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NATIONAL COMMISSION FOR MUSEUMS AND MONUMENTS
(REPEAL AND ENACTMENT) BILL, 2022
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A BILL

FOR

AN ACT TO REPEAL THE NATIONAL COMMISSION FOR MUSEUMS AND MONUMENTS ACT CAP. N19, LAWS OF THE FEDERATION OF NIGERIA, 2004 AND ENACT THE NATIONAL COMMISSION FOR MUSEUMS AND MONUMENTS ACT, 2022 TO REPOSITION THE COMMISSION TO MEET CURRENT REALITIES IN HERITAGE RESOURCE MANAGEMENT; AND FOR RELATED MATTERS

Sponsored by Hon. Dachung Musa Bagos

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

1 PART I - ESTABLISHMENT OF THE NATIONAL COMMISSION FOR
2 MUSEUMS AND MONUMENTS

3 1.-(1) There is hereby established a body to be known as the
4 National Commission for Museums and Monuments (hereinafter in this Act
5 referred to as "the Commission") which shall have the functions assigned to
6 it by this Act. Establishment of the Commission

7 (2) The Commission shall be a body corporate with perpetual
8 succession and common seal and may sue or be sued in its corporate name.

9 (3) The Commission shall be dedicated to research, publication,
10 education, culture, and acquisition, exhibition, conservation and general
11 management of heritage resources. Towards these ends, among other
12 endeavours, the Commission shall establish an institution to train museum
13 professionals, heritage managers and similar staff.

14 2.-(1) There is hereby established for the Commission a Governing
15 Board (hereafter referred to as "the Board"). Establishment of the Governing Board

16 (2) The Board shall consist of a Chairman to be appointed by the
17 President on the recommendation of the Minister and the following other
18 members, that is-

1 (a) Persons each to be appointed from the six geo-political zones, who
 2 by reasons of their ability, experience or specialised knowledge in-
 3 (i) Education,
 4 (ii) Culture, History and Art
 5 (iii) Architecture and Town Planning,
 6 (iv) Science and Technology; and
 7 (v) Anthropology and archaeology,
 8 (vi) Business, fund sourcing or Commerce.

9 are capable of making useful contributions to the work of the Commission;

10 (b) A representative of the supervisory Ministry;

11 (c) The Director-General;

12 (3) The Minister may appoint one of the members of the Commission
 13 referred to in paragraph (a) of subsection (2) of this section to be the Deputy
 14 Chairman of the Commission for such period as the Minister may determine, so
 15 however that a Deputy Chairman who ceases to be a member shall also cease to
 16 be Deputy Chairman.

Functions/powers
of the Board

17 **3.-(1)** The Board shall:

18 (a) Set operational and administrative policies in accordance with
 19 government policy directives and shall supervise the implementation of such
 20 policies;

21 (b) Formulate policies and guidelines for general administration of
 22 the Commission;

23 (c) Ensure that the federal government of Nigeria's long-term interest
 24 is served;

25 (d) Work with the Management to determine the Commission's
 26 mission and long-term strategy;

27 (e) Promote sustainable and cost-efficient activities of the
 28 Commission;

29 (f) Establish and promote the objectives, business and integrity of the
 30 Commission;

1 (g) Establish internal control over financial reporting, and assess
2 the Commission's risks and strategies for risk mitigation;

3 (h) Monitor the performance of Management in achieving set
4 objectives of the organisation;

5 (i) Request appropriate reports from the Management;

6 (j) Approve the programme of activities of the Commission;

7 (k) Approve the appointment of External Auditors;

8 (l) Advise the Minister on matters concerning the management of
9 monuments, antiquities, artefacts and other heritage resources;

10 (m) Approve the creation and/or re-organisation of Departments or
11 Units for the efficient running of the Commission;

12 (n) Approve yearly the inventory contained in the Commission's
13 Real Estate Register and the National Heritage Resources Register;

14 (o) Give approval to the Director-General on de-accessioning of
15 heritage resources from the collections.

16 (2) The Board, before approving the de-accessioning of heritage
17 resources shall be guided by-

18 (a) The assessment in writing of the Heritage Resources
19 Acquisition Committee and the recommendation in writing of the Director-
20 General and;

21 (b) The De-accessioning Policy of the Commission as provided for
22 in section 111 and Schedule 15 of this Act.

23 **4.-(1)** Any person appointed as a member of the Commission (not
24 being an ex-officio member) shall hold office for a term of four years and
25 shall be eligible for re-appointment for one further term of four years and no
26 more.

Tenure of Office
of Governing Board
members

27 (2) The Minister may recommend the termination of the
28 appointment of a member of Board to the President on the grounds of
29 inability to discharge the duties of his office or by reason of-

30 (a) physical or mental incapacity;

	1	(b) bankruptcy;
	2	(c) compromise with creditors;
	3	(d) unethical conduct
	4	(3) The President may terminate the appointment of a member of the
	5	Board if he is satisfied that it is not in the interest of the Commission or the
	6	public for the member to continue in office.
	7	(4) A member may resign the office by writing and signing a letter
	8	signifying his intention to cease being a member.
Remuneration	9	5. Members of the Board who are not public officers shall be paid
	10	allowances in accordance with extant circulars.
Standing Committee of the Board	11	6.-(1) The Board may have the following Standing Committees:
	12	(a) The Personnel Management Committee;
	13	(b) The Finance and General Purposes Committee;
	14	(c) The Technical Committee;
	15	(d) The Education, Research and Publication Committee;
	16	(e) Museums and Heritage Committee;
	17	(f) Any other committees that may be appropriate.
	18	(2) The functions of the Standing Committees shall be as the Board
	19	may specify.
Delegation of powers	20	7.-(1) The Board may, subject to such conditions as it may deem fit,
	21	delegate any or all of the powers conferred on it by this Act to any committee or
	22	committees of its members or the Director-General to:
	23	(2) Inquire into and report to the Board on any matter affecting the
	24	Commission.
	25	(3) Deal with matters of an urgent nature where approved by the
	26	Board, subject to such conditions as the Board may in writing specify.
	27	(4) Appoint and discipline staff of the Commission and to advise the
	28	Board on matters relating to appointments generally, (including appointments
	29	on probation and transfer and confirmation of appointments), conditions of
	30	service, determination of appointment and other disciplinary measures against

1 regulations generally for the purpose of giving effect to the provisions of this
2 Act.

3 **8.-(1)** The Board may from time to time, co-opt any person or Power to co-opt
4 persons not exceeding two (2) in number to assist it in carrying out any of the
5 objects of the Commission under this Act.

6 (2) Any person co-opted under subsection (1) of this section may
7 take part in the proceedings of the Board but shall not be deemed a member
8 of the Board for the purpose of voting or forming of quorum.

9 **9.** The supplementary provisions contained in Schedule 1 of this Proceedings of
the Board
10 Act shall have effect with respect to the proceedings of the Commission and
11 other matters therein mentioned.

12 **PART II - OBJECTIVES, FUNCTIONS AND POWERS**

13 **10.-(1)** Without prejudice to the powers of other public authorities, Objectives of
the Commission
14 it is the duty and essential attribute of the Commission in compliance with
15 the terms of Item 60 of Part 1 of the Second Schedule of the Constitution of
16 the Federation of 1999 (as amended) to guarantee the research and
17 preservation of Nigerian Heritage Resources, promote its enrichment and
18 safeguard access for all citizens to the property included in it. In addition, the
19 Commission shall protect such heritage resources from illegal export and
20 spoliation and shall take measures at securing the return, repatriation or
21 restitution of Nigerian heritage resources taken out of Nigeria illegally or in
22 manners not consistent with the interest of Nigeria or her people.

23 (2) Furthermore, it is the objective of the Commission to facilitate a
24 participatory system of management of the national heritage resources
25 whereby all tiers of government, authorities, communities, entities, groups
26 and individuals shall take part in protecting and conserving heritage
27 resources.

28 (3) For the purposes of this Act, spoliation is any action or omission
29 placing all or any of Nigerian heritage resources at risk of loss or destruction
30 or preventing it from carrying out its social function. In such cases,

Functions of
the Commission

1 irrespective of the powers of the states or local governments, or other entities,
2 the Commission may at any time request the states or local governments or
3 other entities to adopt immediate measures to prevent spoliation. If this request
4 is not met, the Commission shall act as necessary to recover and protect the
5 endangered heritage resource on behalf of the nation.

6 (4) The objectives of the Commission shall be realised by
7 implementing diligently the functions enumerated below and other additional
8 functions as deemed necessary by the Board.

9 **11.-(1)** The functions of the Commission shall include-

10 (a) Carrying out research into the tangible and intangible cultural and
11 natural heritage;

12 (b) Administering national museums, monuments, heritage sites and
13 resources;

14 (c) Establishing and maintaining national museums and other outlets
15 for or in connection with, but not restricted only to the following, that is-

16 (i) Antiquities,

17 (ii) Science and technology,

18 (iii) Warfare,

19 (iv) African, Black and other heritage resources,

20 (v) Arts and crafts,

21 (vi) Architecture,

22 (vii) Natural history, and

23 (viii) Educational and research services,

24 (d) Maintaining and preserving the country's patrimony and heritage
25 resources through the prevention and protection of illicit trafficking of heritage
26 resources;

27 (e) Protecting and preserving all monuments, traditional, historical,
28 cultural and natural sites from pillage, destruction, damage and neglect;

29 (f) Conducting research and advancing traditional knowhow in the
30 fields of science, technology and traditional architecture;

1 (g) Documentation of all National heritage resources and their
2 context;

3 (h) Disseminating knowledge of the property comprising the
4 Nigerian Heritage Resources, and exchanging cultural, technical and
5 scientific information concerning it globally;

6 (i) Prescribing standards and making recommendations to local
7 and state governments concerning the establishment and management of
8 museums and the preservation of heritage objects, heritage sites and
9 monuments, not being national museums, or heritage objects or heritage
10 sites and monuments declared to be national museums or Class A Heritage
11 Resources;

12 (j) Stipulating standards and making recommendations to persons,
13 entities or authorities concerning the establishment and management of
14 museums and the preservation of heritage objects, heritage sites and
15 monuments, not being national museums or not being heritage objects,
16 heritage sites and monuments declared to be Class A Heritage Resources;

17 (k) Approving any museum, which is established in line with
18 sections 117 and 118 of this Act and at any time withdraw such approval;

19 (l) Carrying out investigation and tracking of illicitly trafficked
20 objects and advising the Board on the return of same;

21 (m) Working at the return of antiquities and other cultural property
22 from outside the nation on behalf of Nigeria and sub-national authorities and
23 bodies.

24 (n) Establishing, compiling, updating, managing and, where
25 appropriate, publishing, a national inventory of heritage resources
26 belonging to:

27 (i) The nation and national bodies, institutions and authorities,

28 (ii) Religious or cultural organisations when the heritage resources
29 have been made accessible to the public, or when such organisations have
30 given their consent for such a purpose,

- 1 (iii) States, Local Governments; and
- 2 (iv) Natural and juridical persons;
- 3 (o) Exercising surveillance over the protection, conservation,
- 4 restoration, maintenance, exhibition and accessibility of heritage resources;
- 5 (p) Authorizing excavations, as well as monitoring excavations
- 6 ensuring that such excavations, their documentation and the exhibition of the
- 7 results thereof follow scientific methods and employ the best technology
- 8 possible;
- 9 (q) Liaising with relevant Planning Authorities in safeguarding
- 10 heritage resources when considering applications for planning permission
- 11 relating to development affecting objects, sites, buildings or landscapes which
- 12 form part of the heritage resources;
- 13 (r) Coordinating with the Planning Authorities and other pertinent
- 14 bodies, measures which are deemed necessary so that objects, sites and
- 15 buildings forming part of the heritage resources are protected and made
- 16 accessible through any necessary conservation, maintenance, restoration,
- 17 exhibition and promotion;
- 18 (s) Performing or commissioning the restoration or conservation of
- 19 heritage resources owned or otherwise held or administered by it;
- 20 (t) Enforcing urgent repair or conservation works, as well as
- 21 compulsorily acquiring sites or buildings for the better protection of the
- 22 heritage resources;
- 23 (u) Advising the Minister on all matters relating to the heritage
- 24 resources in the nation;
- 25 (v) Acquiring in property or in trust objects, collections of objects,
- 26 sites and buildings.
- 27 (2) Establishing national principles, standards and policy for the
- 28 identification, recording and management of all the heritage resources in
- 29 Nigeria.
- 30 (3) Carrying out any required intervention under a coordinated

1 uniform national regime that includes the Federal, state and local
2 governments and other bodies;

3 (4) Educating the public on the need and value of conservation and
4 preservation of heritage resources, and promoting participation from all
5 spheres of the society;

6 (5) Giving direction to all professionals of the Commission, related
7 bodies, disciplines and persons on updating and monitoring the
8 categorization, conservation and preservation of heritage resources;

9 (6) Performing such other functions under this Act or any other law
10 as well as such other functions as may from time to time be assigned to it.

11 12.-(1) For the purpose of the discharge of its functions under this
12 Act, the Commission may-

Special Powers
of the Commission

13 (a) For the purpose of discovering heritage objects in any area,
14 carry out research and conduct excavation with the knowledge of the State
15 Government concerned;

16 (b) Enter upon any land where archaeological excavation or other
17 operations are being carried on, and inspect or regulate same;

18 (c) If the Commission considers it expedient that any heritage
19 resource (other than a monument) should be preserved in a museum, upon
20 informing the state government concerned and any other authority, body or
21 person, arrange for the purchase or loan (as specified) of the heritage
22 resource and its removal to a national or other approved museum;

23 (d) By agreement with the owner of any heritage resource (other
24 than a monument) undertake its preservation and maintenance or any other
25 measures which the Commission would have power to undertake if such
26 heritage object were a national monument;

27 (e) Acquire and dispose of any interests in land or other Property;

28 (f) Establish and maintain business outfits for Public Private
29 Partnership and other arrangements;

30 (g) Lend any heritage resources or any other thing under its control

1 to a museum or public institution, subject to such conditions as it deems
2 necessary and appropriate;

3 (h) Regulate, supervise and control the lending of heritage resources
4 by other museums other than the ones owned by the Commission;

5 (i) Produce, acquire and market products relating to heritage
6 resources, or enter into arrangements for the production, acquisition and
7 marketing of such products;

8 (j) Charge for the provision of services rendered in terms of this Act,
9 including but not limited to the-

10 (i) Processing of applications received;

11 (ii) Carrying out of investigations;

12 (iii) Production, acquisition and marketing of products; and;

13 (iv) Provision of information;

14 (k) Arrange for the provision of insurance cover for-

15 (i) Itself against any loss, damage, risk or liability which it may suffer
16 or incur regarding any property or heritage resources under its control;

17 (ii) Members of its staff, in respect of bodily injury, illness,
18 disablement or death incurred wholly and directly in the course of the
19 performance of their duties on behalf of the Commission;

20 (l) Enter into contracts; and

21 (m) Employ consultants to assist in the performance of its functions.

22 (n) Serve as a research and publication based institution;

23 (o) Create and maintain its own libraries, archives and museums;

24 (p) Create Awards and rewards to honour persons who have:

25 (i) Made, reported or delivered discoveries of valuable heritage
26 resource,

27 (ii) Made exemplary contributions to heritage resources protection,
28 rescue or management,

29 (iii) Conscientiously implemented laws and regulations on the
30 protection of heritage resources;

1 (iv) Donated important heritage resources in his own collection to
2 the State or have made donations for the undertaking of protection of
3 heritage resources;

4 (v) Made major contributions to the work of archaeological
5 excavations, museological research and publications;

6 (vi) Made important inventions and innovations in the science and
7 techniques for the protection of heritage resources, or other important
8 contributions in this respect;

9 (vii) Been engaged in the work concerning heritage resources over
10 many years and have made outstanding achievements in this field.

11 13.-(1) The Commission on the basis of its enumerated objectives
12 and functions is hereby designated a research and publication institution.

