

**A LAW TO PROHIBIT FORCIBLE ENTRY AND ILLEGAL OCCUPATION OF LANDED PROPERTIES, VIOLENT AND FRAUDULENT CONDUCT IN RELATION TO LANDED PROPERTIES, PROSCRIBE THE COLLECTION OF LAND BASED COMMUNITY DEVELOPMENT FEES, LEVIES, ETC BY COMMUNITY DEVELOPMENT ASSOCIATIONS AND ANY OTHER GROUPS IN EDO STATE AND FOR CONNECTED PURPOSES**

**Citation and Commencement:** This Law may be cited as the Edo State Private Properties Protection Law and shall come into force on the 12<sup>th</sup> day of April 2017.

**Enactment:** (1) Be it enacted by the Edo State House of Assembly and by the Authority of same as follows:

**1) Prohibition of Forceful Land Take Over:**

1. As from the commencement of this Law, no person or group of persons shall use force or self-help to take over any property or engage in any act inconsistent with the proprietary rights of the owner of any property in the state.
2. Any person or group of persons who, having used force to take over a landed property in the State before the commencement of this law remains in possession of the said property three (3) months after the commencement of this Law, commits an offence.
3. Any person who commits an offence under any of the provisions of Subsections (1) and (2) above shall, on conviction, be liable to ten (10) years imprisonment.

**2) Prohibition of Entry by Violence:**

1. A person who, *without lawful* authority, uses or threatens violence for the purpose of securing entry into any landed property for himself or for any other person commits an offence.
2. A person's right to possession or occupation of any property shall not, for the purposes of subsection (1) of this section, constitute lawful authority for the use or threat of violence by him or anyone acting on his behalf for the purpose of securing entry into that property.
3. For the purpose of this section, an offence is committed whether or not.
  - (a) The violence is directed against the person or against the property; or
  - (b) The violence is intended to secure entry for the purpose of acquiring possession or for any other purpose.
4.
  - (a) Any person who is convicted of the offence of Entry by Violence as provided for in this Law shall be liable to ten (10) years imprisonment.
  - (b) Any person who;
    - (i) Forcibly enters into any landed property with firearms, offensive weapons or any chemical or obnoxious materials, by whatever name called; or
    - (ii) Is in company of any person so armed; or
    - (iii) Wounds or uses violence in any manner whatsoever on any person contrary to this Section commits an offence and is liable to ten (10) years imprisonment.

**3) Illegal Occupation of Property:**

1. A person who occupies a property as an encroacher and fails to leave the property or deliver up possession on being required to do so by or on behalf of the owner of the property commits an offence.
2. A reference in this Law to property includes a reference to access to the property, whether or not any such access itself constitutes property within the meaning of this Law.

3. Any person who enters into or is in occupation of any property by virtue of any –
  - a. Title derived from an encroacher; or
  - b. Licence or right given by an encroacher shall himself be treated as an encroacher for the purpose of this Law and references in this Law to a person entering, being on or occupying any property as an encroacher, shall be construed as such.
4. Anyone who is on any property as an encroacher shall not cease to be an encroacher by virtue of being allowed time to leave the property.
5. A person who commits an offence under the provisions of this Section shall, on conviction, be liable to a fine not exceeding Five Million Naira (N5,000,000.00) or to five (5) years imprisonment or both such fine and term of imprisonment.

**4) Use of Land Agent**

From the date of commencement of this Law, no person shall cause to be placed on any land or landed property, any land agent(s) for the purpose(s) of takeover by force of the said land.

**5) Illegal Use of Law Enforcement Agent etc.**

1. No person, Vigilante Group, Ethnic, Cultural/Traditional Militia shall execute the judgement of a court in respect of any landed property except as may be provided for under the Sheriff and Civil Process Act or any other Law.
2. Any person who employs the use of a Law Enforcement Agent, Vigilante Group, Ethnic, Cultural/Traditional Militia to enforce any judgement contrary to the provisions of this Law commits an offence and shall, on conviction, be liable to four (4) years imprisonment or an option of fine of Five Hundred Thousand Naira (N500,000.00).

**6) Encroaching with a Weapon**

A person who is in any property as an encroacher and having with him in the property any fire arms, dangerous/offensive weapon(s) commits an offence and is liable on conviction to ten (10) years imprisonment.

