whose husband has died shall be free to reside wherever she may please and to remain unmarried or marry again any male of her choice.

Prohibition of marriage with out consent below 21 years.

8. (1) Subject to any other written law and notwithstanding any native law or custom to the contrary, a female person, not being a widow, and has not attained the age of 21 years shall not enter into any marriage without the consent of either her parents or guardian.

(2) Where a female person who has not attained the age of 21 years, enters into a marriage without the consent of either her parents or guardian, such a marriage shall be null and void.

Degrading Rites and Punishment etc.

9. Any person who coerces, compels or subjects a female person to any form of degrading traditional rite, or anything which contravenes her fundamental rights as entrenched in the constitution commits an offence and shall on conviction be liable to a fine not exceeding ₦5,000.00 (five thousand naira) or to imprisonment not exceeding 3 months or to both such fine and imprisonment.

Power of Arrest.

10. Any person who contravenes the provisions of Section 9 of this law, may be arrested without warrant and taken without delay to the nearest Police Station where he shall be granted bail until he is brought before a Magistrate Court for trial.

Interpretation.

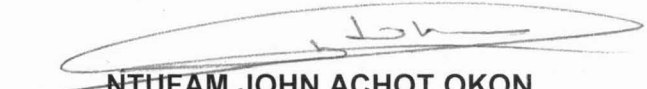
11. In this law, unless the context otherwise requires -
"Female person" includes a married woman whether under the marriage act or Under Native Law or Custom or under Islamic Law;

"Marriage" means any form of marriage contracted under any native law or custom or under Islamic law; and its includes a betrothal under native law or custom;

"Matrimonial home" means the place of abode of the spouses during the marriage.

12. This law may be cited as the Cross River State Female Person's Inheritance of Property Law 2007, and shall be deemed to have come into force on the22nd..... day of.....May.....2007. Short Title and Commencement.

This printed impression has been carefully compared by me with the Bill which has been passed by the Cross River State House of Assembly and found by me to be a true and correctly printed copy of the said Bill.


NTUFAM JOHN ACHOT OKON
CLERK OF THE HOUSE

I assent



DONALD DUKE
GOVERNOR
CROSS RIVER STATE

MADE at Calabar this.....22nd..... day of.....May.....2007