Designation of
the Commission
as a Research and
Publication
Institution

13 (2) In line with its function as a research institution, the
14 Commission shall perform the following tasks:

15 (a) Promote research and publication in the field of cultural and
16 natural heritage and conduct excavations and other investigations which
17 may be required so that objects or aspects of cultural heritage be discovered,
18 acquired, researched and published, cared for and appreciated;

19 (b) Promote education, research and training in fields related to the
20 management of heritage resources;

21 (c) Ensure that adequate documentation is kept and archived in
22 relation to excavation, exploration and search for heritage resources, the
23 preservation, conservation of heritage resources and discoveries resulting
24 from Environmental Impact Assessments (EIA);

25 (d) Ensure that museums, collections, sites, buildings and property,
26 (movable or immovable), forming part of the heritage resources, owned or
27 administered by it, are preserved, conserved, restored, administered,
28 managed, operated, marketed, studied and presented for exhibition, in the
29 best way possible;

30 (e) Establish national principles, standards and policy for the

	1	identification, recording and management of monuments, artefacts and other
	2	archaeological finds in terms of which heritage resource authorities and other
	3	relevant authorities shall function.
Declaration of National Museums	4	14.-(1) The museums specified in Schedule 2 to this Act are hereby
	5	declared to be National Museums for the purposes of Item 60 of the Exclusive
	6	Legislative List in Part 1 of the Second Schedule to the Constitution of the
	7	Federation (as amended) and references in this Act to National Museums shall
	8	be construed accordingly.
	9	(2) The Honourable Minister may, as and when National Museums
	10	are declared, amend Schedule 2 to this Act accordingly.
Heritage Resource Register	11	15.-(1) There shall be a register in the Commission which shall be
	12	known as the National Heritage Resource Register which shall contain in a
	13	stipulated format the identity and location of all heritage resources, whether
	14	located abroad or in Nigeria, whether in public or private hand, whether
	15	belonging to the Commission or a State or Local Government heritage
	16	resources authority or other bodies in Nigeria. The format shall contain data
	17	that shall help to fully identify the person that by any right is the holder of a
	18	heritage resource; and shall also explain the reason for the cultural interest in
	19	the heritage resource.
	20	(2) Movable heritage resources, which have been in the possession of
	21	a natural or juridical person, before the commencement of this Act, shall be
	22	registered by the Commission.
	23	(3) For the purpose of registering heritage resources, this section and
	24	section 95 of this Act shall be read together.
Loss of Heritage Resources	25	16.-(1) In case of the destruction, damage or loss, either intentionally,
	26	or due to an accident or force majeure, of a heritage resource, the Commission
	27	shall cause this to be recorded in the National Heritage Resource Register.
	28	(2) A state heritage resources authority shall notify the Commission
	29	when a heritage site or monument within its area of jurisdiction, or a heritage
	30	object or antiquity or any heritage resource, which is listed in the heritage

1 register is destroyed, or damaged or lost whereupon the Commission shall
2 record the destruction or damage or loss of the heritage site or monument or
3 heritage object or antiquity or any heritage resource, against the entry in the
4 National Heritage Resource Register.

5 (3) The provisions of sub-section (2) apply mutatis mutandis to the
6 local government heritage resources authority.

7 (4) Other bodies or authorities which may have control over
8 heritage resources shall in like manner notify the Commission or the nearest
9 heritage resource authority when such a heritage site or monument or
10 heritage object or antiquity or any heritage resource, which is listed in the
11 heritage register is destroyed, or damaged or lost whereupon the
12 Commission shall record the destruction or damage or loss of the heritage
13 site or monument or heritage object or antiquity or any heritage resource
14 against the entry in the National Heritage Resource Register.

15 17.-(1) The Commission, the state and local government heritage
16 resources authority and any other person or entity which has possession,
17 control or authority over any heritage resources shall conduct regular checks
18 to ensure that all heritage resources are secure and in place.

Conservation
and Security

19 (2) Persons living or carrying on business near heritage resources
20 owe a duty of care to safeguard heritage resources near them. Persons living
21 or carrying on business near a heritage resource may be prosecuted for the
22 loss or damage to the heritage resource.

23 (3) Where a staff of the Commission who is in charge of
24 management, security, repairs, restoration or any other task for the
25 protection of Nigerian heritage resources acts or omits to act thereby
26 causing the loss, destruction, damage or deterioration of a heritage resource,
27 he shall be punished for serious misconduct under the provisions of the
28 Public Service Rules. Where the act of the staff contains elements of a crime,
29 he shall be prosecuted in a court of competent jurisdiction. Subject to the
30 rule against double jeopardy, prosecution, conviction or acquittal as the case

1 may be does not abrogate the rights of the Commission to take appropriate
2 disciplinary measures against the staff.

3 (4) Where a staff of a state heritage resources authority or a Local
4 Government heritage resources authority who is in charge of management,
5 security, repairs, restoration or any other task for the protection of heritage
6 resources acts or omits to act thereby causing the loss, destruction, damage or
7 deterioration of a heritage resource, the state's heritage resources authority
8 shall use provisions in their laws to effect the provisions of sub-section (3) of
9 this section in their states. Whether a person offending against this section is
10 punished under the laws by a state heritage resources agency or not, the
11 Commission, subject to any rule against double jeopardy, may initiate
12 proceedings in a court of law against the offender in line with the Commission's
13 role as a regulatory agency and in order to ensure the protection and
14 safeguarding of all heritage resources located in Nigeria or of Nigerian origin.

15 (5) Officials of other bodies or authorities which may have control
16 over heritage resources and other persons living near heritage resources' act or
17 omission to act or negligence or unconcerned attitude is deemed to have
18 offended this Act if such act or omission or negligence or unconcerned attitude
19 results in the loss, destruction, damage or deterioration of a heritage resource.

20 (6) Any person who acts or omits to act thereby causing the loss,
21 destruction, damage or deterioration of a heritage resource shall be guilty of an
22 offence and is liable on conviction-

23 (a) If a natural person, to a fine of N500,000 or to paying the cost of
24 restoration (whichever is greater), or imprisonment for two years,

25 (b) If a juridical person, to a fine of N5,000,000 and shall pay for the
26 cost of restoration.

27 (7) In instances where the Commission prosecutes an offender,
28 prosecution by the state heritage agency or other authorities shall abate.

Consultative
Advisory
Committee

29 PART III - ADVISORY COMMITTEES OF THE COMMISSION

30 **18.-(1)** There shall be a Committee in the Commission to be known as

1 the Consultative Advisory Committee which shall have the following
2 functions-

3 (a) Advising the Management of the Commission on matters
4 relating to the activities of the Commission;

5 (b) Analysing progress reports of the Commission for the purpose
6 of advising thereon;

7 (c) Deploying its accumulated collective experience in identifying
8 opportunities and direction for the Commission.

9 (2) The members of the Committee shall be:

10 (a) Previous Directors-General;

11 (b) Selected previous members of the Board and selected previous
12 Directors being not more than 10 in number chosen on the recommendation
13 of current Directors-General and Directors,

14 (c) Any other persons who the Director-General may permit to be
15 members for reasons of cognate experience;

16 (3) The Consultative Advisory Committee shall meet twice in a
17 year. However, the Director-General may initiate and approve such number
18 of additional meetings as he may deem necessary.

19 **19.**-(1) There shall be a committee in the Commission, to be known
20 as the Heritage Resources Acquisition and Delisting Committee which
21 functions shall include-

Heritage Resources
Acquisition and
Delisting Committee

22 (a) Advising the Director-General for the purpose of making
23 recommendation to the Board in relation to-

24 (i) Objects that should be included in, or de-accessed from, the
25 National Heritage Resource Register,

26 (ii) Classification and re-classification of objects so included; and

27 (iii) Operation of the National Heritage Resources Register,

28 (iv) Assessing the amount of money to pay upon acquisition of
29 artefacts by the Commission.

30 (2) Members of this Committee shall be-

1 (a) Directors of the Commission or their representatives; and;

2 (b) Any two other persons the Director-General may for reasons of

3 competence or relevance appoint on ad hoc basis.

The Interrelations Unit 4 **20.-(1)** There shall be a Unit to be known as the Interrelations Unit

5 which duties shall include-

6 (a) Advising the Director-General on modalities of establishing

7 cooperation with international bodies, appropriate authorities of the states,

8 local governments, other entities and persons, on matters relating to the

9 functioning of this Act as it affects the relationship between the Commission

10 and these authorities, entities and persons;

11 (b) Monitoring the activities of all such bodies to ensure compliance

12 to this Act and to also ensure uniform and concerted approach to protecting

13 heritage resources;

14 (c) Ensuring that the heritage resources in the hold of these bodies are

15 compiled, updated and included in the National Heritage Resource Register;

16 (d) Monitoring the activities of construction companies, mining

17 companies, industries, farms, and other entities that are involved in major earth

18 movement and ensuring their compliance with measures aimed at protecting

19 heritage resources that are in danger of destruction by reasons of their

20 activities;

21 (e) Monitoring the activities of museums and collections, other than

22 museums and collections owned by the Commission, and ensuring they

23 comply with standards established by the Commission;

24 (f) Exercising surveillance over the protection, conservation,

25 restoration, maintenance, exhibition and accessibility of heritage resources in

26 State, Local Government owned museums and other museums owned by other

27 entities;

28 (g) Doing other things necessary to ensure that the Commission

29 properly plays its regulatory roles.

30 (2) The Commission shall establish additional rules concerning

1 qualification for appointment to the Interrelations Unit as well as rules for
2 the activities of the Unit.

3 **21.-(1)** The Commission shall appoint a group comprising 13
4 highly respected persons who have achieved acclaim for their interest in
5 preservation and promotion of Nigerian art, culture and heritage who shall
6 use their contacts and goodwill to promote the activities of the Commission
7 both in Nigeria and outside Nigeria,

The Trustee for
Culture and Heritage

8 (2) The initial 13 members shall be appointed by the Director-
9 General after extensive consultation. Subsequently, the Committee shall
10 become self-appointing whereby remaining members shall recommend to
11 the Director-General replacements who fit into the description in subsection
12 (1) to replace a member who for reason of death or retirement or expiration
13 of tenure or incapacity has ceased to be part of the Committee.

14 (3) This Committee shall-

15 (a) Represent the conscience of the nation in heritage and cultural
16 matters,

17 (b) Shall not receive any remuneration from the Commission,

18 (c) Shall sit when and where it considers convenient.

19 (4) The Committee may use its connections and contacts to raise
20 funds to-

21 (a) Pay for any Nigerian heritage abroad that can only be
22 repatriated through payment of any fees or charges or any other expenses,

23 (b) Give financial assistance to things of any kind which are of
24 scenic, historic, archaeological, aesthetic, architectural or artistic interest or
25 any other things which pertain to the activities of the Commission,

26 (c) Do any other thing for the purpose of promoting or advancing
27 cultural heritage of the nation and the work of the Commission;

28 (d) The Committee may give financial assistance in respect of
29 items in paragraph (b) of this subsection, for the purpose of-

30 (i) Securing the preservation or enhancement of such things,

1 (ii) Encouraging the study and understanding of them and the
2 compilation and dissemination of information about them,

3 (iii) Securing or improving access to them, or their display,

4 (iv) Encouraging enjoyment of them, or

5 (v) Encouraging the maintenance and development of the skills
6 required for their preservation or enhancement,

7 (5) Before giving any financial assistance under this section for any
8 project, the Committee-

9 (a) Shall obtain any expert advice about the project they consider
10 appropriate, and

11 (b) Must be satisfied that the project is of importance to the national
12 heritage.

13 (6) Financial assistance under this section shall be given by way of
14 grant or donations.

15 (7) A person may not be appointed a member for more than ten
16 consecutive years,

17 (8) A member may resign by notice in writing to the Director-General,

18 (9) The Director-General may terminate the appointment of a
19 member if he is satisfied that-

20 (a) He has failed to attend ten successive meetings of the Committee;

21 (b) He is an undischarged bankrupt or has made an arrangement with
22 his creditors or is insolvent;

23 (c) He is by reason of physical or mental illness, or for any other
24 reason, incapable of carrying out his duties; or

25 (d) He has been convicted of such a criminal offence, or his conduct
26 has been such, that it is not in the Director-General's opinion fitting that he
27 should remain a member.

28 (10) The Director-General shall consult the Directors of the
29 Commission before exercising any power of his under this section.

30 (11) All administrative and other expenses incurred by the members

1 in discharging their functions may be defrayed out of the fund generated by
2 the Committee.

3 (12) The Committee may engage such officers of the Commission
4 to assist in carrying out its functions.

5 PART IV - STAFF OF THE COMMISSION

6 **22.-(1)** There shall be an officer of the Commission to be known as Appointment of
7 the Director-General who shall be appointed by the President on the the Director-
8 recommendation of the Minister. General

9 (2) The Director-General shall be-

10 (a) The Chief Executive of the Commission;

11 (b) Responsible for-

12 (i) The day-to-day administration of the Commission,

13 (ii) Establishing and maintaining co-operation with state
14 governments, local governments and other authorities and entities, in
15 respect of identification, conservation and preservation of heritage
16 resources,

17 (iii) Articulating national direction, giving advice and coordinating
18 the states, the local governments and other authorities and entities at all
19 levels for the purpose of safeguarding, promoting and dealing with any of
20 the nation's heritage resources,

21 (iv) Overseeing the National Heritage Resources Register and he
22 shall determine and specify upon the advice of the Cultural Heritage
23 Acquisition and Delisting Committee categories of heritage to be listed in
24 the Register,

25 (v) Overseeing the National Archaeological Register,

26 (vi) Overseeing the Real Estate Register of the Commission,

27 (vii) Overseeing the Register of Museums,

28 (viii) Overseeing the Register of Collective Knowledge of
29 Biological Resources,

30 (ix) Overseeing the Register of Museums Officials,

- 1 (x) Overseeing the Seal of the Commission,
 2 (xi) Advising the Minister and the Board with regard to any matter in
 3 respect of conservation and preservation of heritage,
 4 (c) Responsible to do all such things as may be incidental to or
 5 consequential upon the discharge of his powers and functions and performing
 6 such other functions under this Act as the Minister or the Board may assign
 7 from time to time.

8 (3) Any person appointed as Director-General shall hold office for a
 9 term of four years and shall be eligible for re-appointment for one further term
 10 of four years and no more.

11 (4) The person to be appointed as Director-General shall have
 12 adequate knowledge of the functions and works of the Commission.

Appointment of
other staff

13 **23.**-(1) There may be appointed from time to time by the Board, such
 14 other staff as may be required for the purposes of the efficient performance of
 15 the functions conferred on the Commission under or pursuant to this Act.

16 (2) Notwithstanding (1) above, there shall be in the Commission the
 17 Departments listed in section 24 of this Act which shall perform under the
 18 general supervision and direction of the Director-General the functions
 19 assigned to them under this Act or any other functions the Director-General
 20 may assign to them from time to time.

The Departments
in the Commission

21 **24.** The Departments in the Commission are:

- 22 (1) Department of Educational Services;
 23 (2) Department of Skill Acquisition and Entrepreneurship;
 24 (3) Institute of Archaeology and Museum Studies, Jos;
 25 (4) Department of Monuments and Sites;
 26 (5) Department of Heritage Services;
 27 (6) Department of Archaeology and Ethnography;
 28 (7) Department of Planning, Statistics and Publication;
 29 (8) Department of Legal and Corporate Services;
 30 (9) Department of Security and Heritage Protection;

- 1 (10) Department of Museums;
- 2 (11) Department of Conservation and Restoration;
- 3 (12) Department of Finance & Accounts Department;
- 4 (13) Department of Information Communication Technology
- 5 (ICT);
- 6 (14) Department of Project, Works and Heritage Restoration;
- 7 (15) Department of Procurement;
- 8 (16) Department of Special Duties;
- 9 (17) Department of Human Resources;
- 10 (18) Department of General Services;
- 11 (19) Department of Reform Coordination and Service
- 12 Improvement;
- 13 (20) Department of Audit;
- 14 (21) There shall be Zonal Directorates headed by Directors in the
- 15 six geo-political zones of Nigeria.

Boar's power
to rearrange
Departments

16 **25.** The Board may upon the recommendation of the Director-
17 General re-arrange or re-organise any or all the Departments of the
18 Commission in order to ensure their better operation.

19 **26.** Subject to the other provisions of the Act, the Honourable
20 Minister, with the approval of the Federal Executive Council, may make
21 regulations generally for the purpose of this Act and the due administration
22 thereof.

Minister may
make Regulations

23 **27.** Subject to the provisions of this Act, the Minister may give the
24 Board directives of a special or general character relating to particular
25 matters with regard to the exercise by the Board of its functions under this
26 Act.

Power of the
Minister to give
directives

27 **28.-(1)** Service in the Commission shall be approved service for
28 the purposes of the Pension (Reforms) Act 2004.

Service in the
Commission to
be pensionable

29 (2) Officers and other persons employed in the Commission shall,
30 in respect of their service in the Commission, be entitled to pensions,

1 gratuities and other retirement benefits as are enjoyed by persons holding
2 equivalent grades in the public service of the Federation, so however that
3 nothing in this Act shall prevent the appointment of a person to any office on
4 terms which preclude the grant of a pension and gratuity in respect of that
5 office.