**7) Sale of Property without Authority**

1. Any person who –
  - a. Offers for sale any property knowing that he has no lawful title to the property or authority of the owner to do so commits an offence and is liable, on conviction, to fine of Two Million Naira (N2,000,000) or five (5) years imprisonment or both such fine and term of imprisonment.
  - b. Sells a property knowing that he has no lawful title to the property or that the property has been previously sold to him by his privies; or
  - c. Without the lawful authority of the owner sells the property entrusted to him, commits an offence and is liable, on conviction, to a fine not exceeding (200%) of the value of the property or to an imprisonment for five (5) years or both such fine and imprisonment.
2. No person shall sell or cause to be sold any family land, property or any part of it without the consent or authority of the family head and accredited members of the family.
3. No person or group of persons shall sell or offer for sale any land that has previously been sold without a court judgement repudiating the earlier sale.
4. Any person who contravenes the provisions of any of Subsections (2) of (3) of this section, commits an offence and is liable on conviction to twenty-one (21) years imprisonment.
5. Any court before which a person is tried for contravention of the provisions of paragraph (c) of this Subsection (1) of this Section, shall have power to, in addition to convicting the accused person, make any incidental orders including reverting ownership of the property to its rightful owner or other person entitled to possession of same.

**8) Professional Misconduct**

1. No professional shall, in the performance of his or her professional duties, facilitate a contractual agreement between a land owning family and any other person knowing that such contractual agreement contravenes the provisions of this Law or any other Law.
2. Any professional who –
  - (1) Executes a judgement of a Court without following due process as provided for in the Sheriff and Civil Process Act or any other Law commits an offence;
  - (2) Contravenes the provisions of subsection (1) above commits the offence of aiding and abetting the commission of such offence and shall on conviction be liable as if he was the main offender.
  - (3) Is found guilty under the provisions of this Law shall be reported to the relevant professional body for misconduct and necessary action.

#### **9) Frivolous Petitions**

1. No person shall write or cause to be written any petition to any Law enforcement agency in connection with any of the provisions of this law knowing that the allegations or any of the allegations contained in the petition are false.
2. A petition in respect of a landed Property shall be accompanied by a Sworn declaration by the Petitioner.

#### **10) Proscription of Land based Community Development fees, levies, etc**

1. No person or group of persons whether acting for themselves or acting as agents or members of a Community Development Association, youth organisation or other body by whatever name called, shall demand or collect any fee or levy in whatever guise in respect of construction or development activities in any Property in Edo State or disrupt or obstruct such works in any manner whatsoever on account of failure or refusal of any person to pay the said fee, levy or other demands.
2. No Community Development Association, Youth Organisation or other Community based organisation or body by whatever name called, shall deal with or in any Community land in any manner whatsoever except with the express written permission or authority of the Traditional Head of the Community.
3. The Traditional Head of every Community shall, in the exercise of his authority under Subsection (2) of this Section, be Subject to the control and supervision of the Paramount Authority in charge of the Community.
4. Without prejudice to the generality of the provisions of Subsection (3) of this section, it shall be the duty of every traditional head to whom Subsection (1) of this section applies, to render quarterly reports of all transactions involving Community land to the Paramount Authority in charge of the Community.
5. Any person who contravenes the provision of this section commits an offence and shall, on conviction, be liable to imprisonment for ten (10) years or a fine of One Million Naira (N1,000,000.00) or both such fine and imprisonment.
6. Any person who contravenes the provisions of Subsection (2), (3) or (4) of this section commits an offence and shall on conviction be liable to imprisonment for six (6) months or a fine of One Hundred Thousand Naira (N100,000.00) or both such fine and term of imprisonment.

#### **11) Establishment of Task Force Unit**

There shall be established a Task Force to be set-up by the Governor of the State, which shall be responsible for the enforcement of the provisions of this Law.

#### **12) Power to Arrest**

1. The power to arrest any person alleged to have committed any offence under this Law shall be vested in the Task Force Unit established pursuant to this Law and any other Law Enforcement Unit/Agency in the State.

2. In the enforcement of the provisions of this Law, the task force shall be assisted by the Police and other Law Enforcement Agencies.

**13) Power to Arrest**

The Special Offences Court or any other Court shall have jurisdiction to try any person for any of the offences in this Law.

**14) THE EDO STATE HOUSE OF ASSEMBLY enacts as follows:**

In this Law except the context otherwise requires:

**“Agent”** means a person who acts or purports to act on behalf of any party to a real Property transaction; whether in respect of a sale, lease, license, mortgage or other dealings or disposal of, or relating to the Property including any person engaged for one purpose of forceful takeover or sale of a landed Property.

**“Access”** means right to enter or make use of any part of any site, building or Property.

**“Community Development Association”** means an Association, by whatever name called, whether registered or not formed for the purpose of protecting the interest of members of a particular Community.

**“Construction Activities”** includes roofing, repairs, decking, fencing and other building works, restoration or improvement on any property, drilling of borehole and any other type of development or construction works of whatever nature.

**“Encroachment”** means entry into another’s property without right or permission; trespass, violation, intrusion and usurpation.

**“Landed Property”** means a property, a parcel of land, an improvement of land, a building, any land ancillary to a building, a site comprising any building(s) ancillary to it.

**“Paramount Traditional Authority”** means the superior traditional authority to which a traditional head is subject.

**“State”** means Edo State of Nigeria.

**“Traditional Head”** means the person duly appointed in accordance with native law and custom as head of a community and put in charge of the traditional affairs of the community.