6 (3) For the purposes of the application of the provisions of the
7 Pensions (Reforms) Act, any power exercisable thereunder by a Minister or
8 other authority of the Government of the Federation, other than the power to
9 make regulations under section 97 thereof, is hereby vested in and shall be
10 exercisable by the Board and not by any other authority.

Distribution of
certain officers
of the Commission
nationwide

11 **29.-(1)** The Director-General shall ensure that in each Local
12 Government Area of the Federation there is:

13 (2) One or more officials of the Commission and that such officials
14 are actively engaged in that Local Government Area in performing any or some
15 of the following duties:

16 (a) Conducting ethnography research, registering and acquiring
17 ethnographic objects from communities,

18 (b) Research, documentation, inventorisation, management,
19 protection, preservation and conservation of existing and prospective
20 monuments and sites,

21 (c) Research, documentation, inventorisation, management,
22 protection, preservation and conservation of flora, fauna and Cultural
23 Landscapes,

24 (d) Offering guided tours of monuments and sites,

25 (e) Coordination and collaboration with communities and relevant
26 stakeholders for monuments and sites management,

27 (f) Facilitating interactions with host Communities and stakeholders
28 for participatory conservation and management actions.

29 (g) Collaborating with Local and State Governments in conservation
30 and management actions.

1 (h) Identifying, inventorizing and Conserving Natural landscapes
2 and liaising with National Park Service and other related organizations to
3 update National Natural Heritage database;

4 (i) Identifying, inventorying, documenting and recording cultural
5 festivals and other Intangible Cultural Heritage (ICH) and promotion of
6 indigenous knowledge system,

7 (j) Creating awareness on Cultural Heritage Impact Assessment,

8 (k) Monitoring of Urban developmental activities and carrying out
9 scientific studies on historic urban landscapes,

10 (l) Creating Recovery Plan for threatened species, maintaining a
11 Register of species and cataloguing and maintain inventory of Natural
12 History specimens,

13 (m) Monitoring all archaeological investigation and protecting,
14 preserving archaeological sites,

15 (n) Overseeing the activities of private, community and palace
16 Museums.

17 (o) Identifying and creating Public/Private Partnership (PPP)
18 opportunities including craft and related centres to the advantage of the
19 Commission,

20 (p) Reporting actual or threat of destruction, defacing, alteration,
21 excavation or removal of monuments or sites.

22 (2) The officers shall be involved in the Local Governments and
23 communities in carrying out the policy of the Commission Regarding
24 Safeguarding and Perpetuating Knowledge as contained in Schedule 4 of
25 this Act.

26 (3) The officers shall be involved in the Local Governments and
27 communities in organising Cultural Heritage Associations as provided for in
28 Schedule 17 of this Act.

29 (4) The officers shall be involved in the Local Governments and
30 communities in carrying out other duties assigned by the Director-General.

	1	PART V - DECLARATION OF HERITAGE RESOURCES AS
	2	NATIONAL MONUMENTS
Declaration of National Monuments	3	30.-(1) The Commission shall if it considers that any heritage
	4	resource is in need of protection, preservation or conservation and ought in the
	5	national interest to be protected, preserved or conserved as national monument
	6	publish notices to that effect in the Federal Gazette and in the appropriate State
	7	Gazette as well as the local government by-law and cause a copy of the notice
	8	to be served on the owner(s) of the heritage resource concerned and every such
	9	notice shall-
	10	(a) Specify the heritage resource and the place where it is or is
	11	believed to be;
	12	(b) Take cognizance of the customary rights and practices of the
	13	communities concerned;
	14	(c) Be published in one national and at least one local daily as well as
	15	announced in other local media calling for any objection to such declaration to
	16	be lodged with the Commission within two months from the date of
	17	publications, notices or announcements.
	18	(2) The Commission shall in any case in which it is reasonably
	19	practicable so to do, cause a copy of any notice published under sub-section (1)
	20	above to be pasted in a conspicuous place on or near the property to which it
	21	relates and additional copies shall be sent to the local government as well as the
	22	head of the community in which the property is located and the Secretary to the
	23	local government concerned shall post a copy of such notice in a conspicuous
	24	place in the principal office of such local government.
	25	(3) From the date of publication of notice under sub-section (1) above
	26	and until the expiration of one year thereafter, or until the publication of an
	27	order by the President under sub-section (6) of this section it shall be an offence
	28	to destroy, deface, alter, remove, excavate or transfer the possession of the
	29	property to which the notice relates except with the permission in writing of the
	30	Commission.

1 (4) Any entity that has mining title within the area shall
2 immediately inform the Commission before the commencement of any
3 mining activities so that the Commission may carry out heritage impact
4 assessment upon which the Commission shall issue heritage clearance
5 permit-

6 (a) And it shall be obligatory on the part of the entity to report to the
7 nearest museum or office of the Commission any finds discovered in the
8 course of the mining;

9 (b) The Commission shall have the right of access to monitor the
10 activities of the entity at all time.

11 (5) The Commission shall within three months after the
12 publication of a notice under sub-section (1) of this section, submit to the
13 President in such manner as may be prescribed, its application for the
14 declaration as a national monument the property of which the notice relates.

15 (6) An application submitted under sub-section (5) of this section
16 shall be considered by the President, together with any objections furnished
17 in relation thereto and the President may by order published in the Federal
18 Gazette either declare the property to which the application relates to be a
19 national monument or notify his refusal to do so: Provided that no such
20 declaration shall be made after the expiration of one year from the date of
21 publication of the notice under sub-section (1) to which the application
22 relates.

23 (7) An order made under sub-section (6) of this section-

24 (a) May at any time be revoked by the President whereupon the
25 property to which it relates shall cease to be a national monument; and

26 (b) Shall, unless and until it is revoked, be conclusive evidence of
27 the fact that the property to which it relates is a national monument.

28 (8) The Commission shall before, during and after declaring a
29 heritage resource a national monument hold consultative meetings with the
30 community or persons who are owners or in control of the monument;

1 (9) All reproduction rights, either in two or three dimensions in
2 respect of a national monument or an antiquity or any other heritage resource
3 under the management of the Commission, subject to any existing rights and
4 the agreement of the owner where necessary, belong to Nigeria and vest in the
5 Commission. No person may make such reproduction for profit without a
6 permit issued by the Commission which may prescribe the fees payable in
7 respect of such reproduction and shall deposit such fees in a fund dedicated to
8 the conservation of such antiquity or heritage resource or of heritage resources
9 in general.

10 (10) Reproduction rights on a monument or an antiquity or any other
11 heritage resource managed by a state belong to the state. No person may make
12 such reproduction for profit without a permit issued by a state heritage
13 resources authority which may prescribe the fees payable in respect of such
14 reproduction and shall deposit such fees in a fund dedicated to the conservation
15 of such a monument or antiquity or other heritage resource or of heritage
16 resources in general,

17 (11) Any person that contravenes the provisions of sub-section (3) of
18 this section shall be guilty of an offence and is liable on conviction-

19 (a) If a natural person, to a fine of N1,000,000 or to paying the cost of
20 restoration (whichever is greater), or imprisonment for three years,

21 (b) If a juridical person, to a fine of N10,000,000 and shall pay for the
22 cost of restoration.

23 (12) Any entity that fails to comply with the stipulations in sub-
24 section (4) of this section shall be liable to a fine of N10,000,000,

25 (13) Any person that contravenes the provisions of sub-section (9) of
26 this section shall be guilty of an offence and is liable on conviction-

27 (a) If a natural person, to a fine of N1,000,000 or imprisonment for
28 three years,

29 (b) If a juridical person, to a fine of N10,000,000.

1 **31.**-(1) A heritage resource authority of a state may in similar
2 manners as contained in Section 30 cause the governor of a state to declare a
3 heritage resource a state monument,

4 (2) To effect this, the heritage resource authority of a state shall
5 publish notices to that effect in the appropriate State Gazette as well as the
6 local government by-law and cause a copy of the notice to be served on the
7 owner(s) of the site concerned and every such notice shall-

8 (a) specify the site;

9 (b) Take cognizance of the customary rights and practices of the
10 communities concerned;

11 (c) Be published in at least one local daily as well as announced in
12 other local media calling for any objection to such declaration to be lodged
13 with the heritage resource authority of the state within two months from the
14 date of publications, notices or announcements.

15 (d) state that it is intended to make an application to the Governor
16 to declare the site to be a monument; and

17 (2) The heritage resource authority of the state shall cause a copy of
18 any notice published under subsection (2) of this section to be posted in a
19 conspicuous place on the site to which it relates and additional copies shall
20 be sent to the Local Government in which the site is located and the
21 Secretary to the Local Government concerned shall post a copy of such
22 notice in a conspicuous place in the principal office of such Local
23 Government.

24 (3) From the date of publication of a notice under subsection (2) of
25 this section, until the publication of an order by the Governor under
26 subsection (7) of this section or if no such order is published until the expiry
27 of one year thereafter, it shall be an offence to destroy, deface, alter,
28 subdivide, change the planning status or excavate or to transfer the
29 possession of the site to which the notice related except with the permission
30 in writing of the heritage resource authority of that state:

1 (4) Any entity that has mining title within the area shall immediately
2 inform the Commission before the commencement of any mining activities so
3 that the Commission may carry out heritage impact assessment upon which the
4 Commission shall issue heritage clearance permit-

5 (a) And it shall be obligatory on the part of the entity to report to the
6 nearest station or office of the Commission any finds discovered in the course
7 of the mining;

8 (b) The Commission shall have the right of access to monitor the
9 activities of the entity at all time.

10 (5) The heritage resource authority of a state shall within three months
11 after the publication of a notice under sub-section (2) of this section, submit to
12 the Governor in such manner as may be prescribed, its application for the
13 declaration as a monument the site of which the notice relates.

14 (6) An application submitted under sub-section (6) of this section
15 shall be considered by the Governor, together with any objections furnished in
16 relation thereto and the Governor may by order published in the State Gazette
17 either declare the site to which the application relates to be a state monument or
18 notify his refusal to do so: Provided that no such declaration shall be made after
19 the expiration of one year from the date of publication of the notice under sub-
20 section (2) to which the application relates.

21 (7) An order made under sub-section (7) of this section-

22 (a) May at any time be revoked by the Governor whereupon the
23 heritage resource to which it relates shall cease to be a state monument; and

24 (8) Shall, unless and until it is revoked, be conclusive evidence of the
25 fact that the heritage resource to which it relates is a state monument.

26 (9) A state monument may have the status of a national monument if
27 it passes through the procedures as enumerated in section 30 in which case it
28 shall cease to be a state monument.

29 (10) The heritage resource authority of a state shall before, during and
30 after naming a heritage resource a monument constantly hold consultative

1 meetings with the community or persons who are owners of the heritage
2 resource;

3 (11) The Commission may identify those places with qualities so
4 exceptional that they are of special significance in terms of the heritage
5 assessment criteria set out by the Commission, and upon informing the
6 Board, recommend to the Governor of a state through the heritage resources
7 authority of that state that such sites be designated as state deemed important
8 as historic sites, scenic sites or natural heritage to be protected. The Heritage
9 Resources authority of a state may equally identify those places with
10 qualities so exceptional in terms of the heritage assessment criteria set out by
11 the Heritage Resources authority of the state and recommend to the
12 Governor that such sites be designated as heritage sites which are deemed
13 important as historic sites, scenic sites or cultural and natural heritage to be
14 protected.

15 (12) The Governor of a state upon the recommendation in
16 subsection (12) shall, following the procedures and stipulations in
17 subsections, 2, 3, 4, 6, 7, 8, 9 and 11 as closely as possible as it is applicable
18 to state government administration, declare, decline to or revoke the
19 declaration of such sites as heritage sites which are deemed important as
20 historic sites, scenic sites or cultural and natural heritage to be protected.

21 (13) A heritage resource not declared a state monument by the
22 Governor of a state or one which declaration as a state monument has been
23 revoked by the Governor of a state may still be considered for the status of
24 national monument by the Commission if in its discretion it considers this
25 appropriate.

26 (14) Any person may submit a nomination to the Commission for a
27 place to be declared a national monument or to the Heritage Resources
28 authority of a State for a place to be declared a state monument.

29 (15) The Commission shall prescribe the format and procedures
30 for nominations to become national monuments and state monuments.

1 (16) Unless otherwise specified, no person shall, without a heritage
2 clearance permit issued by the Commission, carry out building, road
3 constructions, excavations or any project involving large scale earth
4 movement that may cause disturbance in an area declared as a national
5 monuments or state monument;

6 (17) If the Commission considers it expedient that an entire
7 community be relocated in order to protect a cultural or natural heritage, or that
8 an entire community be relocated in order to conduct archaeological
9 excavations or similar measures, the Commission shall recommend this to the
10 necessary authorities, and the relocation shall be done in manners prescribed
11 by the Commission and under its supervision;

12 (18) Nobody shall without lawful authority destroy, deface, alter or
13 remove any notice, mark or sign, denoting any heritage site or any fence,
14 covering or other things erected or provided for the maintenance of a state
15 monument.

16 (19) Where a site is designated as a national monuments or state
17 monument as provided in this section, that site shall on the date of the
18 designation become a conservation area and shall be conserved or preserved
19 according to a conservation management plan,

20 (20) A conservation area may-

21 (a) incorporate a buffer zone around a core area; or

22 (b) Incorporate a buffer zone around a site that has been designated as
23 a heritage site.

24 (21) In respect of a national monuments, the Minister may, on the
25 recommendation of the Commission and in consultation with the stakeholders,
26 determine the core area and the buffer zone.

27 (22) In respect of a state monument, the Governor may, on the
28 recommendation of the state heritage authority, determine the core area and the
29 buffer zone.

30 (23) The Commission shall, in consultation with the stakeholders,

1 prepare a conservation management plan for the purposes of-

2 (a) promoting the conservation, preservation, rehabilitation,
3 restoration or reconstruction of a national monument,

4 (b) ensuring the proper management of a national monument
5 including the use and development of all buildings and lands on the national
6 monument and the preservation of the environment including measures for
7 the improvement of the physical living environment, communications,
8 socio-economic wellbeing, the management of traffic and the promotion of
9 economic growth; and

10 (c) Promoting schemes for the education of, or for practical and
11 financial assistance to, owners and occupiers, and for community
12 involvement in decision making.

13 (d) The state heritage resources authority shall as much as possible
14 replicate national standards as stipulated in this section.

15 (24) The Commission shall advise, co-ordinate and provide
16 guidelines for the preparation of conservation management plans for the
17 heritage resources authorities of states or that of local governments, as the
18 case may be, and ensure the implementation of such conservation
19 management plans and the guidelines.

20 (25) The Commission shall from time to time ensure that the
21 conservation management plans are revised at all levels.

22 (26) All reproduction rights on a State Monument managed by a
23 state belong to the state. No person may make such reproduction for profit
24 without a permit issued by a state heritage resources authority which may
25 prescribe the fees payable in respect of such reproduction and shall deposit
26 such fees in a fund dedicated to the conservation of such site or of heritage
27 resources in general.

28 (27) There may be monuments which are of local importance under
29 the management of Local Government Authorities.

30 (28) Any person who contravenes any of sub-sections (4), (5), 16 or

1 18 of this section, or in respect of sites in a state being proposed, or already
 2 declared as State Monuments, destroys, defaces, alters, excavates or transfers
 3 the possession of the site thereof, or in a site fails to report finds discovered in
 4 the course of mining or other activities in respect of a site in a state shall be
 5 guilty of an offence and is liable on conviction-

6 (a) If a natural person, to a fine of N1,000,000 and shall also pay the
 7 cost of restoration or imprisonment for three years,

8 (b) If a juridical person, to a fine of N10,000,000 and shall also pay the
 9 cost of restoration,

10 (29) Any person that contravenes the provisions of sub-section (27) of
 11 this section shall be guilty of an offence and is liable on conviction-

12 (a) If a natural person, to a fine of N1,000,000 or imprisonment for
 13 three years,

14 (b) If a juridical person, to a fine of N10,000,000.

Power of Director-
 General to make
 Interim Protection
 Order

15 **32.**-(1) Where a notice has been published in respect of any property
 16 under sub-section (1) of section 30 of this Act, and the Commission considers
 17 that it is necessary to take immediate steps for the protection, preservation and
 18 conservation of the property, the Commission shall with the knowledge of the
 19 state government where the property is situated, do all things as it would have
 20 been entitled to do if the heritage resources had been declared a national
 21 monument, this the Commission shall undertake by causing the Director-
 22 General to issue an Interim Protection Order.

23 (2) An Interim Protection Order shall contain such conditions as may
 24 be specified by the Director-General.

25 (3) The Director-General shall cause the Interim Protection Order to
 26 be served on the owner of the site.

27 (4) An Interim Protection Order takes effect upon the service of the
 28 order.

29 (5) The Director-General may at any time revoke an Interim
 30 Protection Order.

1 (6) Any person who contravenes an Interim Protection Order
2 commits an offence and is liable on conviction-

3 (a) If a natural person, to a fine of N500,000 or imprisonment for
4 two years or both,

5 (b) If a juridical person, to a fine of N5,000,000.

6 (7) The Director-General may enter into any arrangements with the
7 owner or occupier of a site for any loss or damage suffered or alleged to have
8 been suffered by the owner or occupier by reason of the Interim Protection
9 Order.

10 (8) The Board at its next sitting shall ratify the Interim Protection
11 Order made by the Director-General, and if it does not, and opts to rescind
12 such, the Interim Protection Order shall stand revoked.

13 (9) Heritage Resources authorities of states shall observe the need
14 for Interim Protection Orders and shall follow the provisions of this section
15 as it relates to the administration of their states as closely as possible.

16 **33.-(1)** The Commission shall with the consent of the owners of
17 heritage sites or monuments, or if it appears to the Commission that the
18 heritage sites or monuments are in danger of decay, destruction or damage
19 from neglect or injudicious treatment, maintain such heritage sites or
20 monuments and shall have access at all reasonable times to the heritage sites
21 or monuments for the purposes of inspecting it and doing such acts as may
22 be required for maintenance thereof;

Power to maintain
other Monuments

23 (2) The Commission shall have-

24 (a) Working relationship with state authorities, Local
25 Governments and local communities in the management, maintenance and
26 conservation of National heritage sites or National Monuments.

27 (b) Shared responsibilities and benefits with state authorities,
28 Local Governments and local communities within which the National
29 heritage sites or National Monuments are situated.

Heritage
Agreements

1 **34.-(1)** (a) The Commission, a State or Local Government heritage
2 resources authority may negotiate and agree with a state authority, Local
3 Government authority, conservation body, person, or community for the
4 execution of a heritage agreement to provide for the preservation,
5 conservation, improvement or presentation of a clearly defined heritage
6 resource: Provided that the consent of the owner of such heritage must have
7 been obtained;

8 (b) Such a heritage agreement shall be in the form of a binding
9 contract.

10 (2) A heritage agreement may include such terms and conditions as
11 the parties deem fit, including provision for public access, financial or other
12 assistance from the heritage authority concerned.

13 (3) Without limiting sub-section (2), a heritage agreement may be
14 expressed to have effect in perpetuity or for any specified term, or to terminate
15 upon the happening of a specific event.

16 (4) A heritage agreement may, with the consent of the owner of the
17 resource concerned, be modified or cancelled by agreement between the
18 parties.

19 (5) A heritage agreement in respect of a place attached to the land is
20 binding on the owner of the place, as at the date of execution of the agreement
21 while the agreement remains in force.

22 (6) The owner of a national heritage site, a state heritage site, a Local
23 Government heritage site or a place listed in a heritage register, or any other
24 heritage resources may, by a heritage agreement entered into with the heritage
25 resources authority be responsible for the protection of such place, or any
26 person or body approved by such authority, appoint the heritage resources
27 authority or the local authority or the person or body concerned, the guardian of
28 the place.

29 (7) Where it is the Commission that is appointed guardian of a

1 heritage site, the Director-General shall accept only with the approval of the
2 Board.

3 (8) The heritage agreement referred to in this section may provide
4 for-

5 (a) The maintenance and management of the place or thing;

6 (b) The custody of the place or thing and the duties of any person
7 who may be employed in connection therewith;

8 (c) The occupation or use of the place or thing by the owner or
9 otherwise;

10 (d) The restriction of the right of the owner or occupier to do certain
11 acts or things on or near the place or thing;

12 (e) The facilities of access to be permitted to the public and to
13 persons deputed by the guardian to inspect or maintain the place or thing;

14 (f) The preservation of the place or thing;

15 (g) The notice to be given to the guardian in case the owner intends
16 to offer the land on which the place or thing is situated for sale, lease or other
17 disposal, and the right to be reserved to the guardian to have first refusal of
18 such sale, lease or other disposal;

19 (h) The payment of any expenses incurred by the owner or by the
20 guardian in connection with the maintenance of the place or thing;

21 (i) Any other matter connected with the protection or management
22 of the place which is agreed to by the owner and the guardian;

23 (j) The duration of the agreement, with provision for the earlier
24 termination thereof by any party thereto; and

25 (k) The procedure for the resolution of any dispute arising out of
26 the agreement.

27 (9) The owner of a place which is under guardianship shall, except
28 as expressly provided by this Act, continue to have the same estate, right,
29 title and interest in and to the place as before.

30 (10) Every heritage agreement has effect according to its tenor but

Rules for Historic
Urban Landscape
Site declared as
heritage

1 subject to the provisions of this Act: Provided that-

2 (a) The execution of a heritage agreement in respect of a heritage
3 resource shall not prevent the heritage authority responsible for its protection
4 from exercising any powers in this Act in relation to that heritage resource,

5 (b) Nothing in terms of any heritage agreement shall permit or allow
6 any person to carry out any act contrary to this Act.

7 **35.-(1)** No person shall-

8 (a) Make use of uncultivated land lots or private or public spaces
9 within the limits of a Historic Urban Landscape Site, building or protected zone
10 for any purpose, either with a transitory or permanent nature, without the
11 authorisation of the Commission or the corresponding state or Local
12 Government authority;

13 (b) Erect Bus stops, telephone booths, benches, billboards and similar
14 structures or plant flowers or trees within a Historic Urban Landscape Site or
15 next to a building registered as a Monument or heritage place without the
16 authorisation of the Commission or corresponding authority of a state or local
17 government;

18 (c) Place tarpaulins, awnings or similar elements in the facades of
19 historic urban landscape sites and buildings registered as National, State or
20 local government Monuments without the prior authorisation of the
21 Commission, or the corresponding authority of a state. In case that the element
22 is accepted, it shall be kept in a good state of conservation, and no materials or
23 designs not previously approved can be used in their execution and repair jobs.

24 (2) Any person that contravenes the provisions of this section shall be
25 guilty of an offence and is liable on conviction-

26 (a) If a natural person, to a fine of N500,000, or to paying the cost of
27 restoration (whichever is greater) or imprisonment for two years,

28 (b) If a juridical person, to a fine of N5,000,000 and shall pay for the
29 cost of restoration.

- 1 **36.-(1)** In respect of Monuments that are structures- Monuments that
are Structures
- 2 (a) Buildings registered as Monuments shall not be modified by
- 3 adding mezzanines, attics, huts on the roof or balconies, fences, billboards,
- 4 change of dimensions of the facades or the interiors, opening new access
- 5 doors, transformation of windows into entrance doors, substitutions, cuts or
- 6 changes in the carpentry works, fittings, boulders, mouldings, stucco or any
- 7 other component. Any change in the building shall have a previous
- 8 authorisation and shall be under the supervision of the Commission or the
- 9 corresponding state and local authority in respect of state and local
- 10 monuments;
- 11 (b) Writing or placing posters, advertisements, billboards, signs,
- 12 flags and decorations in general, any marks, modifications, or any wrongful
- 13 use of the facades of buildings registered as Monuments without the prior
- 14 authorisation of the Commission or the corresponding authority in a state or
- 15 local government is prohibited;
- 16 (c) In instances where authorisation is given, these decorative
- 17 elements shall be such that cannot entail any damage to the building, and
- 18 shall be removed by the same person or organization that placed it, within 72
- 19 hours after concluding the activity for which those items were posted.
- 20 (d) The Commission shall issue guidelines to employ in painting or
- 21 cleaning buildings registered as Monuments, the Commission shall also
- 22 stipulate the method to be used and the elements that shall be highlighted
- 23 with the use of colour, form of application, as well as the possible colours to
- 24 be used;
- 25 (2) Any person that contravenes the provisions of this section shall
- 26 be guilty of an offence and is liable on conviction-
- 27 (a) If a natural person, to a fine of N500,000, or to paying the cost of
- 28 restoration (whichever is greater) or imprisonment for two years,
- 29 (b) If a juridical person, to a fine of N5,000,000 and shall pay for
- 30 the cost of restoration.

Acquisition of
easements

1 **37.-(1)** The Director-General on behalf of the Commission may
2 acquire, by agreement or compulsorily, over land adjoining or in the vicinity of
3 any monument or heritage site which is under the ownership of the
4 Commission by virtue of this Act, any easement which appears to it to be
5 necessary-

6 (a) For any of the purposes relating to that monument or heritage site;

7 (b) For the use of any land associated with that monument or heritage
8 site for any of those purposes.

9 (2) The Director-General shall consult with the Heritage Resources
10 Acquisition and Delisting Committee and also obtain the consent of the Board
11 before entering into the agreement or making the compulsory acquisition (as
12 the case may be).

13 (3) The Director-General on behalf of the Commission may acquire,
14 for the benefit of any monument or land under the Director-General's
15 guardianship by virtue of this Act, a right of any description which the
16 Commission would be authorised to acquire under any of the preceding
17 provisions of this section if the monument or heritage site was under the
18 ownership of the Commission by virtue of this Act, and those provisions shall
19 apply accordingly in any such case.

20 (4) The Commission shall have and maintain a register to be known as
21 the Real Estate Register which shall list all the land, buildings and other real
22 estates of the Commission including museums, sites, monuments, offices and
23 stations and the estate, right, title or interest in and to them that the Commission
24 has.

25 (5) The Commission shall register all its real estate in the land
26 registries and obtain land titles to them.

27 (6) The Real Estate Register shall be kept and managed by the Legal
28 Department of the Commission under the oversight of the Director-General.

Public access to
a monument

29 **38.-(1)** The public shall have access to a monument or heritage site to
30 such extent, including where applicable, upon the payment of such fees, as may

1 be provided for in rules jointly made by the Commission and other
2 stakeholders. Unless there exists any special grounds that warrants its being
3 closed to the public.

4 (2) The Commission and any state or local government heritage
5 authority may nevertheless control the times of normal public access to any
6 monument or heritage under the ownership or guardianship of the
7 Commission or the state or local authority.

8 **39.**-(1) Any person, who wilfully destroys, defaces, alters,
9 removes or excavates any monument or heritage site, is guilty of an offence
10 and shall be liable on conviction-

Offences in relation
to monuments or
heritage sites

11 (a) If a natural person, either to a fine of N1,000,000 and the cost of
12 restoration or to imprisonment for three years;

13 (b) If a juridical person, to a fine of N10,000,000 and the cost of
14 restoration.

15 (2) Any person, who wilfully destroys, defaces, alters, subdivides,
16 changes the planning status or excavates or transfers the possession of a
17 heritage site, is guilty of an offence and shall be liable on conviction-

18 (a) If a natural person, either to a fine of N1,000,000 and the cost of
19 restoration or to imprisonment for three years;

20 (b) If a juridical person, to a fine of N10,000,000 and the cost of
21 restoration.

22 (2) Any person who without lawful authority destroys, defaces,
23 alters or removes any notice, mark or sign, denoting any monument or
24 heritage site or any fence, covering or other things erected or provided for
25 the maintenance of a monument or heritage site commits an offence and is
26 liable on conviction-

27 (a) If a natural person, to a fine of N500,000 or imprisonment for
28 two years or both,

29 (b) If a juridical person, to a fine of N5,000,000.

Compensation
to Owners

1 **40.**-(1) Where a heritage resource has been declared to be a National
2 monument as provided for in this Act, and the Commission intends to take over
3 the heritage resource completely, the owner thereof shall be entitled to
4 compensation and thereafter any estate, right, title or interest in and to such
5 heritage resource shall be extinguished.

6 (2) The compensation payable shall be determined by the Director-
7 General on the basis of recommendations made to him by the Heritage
8 Resources Acquisition and Delisting Committee and the Consultative
9 Advisory Committee.

10 (3) If a person is not satisfied on the basis of this section or other
11 sections of this law with the amount awarded to him for a heritage resource or a
12 monument relinquished by him to the Commission, he may appeal to the court
13 for re-assessment of the amount to be paid to him and this shall be done on the
14 basis of the Form provided in Schedule 3 of this Act.

15 (4) In respect of monuments or heritage sites which the previous
16 owners are permitted to live or operate in, compensation may not be paid
17 regarding such monuments or heritage sites, but proper agreements stipulating
18 rights of the owners shall be made by the Commission with the owners subject
19 to the understanding that national interest overrides private interest.

20 (5) Such monuments as in subsection (4) of this section may be
21 known as "Living Monuments".

Meaning of
Heritage Resources,
Heritage Objects,
Monuments and
Antiquities

22 **41.** In this Act-

23 (1) Heritage resource means anything, movable or immovable,
24 tangible or intangible, including heritage sites, which has an outstanding
25 historical, scientific, artistic, natural or cultural value. When such heritage
26 resource is under the control or management of the Commission by virtue of
27 this Act it is known as a National Heritage Resource.

28 (2) Heritage object means movable heritage resource which has an
29 outstanding historical, scientific, artistic, natural or cultural value.

30 (3) Monument means:

1 (a) Architectural works, works of monumental sculpture and
2 painting, elements or structures of an archaeological nature, inscriptions,
3 cave dwellings, combinations of features, group of separate or connected
4 buildings which because of their architecture, their homogeneity or their
5 place in the landscape are of outstanding universal value from the point of
6 view of history, art or science;

7 (b) Anything, movable or immovable, including heritage sites,
8 which has an outstanding historical, scientific, scenic, artistic, natural or
9 cultural value and has been declared a Monument under this Act and thus
10 known as National Monuments or under a state law or a local government
11 Bye-law and thus known as Monument;

12 (c) Anything declared a Monument by the Commission.

13 (4) Antiquity means anything, movable or immovable, which has
14 an outstanding historical, scientific, artistic, natural or cultural value and is
15 at least one hundred years old.

16 (5) However, objects which are less than one hundred years old,
17 may because of their historical, scientific, artistic or cultural value, be
18 recognized and declared by the Commission to be worthy of being protected
19 as heritage resources which are antiquities and they shall be recognized as
20 such.

21 (6) By force of this subsection-

22 (a) All buildings-

23 (i) Where any of the founding fathers of Nigeria lived, worked, or
24 died,

25 (ii) In existence by 1914,

26 (b) All chattels, including vehicles, clothing, diaries etc. used or
27 owned by Nigerian founding fathers are hereby ex proprio vigore declared
28 national heritage resources and shall be protected and maintained as such.

29 (7) No person may alter or demolish any structure or part of a

1 structure which is older than 60 years without a permit issued by the
2 Commission.

3 (8) Any person, who wilfully destroys, defaces, alters, removes or
4 excavates any heritage resource that is not an antiquity under this section, is
5 guilty of an offence and shall be liable on conviction-

6 (a) If a natural person, either to a fine of N1,000,000 and the cost of
7 restoration or to imprisonment for three years.

8 (b) If a juridical person, to a fine of N10,000,000 and the cost of
9 restoration;

10 (9) Any person, who wilfully destroys, defaces, alters, removes or
11 excavates any heritage resource that fits into the category of antiquity under
12 this section, is guilty of an offence and shall be liable on conviction-

13 (a) If a natural person, either to a fine of N2,000,000 and the cost of
14 restoration or to imprisonment for five years.

15 (b) If a juridical person, to a fine of N20,000,000 and the cost of
16 restoration.

Declaration as
heritage objects

17 **42.-(1)** An object or collection of objects, or a type of object or list of
18 objects, whether specific or generic, that is part of the nation's heritage
19 resources, or is worthy and ought to be recorded as part of the nation's heritage
20 resources, and the export of which the Commission deems it necessary to
21 control or which the Commission deems fit for preservation, may be declared a
22 heritage object, including-

23 (a) Objects recovered from the soil or waters of Nigeria, including
24 archaeological and paleontological objects, meteorites and rare geological
25 specimens;

26 (b) Visual art objects;

27 (c) Military objects;

28 (d) Numismatic objects;

29 (e) Objects of cultural and historical significance;

30 (f) Objects to which oral traditions are attached and which are

- 1 associated with living heritage including all ethnographic objects;
- 2 (g) Objects of scientific or technological interest;
- 3 (h) Books, records, documents, photographic positives and
- 4 negatives, graphic material, film or video or sound recordings; and
- 5 (i) Any other prescribed category.
- 6 (2) Before declaring any object contemplated in sub-section (1) as
- 7 a heritage object, The Commission may give to the owner such prior
- 8 opportunity for representations or submissions to be made in regard to the
- 9 proposed declaration as may be practicable in the circumstances and in such
- 10 manner as may be prescribed. Nothing herein contained shall oblige the
- 11 Commission to give such prior opportunity if the circumstances militate
- 12 against this.
- 13 (3) Such objects if not already listed as part of the nation's heritage
- 14 resources shall be so listed forthwith.
- 15 (4) The declaration shall be made by the Commission with the
- 16 approval of the Minister and shall be by notice in the Federal Gazette.
- 17 (5) The Commission may by notice in the Federal Gazette-
- 18 (a) Amend any notice published under subsection (5); or
- 19 (b) Withdraw any notice published under subsection (5) or
- 20 amended under paragraph (a) of subsection (6).
- 21 (6) The Commission may not exercise its power under this section
- 22 unless-
- 23 (a) In the case of a specific object or collection, it has served on the
- 24 owner a notice of its intention and has given him at least 60 days to lodge an
- 25 objection or suggest reasonable conditions regarding the care and custody of
- 26 such object under which such declaration is acceptable; or
- 27 (b) The Commission shall-
- 28 (i) Publish a notice of provisional declaration in the Federal
- 29 Gazette;
- 30 (ii) By public advertisement and any other means it considers

1 appropriate, make known publicly the effect of the declaration and its purpose;

2 and

3 (iii) Invite any interested person who might be adversely affected to
4 make submissions to or lodge objections with Commission within 60 days
5 from the date of the notice, and has considered all such submissions and
6 objections.

7 (7) An object or collection shall be deemed to be protected as a
8 heritage object for six months from the date of service or publication of a notice
9 under subsection (6)(a) or (6)(b)(i), or until such notice is withdrawn or the
10 object or collection or type of objects is declared to be a heritage object,
11 whichever is the shorter period;

12 (8) An object or collection declared a heritage object may remain in
13 the hands of the owner. But cannot be transferred or exchanged without the
14 knowledge and authority of the Commission.

15 (9) Any person, who transfers or exchanges an object or collection
16 declared a heritage object without the knowledge and authority of the
17 Commission, is guilty of an offence and shall be liable on conviction-

18 (10) (a) If a natural person, either to a fine of N500,000 or to
19 imprisonment for two years;

20 (b) If a juridical person, to a fine of N5,000,000.

Cataloguing
Heritage Resources 21 **43.**-(1) In this Act reference to heritage resources includes antiquities
22 where the context so permits;

23 (2) Upon acquisition of heritage resources for museums, the
24 Commission shall ensure that the objects are:

25 (a) Catalogued and their provenance provided;

26 (b) Given object ID;

27 (c) Entered in a Database;

28 (d) Properly stored;

29 (e) Entered in the National Heritage Resources Register.

30 (3) The Commission shall ensure that state heritage resources

1 agencies and other authorities and persons permitted to operate museums
2 observe subsection (2) of this section.

3 **44.**-(1) By the force of this Act, all undiscovered heritage resources
4 in Nigeria, in the earth or in Nigeria waters, are the property of, and owned
5 by, Nigeria. Unauthorized removal of such objects from the place they are
6 found is theft.

Important Heritage
Resources are
properties of the
Nation

7 (2) Any heritage resource, movable or immovable, in Nigeria,
8 discovered or hidden in the earth or in Nigeria waters, may be declared to be
9 of national importance and shall thereby constitute property of the Nigerian
10 State. Any kind of transfer of such property without permission of the
11 Commission will thereafter be considered an offence.

12 (3) Any person who without lawful authority removes such a
13 heritage object as in subsections (1) and (2) of this section commits an
14 offence and is liable on conviction-

15 (a) If a natural person, to a fine of N1,000,000.00 or imprisonment
16 for three years or both,

17 (b) If a juridical person, to a fine of N10,000,000.00.

18 **45.**-(1) By force of this Act, the Commission is invested with the
19 right of pre-emption and redemption.

Right of pre-emption
and redemption

20 (2) In case the Commission considers it necessary to take over a
21 heritage resource as described in this Act or for purposes of science or
22 research, the Commission may exercise its right of pre-emption and buy the
23 property. If the owner objects, the Commission shall obtain a declaration
24 from a court of competent jurisdiction declaring the heritage resources
25 necessary for research in national interest and thereon exercise its right of
26 redemption and take over such heritage resource.

27 (3) The court may order the Commission to pay compensation to
28 the owner.

29 (4) The Commission may temporarily take possession of a
30 registered heritage resource which is owned by a private person for the

1 purpose of research. Upon the completion of this research, the Commission
2 shall return it to the owner within a reasonable time. The researcher shall
3 acknowledge the owner as the main reference in his research.

4 (5) The court may for the purpose of this section while sitting to
5 determine the fair price to pay for heritage resources use the Form in Schedule
6 3.

7 (6) The power of compulsory acquisition under sub-section (2) shall
8 not be exercised in the case of any heritage resource which or any part of which
9 is periodically used for religious observances.

Rules regarding
places of worship

10 **46.-(1)** A place of worship or shrine, being a heritage resource
11 maintained by the Commission shall not be used for any purpose inconsistent
12 with its character.

13 (2) A place of worship or shrine in respect of which the Director-
14 General has accepted guardianship shall, unless the agreement otherwise
15 provides, be maintained by the person or body in whom it is vested or, if there is
16 no such person or body, by the Commission.

17 (3) Where any heritage resource in respect of which the Commission
18 has acquired any right under this Act or the Director-General has accepted
19 guardianship is periodically used for religious worship or observances by any
20 community, the Director-General shall provide for the protection of such
21 heritage resource from pollution or desecration-

22 (a) By prohibiting the entry therein, except in accordance with the
23 conditions prescribed with the concurrence of the person in charge of the
24 heritage resources, of any person not entitled so to enter by the religious usages
25 of the community by which the heritage resources is used; and

26 (b) By taking with the concurrence of the person in charge of the
27 heritage resources such other action as he may think necessary for the purpose.

28 (4) The conditions prescribed for entry shall be displayed
29 conspicuously in written form at the location.

30 (5) No odious or obnoxious or barbarous practice shall take place in

1 any place of worship or shrine, being a heritage resource maintained by the
2 Commission, or of which the Director-General has accepted guardianship,
3 neither shall procedures or activities or outcomes there be in any way or
4 manner be repugnant to natural justice, equity and good conscience, nor
5 incompatible either directly or by necessary implication with any law of the
6 Federation or state.

7 (6) Any person that contravenes the provisions of this section shall
8 be guilty of an offence and is liable on conviction-

9 (a) If a natural person, to a fine of N500,000, or imprisonment for
10 two years,

11 (b) If a juridical person, to a fine of N5,000,000.

12 **47.-(1)** The Director-General may, upon the advice of the Heritage
13 Resources Acquisition and Delisting Committee and with the approval of
14 the Board, designate an especially important element of Intangible Folk
15 Cultural Heritage Resources as Intangible Heritage resources and they shall
16 be protected under this Act.

Protection of
Trans-generational
Intangible Folk
Cultural Heritage
Resources and
knowledge of
Medicinal Herbs

17 (2) For the purpose of this Act, Intangible Folk Cultural Heritage
18 Resources shall mean those activities of the people which have to be
19 performed or practiced otherwise will be forgotten and which the State must
20 take steps to sustain so that they do not become extinct; in this regard, the
21 following shall be regarded as Intangible Folk Cultural Heritage Resources
22 and shall be encouraged and protected for posterity by the Commission-

23 (a) Folk performing arts,

24 (b) Manners and customs related to food, clothing and shelter,

25 (c) Manners and customs related to making effective herbs from
26 Nigeria's biological resources;

27 (d) Vocations,

28 (e) Religious beliefs;

29 (f) Annual events.

30 (3) The Commission shall-

1 (a) Confirm and determine the practitioners or preservers;

2 (b) Identify and select from the practitioners or preservers;

3 (c) Fund and support those selected.

4 (4) The designation as 'Important Intangible Folk Cultural Heritage
5 Resources ' under the provision of sub-section (1) shall be announced in the
6 Gazette.

7 (5) The Commission on continuous basis shall make as many as
8 possible records of Important Intangible Folk Cultural Heritage Resources.
9 And in pursuit of this, the Commission shall direct the relevant employees of
10 the Commission, in the various local governments where they are attached, to
11 make these records. Advancement to higher grade levels of such officers shall
12 be influenced by their works in this field.

13 (6) Where an element of Important Intangible Folk Cultural Heritage
14 Resources has lost its value as such, or where there is any other special reason,
15 the Director-General on the advice of the Heritage Resources Acquisition and
16 Delisting Committee and with the approval of the Board may annul the
17 designation as Important Intangible Folk Cultural Heritage Resources;

18 (7) The annulment of the designation as Important Intangible Folk
19 Cultural Heritage Resources under the provision of the preceding sub-section
20 shall be announced in the Federal Gazette.

21 (8) Where the Director-General deems it necessary for the
22 preservation of Important Intangible Folk Cultural Heritage Resources, he may
23 himself produce the record thereof and take any other appropriate measure for
24 its preservation, and the Commission may grant a subsidy to cover part of the
25 expenses required for its preservation to a local government or any other
26 person or authority deemed appropriate to take care of its preservation,

27 (9) The Director-General may advise an owner of the records of
28 Important Intangible Folk Cultural Heritage Resources to open the said records
29 for public viewing, in which case the Commission may grant a subsidy to cover
30 part of the expenses required for the said opening;

1 (10) The Director-General may make suggestions or give advice
2 necessary for the preservation of Important Intangible Folk Cultural
3 Heritage Resources to a state heritage authority or a local government or any
4 other person or authority deemed appropriate to take care of its preservation.

5 (11) The Commission apart from preserving Intangible Folk
6 Cultural Heritage Resources shall also take measures to protect and preserve
7 all tangible and intangible Cultural Heritage Resources;

8 (12) For the purpose of this section, Intangible Cultural Heritage
9 Resources are practices, representations, expressions, knowledge, skills - as
10 well as the instruments, objects, artefacts and cultural spaces that the
11 communities, groups and individuals recognise as part of their heritage
12 transmitted from generation to generation and is constantly recreated by
13 them and which provides them with a sense of identity and continuity;

14 (13) A protection system as part of measures of preserving
15 Nigerian intangible heritage shall be the identification and recording, in
16 conjunction with the Nigeria Pharmaceutical Board, the Ministry of Health
17 and other relevant Agencies and bodies of the knowledge of various
18 Nigerian ethnic groups and indigenous people regarding biological
19 medicinal herbal resources which shall be developed in order to ensure that
20 trans-generational knowledge of herbal preparation shall not become
21 extinct and such knowledge and its product shall be sources of income for
22 the Nation;

23 (14) In protecting trans-generational knowledge, manners and
24 customs related to making effective herbs from Nigerian biological
25 resources the Commission shall take cognisance of the Traditional Medicine
26 Policy for Nigeria of Year 2007, national enactments, international
27 Conventions and agreements as they relate to biological resources;

28 (15) Regarding subsections (13) and (14) of this section, the Scope
29 of protection, conditions of access by foreign pharmaceutical interests,
30 nature of collective measures and role of the present generation and

	1	ancillary matters are contained in schedule 7 of this Act.
Animals as natural heritage resources	2	48. -(1) The Commission may designate certain flora and fauna as
	3	Natural heritage resource because of their exclusive association with Nigeria
	4	or for any other reasons.
	5	(2) Schedule 8 of this Act shall be read in conjunction with this
	6	section.
	7	PART VI - NATIONAL POLICY, GUIDING PRINCIPLES AND GENERAL
	8	PROVISIONS FOR HERITAGE RESOURCES MANAGEMENT
Guide to heritage protection	9	49. -(1) This Part and Schedule 9 of this Act are aspects that shall
	10	further guide citizens, governments and other authorities in protecting
	11	Nigerian heritage.
	12	(2) The Minister may make regulations concerning the application or
	13	domestication of any international Convention, treaty or agreement relating to
	14	the protection of heritage resources in accordance with section 12(1) of the
	15	Constitution of the Federation of 1999 as amended.
	16	(3) The authorities and citizens alike hold themselves responsible for
	17	ensuring the protection of the heritage of the nation under the following rules in
	18	sections 50 to 57 of this Act.
Minister and state authorities may prescribe additional principles	19	50. -(1) The Commission, after consultation with the Minister, may by
	20	notice in the Federal Gazette-
	21	(a) Prescribe any principle for heritage resources protection and
	22	management in addition to, but not inconsistent with, the principles set out in
	23	sections 50 to 57 of this Act;
	24	(b) Prescribe principles as set out in sections 50 to 57 in greater detail,
	25	but not inconsistent therewith;
	26	(c) Publish for general information national policy relating to heritage
	27	resources management or any aspect thereof which is consistent with the
	28	principles set out in sections 50 to 57, whereupon such principle or policy must
	29	apply throughout the Federation.

1 (2) A state heritage resources authority may, by notice in the State

2 Gazette-

3 (a) Prescribe any principles for heritage resources management in
4 addition to, but not inconsistent with, the principles set out in sections 50 to
5 57 or prescribed by the Commission under subsection (1);

6 (b) Prescribe any principle as set out in sections 50 to 57 or
7 prescribed by the Commission under sub-section (1) in greater detail, but
8 not inconsistent therewith; and

9 (c) Publish for general information state policy relating to heritage
10 resources management or any aspect thereof which is consistent with the
11 principles set out in sections 50 to 57 or prescribed under sub-section (1) or
12 paragraphs (a) and (b) of this sub-section, whereupon such principle or
13 policy shall apply in the state on the basis set out in sections 50 to 57;

14 (d) The heritage resources authority of a Local Government shall
15 follow the precept of the state heritage resources authority as closely as
16 possible.

17 (3) A heritage resources authority must, before prescribing any
18 principle or general policy under subsection (1) or (2)-

19 (a) Make a draft of such principle or policy available to the public;
20 and

21 (b) Consider any comment on such draft received from any person
22 during a reasonable period after such publication.

23 (4) The Commission, state and Local Government heritage
24 resources authority-

25 (a) Shall, within two years after the commencement of this Act,
26 adopt the principle or statements of general policy for the management of all
27 heritage resources owned or controlled by it or vested in it; and

28 (b) May from time to time amend such statements so that they are
29 adapted to changing circumstances or in accordance with increased
30 knowledge; and

1 (c) Shall review any such statement within 10 years after its adoption.

2 (5) Each heritage resources authority shall adopt for any place which
3 is protected in terms of this Act and is owned or controlled by it or vested in it, a
4 plan for the management of such place in accordance with the best
5 environmental, heritage conservation, scientific and educational principles
6 that can reasonably be applied taking into account the location, size and nature
7 of the place and the resources of the authority concerned, and may from time to
8 time review any such plan.

9 (6) A conservation management plan may at the discretion of the
10 Commission or the heritage resources authority concerned and for a specified
11 period, be operated either solely by the heritage resources authority or in
12 conjunction with an environmental or tourism authority or under contractual
13 arrangements, on such terms and conditions as the heritage resources authority
14 may determine.

15 (7) Regulations by the heritage resources authority concerned must
16 provide for a process whereby, prior to the adoption or amendment of any
17 statement of general policy or any conservation management plan, the public
18 and interested organizations are notified and comment is invited and
19 considered by the heritage resources authority concerned.

20 (8) A heritage resources authority may not act in any manner
21 inconsistent with any statement of general policy or conservation management
22 plan.

The Overriding
Rights of the
Nigerian State
in Heritage
Resources

23 **51.-** (1) The following movable, heritage resources are owned by the
24 Nigerian State:

25 (a) Heritage resources unearthed within the territory of Nigeria,
26 except where otherwise provided;

27 (b) Heritage resources collected and preserved by the Commission in
28 museums and by other State organs, armed forces, Nigeria State-owned
29 enterprises, public institutions, etc, except where otherwise provided;

30 (c) Heritage resources collected and purchased by the Nigerian State;

- 1 (d) Heritage resources donated to the Nigerian State; and
2 (e) Other heritage resources owned by the Nigerian State as
3 provided for in any law.
- 4 (2) Objects in states and Local Government owned museums and
5 in private, specialised or community museums shall not be transferred or
6 subjected to exchange of any kind except with the knowledge and
7 authorisation of the Commission, except where otherwise provided;
- 8 (3) Ownership of movable heritage resources owned by the
9 Nigerian State shall remain unchanged when institutions for their
10 preservation or collection cease to exist or are replaced.
- 11 (4) The ownership of Nigeria State-owned immovable heritage
12 resources shall remain unchanged when ownership or the right to use of the
13 land to which such heritage resources are attached changes.
- 14 (5) The owner or possessor of property near a monument intending
15 to carry out excavation, demolition, foundations or construction works, that
16 might affect the appearance or the integrity of the monument, shall obtain an
17 authorisation from the Commission or a corresponding authority of a state or
18 Local Government.
- 19 (6) Interring corpses, digging of wells, drains and ditches,
20 burrowing, quarry mining with dynamite, driving heavy vehicles or any
21 other operation, and any other activities on or near historical, natural or
22 cultural Heritage Resources or any property protected or designated by the
23 Commission or any heritage resource authority in Nigeria which may cause
24 loss or damage to such property is prohibited except if done with the written
25 consent of the Commission.
- 26 (7) Any person that contravenes the provisions of this section shall
27 be guilty of an offence and is liable on conviction-
- 28 (a) If a natural person, to a fine of N1,000,000, or to paying the cost
29 of restoration (whichever is greater) or imprisonment for three years,
30 (b) If a juridical person, to a fine of N10,000,000 and shall pay for

1 the cost of restoration.

Heritage assessment
criteria and grading 2 **52.** -(1) There is hereby established a system of grading of places and
3 objects which form the nation's heritage resources as follows:

4 (a) National Heritage Resources: Heritage resources with qualities so
5 exceptional that they are of special national significance or of importance to the
6 Commission, such shall be known as Class A Heritage Resources;

7 (b) State Heritage Resources: Heritage resources which, although
8 forming part of the nation's heritage resources, can be considered to have
9 special qualities which make them significant within the context of a state or a
10 region, or those which the Commission considers proper for state authorities to
11 manage, such shall be known as Class B Heritage Resources; and

12 (c) Local Heritage Resources: Other heritage resources worthy of
13 conservation, such shall be known as Class C Heritage Resources.

14 (2) The Commission and other authorities at state and local
15 government levels and communities and individuals are responsible for the
16 identification of heritage resources. However the Commission is responsible
17 for the management of Class A Heritage Resources, while the states are
18 responsible for the management of Class B Heritage Resources and the Local
19 Governments, communities and other entities and persons are responsible for
20 the management of Class C Heritage Resources. This however does not
21 preclude the Commission from exercising its general coordination and
22 regulatory roles over the management, conservation and presentation of any
23 heritage resources in Nigeria;

24 (3) For the purpose of authorisation to perform any action which is
25 controlled in terms of this Act or any state law, as it concerns the Commission,
26 the heritage resource authority of a state and the heritage resource authority of a
27 local government, a heritage resources authority at a higher level takes
28 precedence over any formal or general protection at a lower level;

29 (4) The capacity of state heritage resources authority, local
30 authorities, communities, entities and persons shall regularly be assessed by

1 the Commission particularly in respect of availability of adequate staff,
2 expertise and experience of staff, administrative systems and security of
3 establishments protecting heritage resources and preservation, conservation
4 and other measures for heritage resources.

5 (5) A state heritage resources authority, local authorities,
6 communities, entities and persons shall apply to the Commission for the
7 assessment of its competence in the manner prescribed by the Commission,

8 (6) The Commission may at any time, and shall at least every two
9 years, re-assess the competence of a state, local authorities, communities,
10 entities and persons.

11 (7) The Commission, in consultation with the Minister and the
12 heritage authorities in the states of the Federation, shall regularly meet to
13 consider issues of grading of places and objects which form part of the
14 nation's heritage resources.

15 (8) The Commission shall annually convene a National forum for
16 cultural heritage inviting the participation therein of stakeholders;

17 (9) The Commission shall promote the concept of Living Legends
18 whereby adroit practitioners of certain Important Tangible and Intangible
19 Cultural Heritage Resources shall teach attached protégés and attached
20 officials of the Commission to acquire and continue the skills;

21 (10) Officials of the Commission shall record the skills of Living
22 Legends in permanent forms;

23 (11) Further details in respect of the special class of heritage
24 practitioners known as Living Legends are further described in Schedule 6
25 of this Act.

26 (12) All practitioners in heritage protection and management after
27 successful attendance and requisite examinations and tests shall obtain a
28 certificate of competence or proficiency from the Commission's Institute of
29 Archaeology and Museum Studies or equivalent institution approved by the
30 Nigerian authority or recognised by the Commission ascertaining their

1 competence or proficiency. Such attendance, examination, test or certificate
2 may be waived by the Director-General of the Commission upon the advice in
3 writing of the Heritage Resources Acquisition and Delisting Committee if it is
4 shown that the practitioner has adequate knowledge of the particular field of
5 practice.

6 (13) Any person who practices in heritage protection and
7 management without a requisite permit or certificate of competence from the
8 Commission's Institute of Archaeology and Museum Studies or equivalent
9 institution approved by the Nigerian authority or institution recognised by the
10 Commission or a certificate of waiver issued by the Director-General shall be
11 guilty of an offence and is liable on conviction-

12 (a) If a natural person, to a fine of N500,000;

13 (b) If a juridical person, to a fine of N5,000,000.

Officers of the
Commission not
to trade in heritage
resources

14 **53.-(1)** Officers of the Commission shall not buy or sell heritage
15 resources except for and on behalf and with the expressed permission of the
16 Commission.

17 (2) Any officer of the Commission who buys or sells heritage
18 resources contrary to the provision of this section shall be punished for serious
19 misconduct and shall also be subject to penalties under section 83(6) of this
20 Act.

21 (3) A staff of the Commission who commits one of the following acts,
22 to wit:

23 (a) Abuses his power of examination and approval, fails to perform
24 his functions and duties, or fails to investigate and handle unlawful acts
25 discovered, which causes serious consequences; or

26 (b) Borrows or illegally takes into his possession State-owned
27 heritage resources; or

28 (c) Embezzles or misappropriates funds earmarked for the protection
29 of heritage resources shall-

30 (4) Be administratively punished for serious misconduct on the basis

1 of the Public Service Rules;

2 (5) Be made to refund any money embezzled or misappropriated in
3 instances of such;

4 (6) Be prosecuted in a court of law for the offence and is liable on
5 conviction to a fine of N500,000 or imprisonment for three years or both;

6 (7) Discharge or acquittal in a court of law in respect of any of the
7 offences in subsection (3) of this section does not preclude the Commission
8 from punishing the staff on the basis of the Public Service Rules subject to
9 the rules against double jeopardy;

10 (8) A person who is not a staff of the Commission who commits
11 one of the following acts, to wit:

12 (a) Abuses his power of examination and approval, fails to perform
13 his functions and duties, or fails to investigate and handle unlawful acts
14 discovered, which causes serious consequences; or

15 (b) Borrows or illegally takes into his possession State-owned
16 heritage resources; or

17 (c) Embezzles or misappropriates funds earmarked for the
18 protection of heritage resources shall-

19 (i) Be administratively punished for serious misconduct by his
20 employer;

21 (ii) Be made to refund any money embezzled or misappropriated in
22 instances of such;

23 (iii) Be prosecuted in a law court for the offence and is liable on
24 conviction to a fine of N500,000 or imprisonment for two years or both;

25 **54.-(1)** The owner of registered movable heritage resources shall
26 be entrusted with its preservation, cleaning, painting and other enhancing
27 works with the knowledge and direction of the Commission, and if deemed
28 necessary, with restoring it at his own expense, with the previous
29 authorisation and according to the stipulation and recommendation of the
30 Commission and with such restoration work being carried out by heritage

Restorers of
heritage resources

1 restorers recommended by the Commission. However-

2 (a) The Commission may fully or partially offset any of the expenses,

3 (b) The Commission may in cases where it deems it appropriate be
4 responsible for the preservation, cleaning, painting and other enhancing
5 works;

6 (2) When the Commission or the heritage resources authority
7 responsible for the protection of a heritage site, antiquity, heritage object or
8 monument considers that a heritage site, antiquity, heritage object or
9 monument-

10 (a) has fallen into disrepair,

11 (b) is neglected to such an extent that it will lose its potential for
12 conservation,

13 (c) or generally needs restoration or specific or other type of attention,
14 the Commission or the heritage resources authority may serve on the owner an
15 order to repair or maintain through a restorer of heritage resources registered
16 by the Commission such heritage site, antiquity, heritage object or monument,
17 to the satisfaction of the Commission or the heritage resources authority, within
18 a reasonable period of time as specified in the order: Provided that the
19 Commission or the heritage resources authority must specify only such work
20 as, in its opinion, is necessary to prevent any further deterioration in the
21 condition of the heritage site, antiquity, heritage object or monument.

22 (3) Upon failure of the owner to comply with the terms of an order
23 under subsection (2) within the specified time, the Commission or the authority
24 which served the order may itself take such steps as may be necessary for the
25 repair or maintenance thereof and recover the costs from the owner or from the
26 coffers of the Commission or the coffers of the heritage resources authority.

27 (4) In all cases, only a staff of the Commission who is trained as a
28 restorer or a person who is registered by the Commission as such shall be
29 referred to as Heritage Restorer and carry out the works of a restorer of heritage
30 resources,

1 (5) The practice of the profession of the Heritage Restorer is
2 regulated by conditions and terms enumerated in Schedule 4 of this Act.
3 Persons planning to carry on the duties of Heritage Restorer shall follow the
4 rules laid down in section 54 and Schedule 4 of this Act.

5 (6) Any person who contravenes this section or Schedule 4 of this
6 Act commits an offence and is liable on conviction-

7 (a) If a natural person, to a fine of N500,000.00 or imprisonment
8 for three year or both,

9 (b) If a juridical person, to a fine of N5,000,000.00.

10 **55.**-(1) All branches of the national government and other
11 authorities of state governments and other bodies, entities and persons shall
12 give heritage resources authorities and workers such assistance in the
13 performance of their functions as is reasonably practicable.

Interrelations
between National,
States and other
authorities and
bodies inter se

14 (2) All branches of national government and other authorities of
15 state governments and other bodies, entities and persons shall, on the request
16 of a heritage resources authority, make available for its use any information
17 which it has on record on heritage resources under its control: Provided that
18 the body supplying such information may set out conditions regarding the
19 disclosure and distribution of such information by the heritage resources
20 authority.

21 (3) The states and other authorities, entities and persons shall-

22 (a) Maintain and conserve the heritage resources under their
23 control in accordance with standards and procedures set out in regulations
24 by the Commission;

25 (b) Submit annually to the Commission a report on the
26 maintenance and development of such resources;

27 (c) In accordance with regulations, on the request of the
28 Commission, compile and submit to the Commission, information on and an
29 inventory of such heritage resources;

30 (d) On the request of the Commission, prepare management plans

1 for specified heritage resources;

2 (e) Not take any action that adversely affects such a resource unless
3 the authority concerned is satisfied that there is no feasible and prudent
4 alternative to the taking of that action and that all measures that can reasonably
5 be taken to minimise the adverse effect will be taken;

6 (f) At the initiation of the planning process of the project, or at least 90
7 days before taking any action that could adversely affect such heritage
8 resource, whichever is the greater, inform the Commission of the proposed
9 action and give it a reasonable opportunity to consider it; and

10 (g) Where the destruction of such heritage resources is permitted in
11 terms of this Act, record such resources in accordance with standards set by the
12 Commission and undertake any other mitigating actions which may be
13 required by the Commission.

14 (4) Where the Commission has been informed of a proposed action by
15 a state authority, it must, as soon as practicable, submit its recommendation to
16 the state authority;

17 (5) An action for the purpose of this section shall be deemed to include
18 the making of a recommendation which, if adopted, would affect a heritage
19 resource, the making of a decision, the approval of a programme, the issue of a
20 licence or the granting of permission.

Registrars of
Titles

21 **56.** The Commission and the heritage resources authorities of states
22 shall in relation with Registrars of Land Titles observe the stipulations in
23 Schedule 10 of this Act in respect of land identified as being of heritage
24 importance.

Ministries to
include protected
sites in the
cadastre plans

25 **57.** The Ministry of Lands or the relevant Ministries or authorities at
26 the Federal, state and local government level, and, where applicable, the
27 Ministry of Agriculture in the Federal, state and local government level and any
28 other relevant Ministries shall include archaeological and protected sites in the
29 cadastre plans and topographical maps or other maps whenever they make
30 such.

PART VII - EXCAVATION AND DISCOVERIES

58.-(1) The Nigerian nation hereby guarantees and ensures the protection of archaeological heritage under the conditions laid down by this Act.

National Policy
on protection of
archaeological
Heritage

(2) For the purpose of this Act, archaeological excavations means all research work carried out for the purpose of discovering artifacts of an archaeological nature or studying archaeological materials or sites, regardless of whether such research includes digging into the soil or exploring systematically the surface of the soil, or whether it is performed on the bed or in the subsoil of inland or territorial waters.

(3) The protection of the archaeological heritage assets signifies taking those scientific, management and technical measures likely to preserve the relics uncovered by chance or as a result of archaeological research until the classification of those assets or until the conclusion of archaeological research, by establishing duties for the owners, managers, or holders of rights over the lands that hold or held those archaeological heritage assets, as well as by controlling or forbidding human activities, including those previously authorised.

(4) All archaeological objects, palaeontological material and meteorites found in Nigeria are the property of Nigeria.

(5) The Federal, states, local governments, other authorities, bodies and persons shall be guided by the provisions in this Part and Schedule 11 of this Act in ensuring the protection of Nigeria's archaeological heritage.

59.-(1) Excavation of archaeological sites is the prerogative of the Commission. No other government or authority, agency of government, private organisations or private persons shall by means of excavation or similar operations search for any heritage objects, even on land for which they have ownership or possession, unless authorised by Excavation Permit issued by the Commission and with the knowledge of the State Government

Restriction on
excavations

1 and other stakeholders in whose territory the search is to be carried out.

2 (2) It shall be the exclusive right of the Commission to issue
3 Excavation Permit.

4 (3) Excavation Permit under this section may be issued by the
5 Commission at a fee.

6 (4) The Commission shall before issuing a permit under this section
7 satisfy itself that the applicant is competent by training and experience to carry
8 out the operations for which the permit was required and may in its discretion
9 demand to be satisfied that he has the financial or other support of an
10 archaeological or scientific society or institution of good repute.

11 (5) A permit issued under this section-

12 (a) May be made subject to such conditions as the Commission may
13 deem fit to impose;

14 (b) May at any time be revoked by the Commission for reasons of:

15 (i) Incompetence of permit holder;

16 (ii) Breach of conditions as stipulated in the permit;

17 (iii) Not utilising the permit by holder within six months of issuance;

18 (iv) Protecting national interests;

19 (c) May at any time be revoked by the Commission without any
20 reason being assigned;

21 (d) Shall not of itself confer any right to enter upon any land without
22 the consent of the holder or occupier of the land or of any other person entitled
23 to grant such consent.

24 (6) Notwithstanding the issuance of a permit under this section, the
25 person to whom the permit was issued and all persons engaged in any
26 excavation or other operations to which the permit relates shall, if so required
27 by any person duly authorised in writing by the Commission, suspend such
28 operations until notified by the Commission that the operations may be
29 resumed.

30 (7) A permit holder shall-

1 (a) Deposit maps, field notes, sketches and photographs with the
2 Commission or affiliated institutions not later than six months after
3 excavation;

4 (b) Provide preliminary report of excavation to the Commission
5 not later than three months after excavation;

6 (c) Submit all publications emanating from the excavation to the
7 Commission;

8 (d) Write all submissions in English language;

9 (e) Keep all excavated materials in the Commission or, with the
10 knowledge and consent of the Commission, at Universities and Research
11 Institutes in Nigeria except with the permission in writing of the
12 Commission allowing supervised temporary export for research purposes.

13 (8) The permit holder shall on no account transfer the permit to any
14 other local or international archaeologist or archaeological organization,

15 (9) When a permit holder is in breach of the obligations provided
16 for under sub-section (7) of this section, or is in breach of sub-section (8) of
17 this section the Commission may-

18 (a) Withdraw permit holder's Excavation Permit; or

19 (b) Withdraw the permit holder's claim to scientific ownership of
20 the excavated materials; or

21 (c) Refuse to grant permit holder any further excavation permit for
22 a maximum period of five years; or

23 (d) Impose all or more than one of the penalties in (a) to (c);

24 (10) Any person who contravenes the provisions of subsection (1)
25 or (6) or (7) (e) or (8) of this section or fails to comply with any conditions of
26 a permit granted to him under this section, shall be guilty of an offence and
27 liable on conviction, notwithstanding the additional penalties in subsection

28 (9) of this section-

29 (a) If a natural person, to a fine of N2,000,000.00 or imprisonment
30 for five years or both,

	1	(b) If a juridical person, to a fine of N20,000,000.00.
	2	(11) It shall not be an excuse to a charge of violation of this section to
	3	claim that permission was obtained by the person or entity from a state or local
	4	government authority or any other entity or person apart from the Commission.
Commission to monitor explorations and excavations of others	5	60. -(1) The Commission shall appoint two archaeologists who are
	6	staff of the Commission to monitor on behalf of the Commission any
	7	exploration, excavation or other similar operations carried out by non-
	8	nationals or non-staff of the Commission.
	9	(2) Where an exploration or excavation is carried out by any person in
	10	contravention of any provision of a section in this Part, such person shall be
	11	guilty of an offence and is liable on conviction-
	12	(a) If a natural person, to a fine of N2,000,000.00 or imprisonment for
	13	five years or both,
	14	(b) If a juridical person, to a fine of N20,000,000.00.
Rescue Archaeology	15	61. -(1) For the purpose of the discharge of its functions under this act,
	16	the Commission shall protect archaeological sites, shrines and other sites of
	17	cultural, traditional, historical, scenic or aesthetic value from being destroyed
	18	by or through developmental projects in any part of Nigeria and for this reason
	19	shall undertake rescue archaeology.
	20	(2) No public or private entity in Nigeria shall undertake or embark or
	21	authorise projects or activities, the nature or location of which is likely to
	22	significantly result in destruction of archaeological sites, shrines heritage sites
	23	and other sites of cultural, traditional, historical, scenic or aesthetic value,
	24	without prior notification of the Commission of its intention to embark on such
	25	projects;
	26	(3) After notification to the Commission, the Commission shall
	27	inspect such site, and if the development threatens area of identified
	28	archaeological interest, a declaration of interest shall be sent by the
	29	Commission to the development agency;
	30	(4) An amount 0.0025% of contract sum shall be paid by the entity

1 involved in the development to the Commission for the purpose of rescue
2 archaeology which shall be done by certified archaeologist with the
3 authorisation of the Commission.

4 (5) Where there are major finds in archaeological sites,
5 archaeologists from the Commission shall conduct rescue excavation.

6 (6) Rescue Archaeology operations in line with this section shall be
7 guided by the provisions in Schedule 12 of this Act.

8 (7) Any development agency or person or persons who contravene
9 the provisions of subsection (2) of this section or embark or undertake or
10 authorise projects or activities, that are likely to or result in the destruction of
11 archaeological sites, shrines and other sites of cultural, traditional,
12 historical, aesthetic value, without informing the Commission shall be
13 guilty of an offence and shall be liable on conviction-

14 (a) If a natural person, to a fine of N1, 000,000.00 or imprisonment
15 for three years or both,

16 (b) If a juridical person, to a fine of N10,000,000.00

17 **62.**-(1) Subject to the provisions of sub-sections (7), (8) and (9) of
18 this section, any person who intends to undertake a development categorised
19 as- Regulations
regarding major
use of land

20 (a) The construction of a road, wall, power-line, pipeline, canal or
21 other similar form of linear development or barrier exceeding 300m in
22 length;

23 (b) The construction of a bridge or similar structure exceeding 50m
24 in length;

25 (c) Any development or other activity which will change the
26 character of a site-

27 (i) Exceeding 5,000 m² in extent; or

28 (ii) Involving three or more existing plots subdivisions thereof;

29 (d) The re-zoning of a site exceeding 10,000 m² in extent;

30 (e) River or sea dredging; or

1 (f) Any other category of development provided for in regulations by
2 the Commission or a state heritage resources authority, shall at the very earliest
3 stages of initiating such a development, notify the Commission or other
4 responsible heritage resources authority and furnish them with details
5 regarding the location, nature and extent of the proposed development.

6 (2) The responsible heritage resources authority (if not the
7 Commission) shall, within 7 days of receipt of a notification in terms of sub-
8 section (1)-

9 (a) Inform the Commission;

10 (b) The Commission shall within 14 days of receipt of a notification in
11 terms of sub-section (1)-

12 (i) If there is reason to believe that heritage resources will be affected
13 by such development, notify the person who intends to undertake the
14 development to submit an impact assessment report. Such report shall be
15 compiled at the cost of the person proposing the development, by a person or
16 persons approved by the Commission with relevant qualifications and
17 experience and professional standing in heritage resources management; or

18 (ii) Notify the person concerned that this section does not apply.

19 (3) The Commission shall specify the information to be provided in a
20 report required in terms of sub-section (2)(b): Provided that the following must
21 be included-

22 (a) The identification and mapping of all heritage resources in the area
23 affected;

24 (b) An assessment of the significance of such resources in terms of the
25 heritage assessment criteria;

26 (c) An assessment of the impact of the development on such heritage
27 resources;

28 (d) An evaluation of the impact of the development on heritage
29 resources relative to the sustainable social and economic benefits to be derived
30 from the development;

1 (e) The results of consultation with communities affected by the
2 proposed development and other interested parties regarding the impact of
3 the development on heritage resources;

4 (f) If heritage resources will be adversely affected by the proposed
5 development, the consideration of alternatives; and

6 (g) Plans for mitigation of any adverse effects during and after the
7 completion of the proposed development.

8 (4) The report shall be considered within two weeks by the
9 Commission which shall, after consultation with the person proposing the
10 development, decide-

11 (a) Whether or not the development may proceed;

12 (b) Any limitations or conditions to be applied to the development;

13 (c) What general protections in terms of this Act apply, and what
14 formal protections may be applied, to such heritage resources;

15 (d) Whether compensatory action is required in respect of any
16 heritage resources damaged or destroyed as a result of the development and
17 the amount; and

18 (e) Whether the appointment of specialists is required as a
19 condition of approval of the proposal.

20 (5) The Commission may delegate part or all its responsibility to a
21 state heritage resources authority,

22 (6) A state heritage resources authority shall not make any decision
23 under sub-section (4) with respect to any development which impacts on a
24 heritage resource protected at national level unless it has consulted the
25 Commission.

26 (7) The applicant may appeal against the decision of a state
27 heritage resources authority to the Director-General of the Commission,
28 who-

29 (a) Shall consider the views of all parties; and

30 (b) May at his discretion-

1 (i) Appoint a committee to undertake an independent review of the
2 impact assessment report and the decision of the responsible heritage
3 authority; and

4 (c) Shall uphold, amend or overturn such decision.

5 (8) An amount 0.0025% of contract sum shall be paid by the entity
6 involved in the development to the Commission for the purpose of rescue
7 archaeology which shall be done by certified archaeologist with the
8 authorisation of the Commission.

9 (9) Any person who conducts any act regarding major use of land
10 against the provisions of this section without the authorisation of the
11 Commission shall be guilty of an offence and shall be liable on conviction-

12 (a) If a natural person, to a fine of N1,000,000.00 or imprisonment for
13 three years or both,

14 (b) If a juridical person, to a fine of N10,000,000.00.

Discovery of
objects of
archaeological
interest

15 **63.**-(1) Any person who discovers an object of archaeological interest
16 in the course of operations permitted under section 59 of this Act shall not later
17 than 7 days thereafter, give notice thereof to any of-

18 (a) An office or station of the Commission, or

19 (b) An official of the Commission, or

20 (c) The heritage resources authority of a state or local government, or

21 (d) A law enforcement agency, or

22 (e) Such other person as may be prescribed and shall protect and keep
23 intact the object until the Commission takes charge of it.

24 (f) If circumstances permit, the object shall not be removed from the
25 place where it was found except by a staff of the Commission or a person
26 authorised by the Commission in order to record the find in situ.

27 (2) The state or local government heritage resources authorities or law
28 enforcement agency on being notified of such occurrence in sub-section (1)
29 shall immediately inform the Commission.

30 (3) Any person who discovers an object of archaeological interest

1 otherwise than in the course of operations mentioned in sub-section (1)
2 above shall, not later than 7 days thereafter, give notice thereof together with
3 particulars of the place and the circumstances of the discovery to any of-

- 4 (a) An office, station or outlet of the Commission,
- 5 (b) An official of the Commission,
- 6 (c) The heritage resources authority of a state or local government,
- 7 (d) A law enforcement agency,
- 8 (e) Such other person as may be prescribed and shall protect and
9 keep intact the object until the Commission takes charge of it; or

10 (f) If circumstances permit, the object shall not be removed from
11 the place where it was found except by a staff of the Commission or a person
12 authorised by the Commission in order to record the find in situ.

13 (4) The state or local government heritage resources authorities or
14 law enforcement agency or prescribed person on being notified of such
15 occurrence shall immediately inform the Commission.

16 (5) Any person who fails to comply with any of the foregoing
17 provisions of this section commits an offence and is liable on conviction-

18 (a) If a natural person, to a fine of N1,000,000.00 or imprisonment
19 for three years or both,

20 (b) If a juridical person, to a fine of N10,000,000.00.

21 **64.**-(1) Any person, whether natural or juridical who discovers an
22 object of archaeological interest in the course of an excavation connected
23 with mining explorations, building works, road construction or other similar
24 activities or in the course of any other fortuitous event shall not later than 7
25 days thereafter, give notice thereof to any of-

- 26 (a) An office or station of the Commission, or
- 27 (b) An official of the Commission or
- 28 (c) A state or local government's heritage resources authorities, or
- 29 (d) A law enforcement agency, or
- 30 (e) Such other person as may be prescribed and shall protect and

Objects of
archaeological
interest discovered
fortuitously

Duty of owner
of land where
objects of
archaeological
interest is
discovered

1 keep intact or cause the owner or possessor of the land where it is found to
2 protect and keep the object intact until the Commission takes charge of it.

3 (f) If circumstances permit, the object shall not be removed from the
4 place where it was found except by a staff of the Commission or a person
5 authorised by the Commission in order to record the find in situ.

6 (2) The heritage resources authority of a state or local government or
7 law enforcement agency on being notified of such occurrence shall
8 immediately inform the Commission.

9 (3) Any person who fails to declare such a find as herein contained, in
10 sub-section (1) of this section commits an offence and is liable on conviction-

11 (a) If a natural person, to a fine of N500,000.00 or imprisonment for
12 two years or both,

13 (b) If a juridical person, to a fine of N5,000,000.00.

14 **65.-(1)** The owner/possessor of land where chance archaeological
15 find occurred shall notify the occurrence within 7 days to the nearest of any of-

16 (a) An office or station of the Commission, or

17 (b) The heritage resources authority of a state or local government, or

18 (c) A law enforcement agency, or

19 (d) Such other person as may be prescribed and shall protect and keep
20 intact the object until the Commission takes charge of it.

21 (e) If circumstances permit, the object shall not be removed from the
22 place where it was found except by a staff of the Commission or a person
23 authorised by the Commission in order to record the find in situ.

24 (2) The heritage resources authority of a state or local government or
25 law enforcement agency on being notified of such occurrence shall
26 immediately inform the Commission.

27 (3) Any person who fails to declare such a find as herein contained in
28 subsection (1) of this section commits an offence and is liable on conviction-

29 (a) If a natural person, to a fine of N500,000.00 or imprisonment for
30 two years or both,

1 (b) If a juridical person, to a fine of N5,000,000.00.

2 **66.**-(1) Whenever Federal, states, local government entities or any
 3 person or entity deriving authority from them in undertaking construction,
 4 expansion or improvement projects or other similar activities or in the
 5 course of any other fortuitous event come across objects of archaeological
 6 interest or historical and Heritage Resources, the executors of the project
 7 shall stop the project and notify the occurrence within 7 days to the nearest
 8 of any of-

Duties of
government entities
to give notice of
fortuitous discoveries

9 (a) An office or station of the Commission,

10 (b) An official of the Commission,

11 (c) The heritage resources authority of a state or local government,

12 (d) A law enforcement agency,

13 (e) Such other person as may be prescribed and shall protect and
 14 keep intact the object until the Commission takes charge of it, or

15 (f) If circumstances permit, the object shall not be removed from
 16 the place where it was found except by a staff of the Commission or a person
 17 authorised by the Commission in order to record the find in situ.

18 (2) The heritage resources authority of a state or local government
 19 or law enforcement agency on being notified of such occurrence shall
 20 immediately inform the Commission.

21 (3) Any official or any person being executor, or having authority
 22 or control of such project as described in subsection (1) of this section, and is
 23 aware of such discovery who fails to notify as required by subsection (1) of
 24 this section commits an offence and is liable on conviction-

25 (a) If a natural person, to a fine of N1,000,000.00 or imprisonment
 26 for two years or both,

27 (b) If a juridical person, to a fine of N10,000,000.00.

28 (4) Any person being an employee of an heritage resources
 29 authority of a state or local government or of a law enforcement agency or a
 30 prescribed person who is directed to inform the Commission but fails to do

	1	so within 7 days shall be guilty of an offence and shall be recommended for
	2	administrative reprimand and a fine of N50,000.
Compensation for lack of income due to excavation on land and rewards	3	67.-(1) Persons with ownership or possessory rights in lands shall be
	4	compensated by the Commission for the unachieved agricultural incomes
	5	which result from archaeological excavations on such lands.
	6	(2) The Commission shall endeavour to bring the land back to its
	7	previous state after concluding any archaeological works on it.
	8	(3) The Commission may:
	9	(a) Reward the person who first notifies the Commission in
	10	accordance with sections 62 to 66 of the location of any object of
	11	archaeological interest; or gives a description of the location of an object of
	12	archaeological interest which, being a description sufficient enough to enable
	13	the object to be located; and
	14	(b) Reward any person who furnishes information leading to the
	15	conviction of a person for an offence against this Act.
	16	(4) If a person is not satisfied with the compensation proposed by the
	17	Commission, such a person may apply on the basis of Schedule 3 to a court for
	18	the determination of reasonable compensation or reward.
Designation of areas of archaeological importance	19	68.-(1) Subject to the provisions of this section a person shall not-
	20	(a) Use or be in possession of a detection device-
	21	(i) In, or at the site of, a monument of which the Commission or the
	22	heritage resources authority of a state or local government is the owner or
	23	guardian; or
	24	(ii) Which stands registered in the Register, or
	25	(iii) Which is in a protected area, or
	26	(iv) Which is in Nigerian waters, or
	27	(b) Use, at a place other than a place specified in paragraph (a) of this
	28	sub-section, a detection device for the purpose of searching for archaeological
	29	objects, or
	30	(2) (a) Upon application in writing therefore to the Director-General

1 by any person and upon being furnished by him with such information as the
2 Director-General may reasonably require and upon payment to the
3 Commission by the person of the prescribed fee (if any), the Director-
4 General may, at his discretion, subject to paragraph (b) of this sub-section,
5 grant or refuse to grant his consent in writing to a person-

6 (i) Authorising the use of a detection device for the purpose of
7 searching for archaeological objects at a specified place (not being a place
8 specified in subsection (1) (a) of this section), or

9 (ii) Authorising the use and possession of a detection device at a
10 place specified in the said sub-section (1) (a) but not for the purpose of
11 searching for archaeological objects.

12 (b) Consent under this sub-section may-

13 (i) Be made subject to such conditions as the Director-General
14 thinks fit and specifies in the consent, and

15 (ii) Be revoked in writing at any time by the Director-General and
16 the revocation shall take effect at the time when the person named in the
17 consent is notified of the revocation.

18 (3) In this section "detection device" means a device designed or
19 adapted for detecting or locating any metal or mineral or heritage object on
20 or in the ground, on, in or under the sea bed or on or in land covered by water.

21 (4) The provisions of this section do not apply to the Units and
22 Divisions of the Ministry of Defence, the Ministry of the Interior, the
23 Nigerian Secret Service and other national security agencies.

24 (5) Where in a prosecution for an offence under this section it is
25 proved that a detection device was being used, it shall be presumed until the
26 contrary is proved that the device was being used for the purpose of
27 searching for archaeological objects.

28 (6) A person who contravenes sub-section(1) of this section or a
29 condition of a consent under this section shall be guilty of an offence and is
30 liable on conviction-

	1	(a) If a natural person, to a fine of N2,000,000.00 or imprisonment for
	2	two years or both, and the confiscation of the detectors;
	3	(b) If a juridical person, to a fine of N20,000,000.00 and the
	4	confiscation of the detectors.
Designation of areas of archaeological importance	5	69. -(1) The Director-General may from time to time by Order
	6	designate as an area of archaeological importance any area which appears to
	7	him to merit treatment as such for the purposes of this Act; but, before doing so,
	8	he shall consult with the Board and obtain the authorisation of the Minister who
	9	shall give his written consent.
	10	(2) A state may from time to time by Order designate as an area of
	11	archaeological importance any area within the territory of that state which
	12	appears to it to merit treatment as such; the state in question shall notify the
	13	Commission of such designation.
	14	(3) An Order under this section designating an area as an area of
	15	archaeological importance (whether by the Commission or by the state) is
	16	referred to in this Act as a Designation Order.
	17	(4) The Director-General may at any time by Order vary or revoke a
	18	Designation Order, but his power to vary such an Order is confined to reducing
	19	the area designated by the order.
	20	(5) The Director-General shall consult with the Board before varying
	21	or revoking an Order.
Foreign archaeologists exempted from custom duties	22	70. -(1) Persons from nations other than Nigeria that are permitted to
	23	excavate in Nigeria are exempt from paying any kind of customs duties for the
	24	importation of scientific and technical instruments, that are not available in
	25	Nigeria.
	26	(2) The scientific and technical instruments imported into Nigeria by
	27	persons from nations other than Nigeria that are permitted to excavate in
	28	Nigeria may not be taken out of Nigeria.
Persons auhtorised to excavate to observe local laws and customs	29	71. Persons authorized to excavate shall observe the laws, customs
	30	and habits of the country particularly in the area of their excavation.

1	72. A government of a state may assist in, or defray or contribute	State may defray
2	towards the cost of an archaeological investigation of any land in or in the	cost of archaeological
3	vicinity of the state, being land which it considers may contain an ancient	investigation
4	monument or anything else of archaeological or historical interest.	
5	73. -(1) Heritage resource situated in, on or under the sea bed within	Antiquities in
6	the seaward limits of Nigeria territorial waters or Nigerian inland waters	territorial waters
7	may be included in the National Heritage Resources Register.	
8	(2) An archaeologist shall on the discovery of any heritage	
9	resource in territorial waters on informing the Commission and on obtaining	
10	authorisation have the powers and privileges accruing to him as a	
11	representative of the Commission to perform the duties of an archaeologists	
12	as stipulated in this Act.	
13	74. -(1) Where the Minister, upon being informed by the Director-	Protection of
14	General, forms the opinion that the remains of a ship or an article or articles	historic shipwrecks
15	appearing to be the remains of a ship that are situated in Nigerian inland or	and relics
16	territorial waters are of historic significance, the Minister may, by notice	
17	published in the Federal Gazette, declare those remains or article or articles	
18	appearing to be the remains of a ship to be a historic shipwreck.	
19	(2) Where the Minister, upon being informed by the Director-	
20	General, forms the opinion that a particular article that was, or particular	
21	articles that were, associated with a ship, or all articles that were associated	
22	with a particular ship, being an article that is, or articles that are, situated in	
23	Nigerian inland or territorial waters, is or are of historic significance, the	
24	Minister may, by notice published in the Federal Gazette, declare the article	
25	or articles to be a historic relic or historic relics.	
26	(3) The Minister may make a declaration under subsection (1) or	
27	(2) in relation to any part of the remains of a ship that has, or in relation to any	
28	article or articles that has or have, been removed from Nigerian inland or	
29	territorial waters in like manner as the Minister may make a declaration	
30	under that subsection in relation to the remains of a ship, or in relation to an	

	1	article or articles, situated in those waters.
	2	(4) Where a declaration has been made under this section in relation to
	3	the remains of a ship or an article or articles appearing to be the remains of a
	4	ship or an article that were or was situated in any waters; and after the making
	5	of the declaration any part of those remains or that article is removed from
	6	those waters; the declaration continues to apply, subject to any amendment or
	7	revocation of the declaration, in relation to that part of those remains or in
	8	relation to that article notwithstanding its removal from those waters.
Protected zones	9	75. -(1) The Minister may, by notice published in the Federal Gazette,
	10	declare an area (not exceeding 200 hectares) consisting of sea or partly of sea
	11	and partly of land within which a historic shipwreck is, or a historic relic is or
	12	historic relics are, situated to be a protected zone.
	13	(2) Where a notice is published in the Federal Gazette, the Minister
	14	may cause a copy of the notice to be published in such newspapers or other
	15	publications as the Minister thinks appropriate.
Notice of location of historic shipwrecks and relics	16	76. -(1) Where:
	17	(a) A person has possession, custody or control of an article that is, or
	18	is a part of, a shipwreck or is a relic; and
	19	(b) Whether or not a notice applying in respect of the article is
	20	published in the Federal Gazette; the person shall, within 15 days of coming
	21	into possession, custody or control of the article, make a report to the
	22	Commission, local chief or police or any other authority which shall contact the
	23	Commission in relation to the article.
	24	(2) Any person that contravenes any provision in this section has
	25	committed an offence and is liable on conviction-
	26	(a) If a natural person, to a fine of N100,000.00 or imprisonment for
	27	twelve months or both,
	28	(b) If a juridical person, to a fine of N500,000.00.
Effect of loss of historic importance	29	77. The Minister may, by notice published in the Federal Gazette
	30	declare that the remains of a ship or an article or articles appearing to be the

1 remains of a ship that are situated in Nigerian inland or territorial waters are
2 no longer of historic significance, in which case they shall cease to be
3 protected as such and offences against them shall no longer be offences
4 against this Act.

5 **78.-(1)** A person contravenes this section if:

6 (a) The person engages in conduct; and

7 (i) Destroys or causes damage to a historic shipwreck or historic
8 relic;

9 (ii) Causes interference with a historic shipwreck or historic relic;

10 (iii) Causes the disposal of a historic shipwreck or historic relic; or

11 (iv) Causes a historic shipwreck or historic relic to be removed
12 from Nigeria, from inland or territorial water.

13 (2) Subsection (1) does not apply if the person engages in the
14 conduct in accordance with a permit. The burden of proof shall be on the
15 Defendant.

16 (3) A person who contravenes this section is guilty of an offence
17 and is liable on conviction-

18 (a) If a natural person, to a fine of N2,000,000.00 or imprisonment
19 for five years or both,

20 (b) If a juridical person, to a fine of N20,000,000.00.

21 (4) In this section, historic shipwreck includes a part of a historic
22 shipwreck.

23 **79.-(1)** It shall be an offence:

24 (a) To bring into a protected zone equipment constructed or
25 adapted for the purpose of diving, salvage or recovery operations, or of any
26 explosives,

27 (b) Instruments or tools the use of which would be likely to damage
28 or interfere with a historic shipwreck or a historic relic situated within that
29 protected zone;

30 (c) To use within a protected zone of any such equipment,

Prohibition of
certain action in
relation to historic
shipwrecks and
relics

Regulations that
may prohibit certain
activities in
protected zone

- 1 explosives, instruments or tools;
- 2 (d) To cause a ship carrying any such equipment, explosives,
- 3 instruments or tools to enter, or remain within, a protected zone;
- 4 (e) To trawl, or dive or perform other underwater activity, within a
- 5 protected zone; or
- 6 (f) To moor or use ships within a protected zone; and
- 7 (2) A person who contravenes this section is guilty of an offence and is
- 8 liable on conviction-
- 9 (a) If a natural person, to a fine of N2,000,000.00 or imprisonment for
- 10 five years or both,
- 11 (b) If a juridical person, to a fine of N20,000,000.00
- 12 (3) In this section, ship includes a hovercraft and any similar craft.
- 13
- 14 **80.-(1)** The Minister may, upon application by a person, grant a
- 15 permit to that person authorizing the person and any other persons named or
- 16 described in the permit to do an act or thing specified in the permit, the doing of
- 17 which would otherwise be prohibited by sections 78 and 79.
- 18 (2) The Minister may, when granting a permit or at any time while a
- 19 permit is in force, impose conditions in respect of the permit and may at any
- 20 time revoke or vary any conditions so imposed.
- 21 (3) A person is guilty of an offence if a permit has been granted to the
- 22 person or is otherwise applicable to the person; and the person engages in
- 23 conduct; which contravenes a condition imposed in respect of the permit.
- 24 (4) The penalty for an offence in subsection (3) is-
- 25 (a) If a natural person, to a fine of N1,000,000.00 or imprisonment for
- 26 three years or both,
- 27 (b) If a juridical person, to a fine of N10,000,000.00.
- 28 (5) The Minister on the advice of the Commission may, at any time, by
- 29 notice in writing to the person to whom a permit has been granted:
- 30 (a) Revoke the permit;

Effect of permit
granted by the
Minister

1 (b) Suspend the permit; or

2 (c) Cancel the suspension of the permit.

3 (6) A suspension of a permit may be of indefinite duration or for a
4 specified period.

5 **81.**-(1) A person who finds, in a fixed position in Nigerian inland or
6 territorial waters, the remains of a ship or of a part of a ship, or an article
7 associated with a ship, shall, as soon as practicable, give to the Commission
8 a notice setting out a description of the remains or of the article and a
9 description of the place where the remains are, or the article is, situated, that
10 is sufficient enough to enable the remains or article to be located.

Notice of
Discovery of
shipwrecks and
relics

11 (2) It is enough in the prosecution of the offence to show that a
12 person in the circumstance of the person charged would have known of the
13 existence of the remains of the ship or of a part of the ship, or an article
14 associated with the ship

15 (3) A person who contravenes this section is guilty of an offence
16 and is liable on conviction-

17 (a) If a natural person, to a fine of N200,000.00 or imprisonment
18 for two years or both,

19 (b) If a juridical person, to a fine of N1,000,000.00.

20 **82.**-(1) The Commission may:

Rewards

21 (a) Reward the person who first notifies the Commission in
22 accordance with section 81 of the location of any remains or article; a
23 description of the location of which, being a description sufficient enough
24 to enable the remains or articles to be located, which had not previously been
25 published in Nigeria; and

26 (b) Reward the person who first furnishes to the Commission a
27 description of the location of a historic shipwreck, or of a historic relic or
28 historic relics, being a description sufficient enough to enable the historic
29 shipwreck or historic relic or historic relics to be located; and

30 (c) Reward the person who upon coming into possession, custody

1 or control of an article that is, or is a part of, a shipwreck or is a relic
 2 immediately makes a report to the Commission in relation to the article
 3 (d) Reward any person who furnishes information leading to the
 4 conviction of a person for an offence
 5 (e) against provisions for shipwrecks and articles of shipwrecks in this Act.

6 **PART VIII - PROHIBITED TRANSFERS**

National interest
 overrides private
 in heritage
 resources matters

7 **83.**-(1) The Nigerian state reserves the right through the Commission
 8 to regulate, control, acquire, release, manage and do or forbear from doing any
 9 act in relation to any heritage resource in Nigeria notwithstanding any right
 10 residing in any person, entity or authority in Nigeria in relation to such heritage
 11 resource.

12 (2) The Nigerian state reserves the right through the Commission to
 13 regulate, control, acquire, release, manage and do or forbear from doing any act
 14 in relation to any heritage resource outside Nigeria but of Nigerian origin or
 15 belonging to any community, people or culture that is now partly or wholly part
 16 of Nigeria notwithstanding any right residing in any person, entity or authority
 17 in Nigeria in relation to such heritage resource.

18 (3) Holder of any right over any heritage resource holds such right
 19 only to the extent that the Nigerian state permits and such right can be rescinded
 20 on the basis of overriding public interest or on any other grounds.

21 (4) No person shall trade in, or transfer or otherwise part with possession of a
 22 heritage resource without the express permission of the Commission.

23 (5) Transfer, sale, export, attempted export or any dealings in heritage
 24 resources without the authority of the Commission shall be punishable under
 25 this Act.

26 (6) No person shall-

27 (a) Buy any heritage resources unless he is an Accredited Agent; or

28 (b) Sell any heritage resources to any person other than an Accredited
 29 Agent.

30 (7) Any person who contravenes any of the provisions of this section

1 shall be guilty of an offence and on conviction shall be liable-

2 (a) If a natural person, to a fine of N1,000,000 or five times the
3 value of the heritage resources, (whichever is the greater), or to
4 imprisonment for two years, and the court imposing the fine or the
5 imprisonment shall make an order for the forfeiture of the heritage resources
6 connected with the offence to the Nigerian State,

7 (b) If a juridical person, to a fine of N10,000,000 and the court
8 imposing the fine shall make an order for the forfeiture of the heritage
9 resources connected with the offence to the Nigerian State.

10 **84.**-(1) By force of this subsection:

Heritage
Protectors

11 (a) A member of Nigeria Police;

12 (b) A member of the Nigeria Security and Civil Defence Corps;

13 (c) A member of the Custom Service;

14 (d) A member of the Immigration Service; and

15 (e) A member of staff in the Commission appointed as Heritage
16 Protector;

17 (f) Any other government security outfit.

18 is a Heritage Protector.

19 (2) There shall be at least one Heritage Protector who is an
20 employee of the Commission in every Local Government of the Federation;

21 (3) Every security staff of the Commission is an Heritage Protector
22 for the purpose of this Act;

23 (4) Heritage Protectors may be in uniform or may possess a badge
24 or other identifiers provided by the Commission;

25 **85.**-(1) The Director-General may, with the consent of the
26 Minister, make an arrangement with a state for and in relation to the exercise
27 of powers, and the performance of duties, of Heritage Protectors under this
28 Act by officials of the heritage resources authority or other officials of that
29 state.

Director-General
and states can
agree on functions
of Heritage Protectors

30 (2) An arrangement may contain such incidental or supplementary

1 provisions as the Director-General may consider necessary.

2 (3) The Director-General may arrange with the authority in a state
3 with which an arrangement is in force for the variation or revocation of the
4 arrangement.

5 (4) A copy of each instrument by which an arrangement has been
6 made, varied or revoked may be published in the Gazette.

Duties of Heritage
Protectors

7 **86.**-(1) This section applies to Heritage Protectors who are staff of the
8 Commission:

9 (2) Heritage Protectors who are staff of the Commission shall-

10 (a) Protect museums, monuments, sites, offices and other
11 establishments managed by the Commission and their contents;

12 (b) Protect all heritage resources, identified or suspected, located in
13 the area he is instructed to oversee;

14 (c) Upon becoming aware of an information alleging that there are
15 reasonable grounds for suspecting that there may be, upon any land or upon or
16 in any premises, structure, vessel, aircraft or vehicle, a thing or things of a
17 particular kind that is or are connected with a particular offence against this
18 Act, report such violation to the law enforcement agencies and to the
19 Commission and seek that a warrant is obtained in accordance with section 92;

20 (d) If such a violation in sub-section (c) occurs in his presence, with
21 reasonable force if necessary or without force if possible, either singularly, or
22 with the assistance of other persons apprehend the person committing such
23 offence. He shall however, without unnecessary delay, take such a person or
24 cause such a person to be taken to the nearest police station;

25 (e) Do all that is necessary to ensure prompt prosecution of any
26 violation against this Act;

27 (f) Not however maliciously prosecute or instigate the Law
28 Enforcement Agencies or Legal Officers of the Commission to prosecute a
29 person for an offence he has no probable cause to believe was committed.

1	87. -(1) Notwithstanding section 86, for the purpose of facilitating	Heritage Protectors
2	the discharge of its functions of protecting Nigeria's heritage resources	conferred with
3	under these Act, and solely for this purpose, Heritage Protectors who are	power of the Police
4	staff of the Commission are hereby conferred with the powers of Police	
5	officers in respect of searches and arrest of persons violating any of the	
6	provisions of this Act,	
7	(2) The Commission is hereby endowed with the power to	
8	prosecute offenders against this Act.	
9	(3) Heritage Protectors who are staff of the Commission and Legal	
10	Officers in the employ of the Commission shall prosecute offenders against	
11	this Act on behalf of the Commission.	
12	88. Members of Nigeria Police, the Nigeria Security and Civil	Need of police
13	Defence Corps, the Custom Service and the Immigration Service in	and others to confer
14	performing their ordinary statutory functions of apprehension and seizure or	with Commission's
15	in the role of Heritage Protectors as provided for by this Act shall consult	staff
16	with heritage professionals of the Commission on manners of handling	
17	heritage resources in order to avoid irreparable damage to such heritage	
18	resources.	
19	89. -(1) A person named a Heritage Protector under this Act may at	Power to Search
20	any time search without warrant any person or the property of any person he	without Warrant
21	reasonably suspects of buying any heritage resources while he is not an	
22	accredited agent; or selling any heritage resources to a person who is not an	
23	accredited agent and he may seize anything he reasonably suspects to be a	
24	heritage resource together with any container in which it is kept.	
25	(2) Any officer of the Department of Customs and Excise may at	
26	any time search without warrant anything intended to be exported from	
27	Nigeria if he reasonably believes that the thing intended to be exported from	
28	Nigeria contains any heritage resource, and he may seize the thing he	
29	reasonably suspects to be a heritage resource together with any container in	
30	which it is kept.	

1 (3) A Heritage Protector who is a staff of the Commission may at any
2 time search without warrant anything he reasonably believes to be a heritage
3 resources in the possession of any person who is not authorised to so handle it,
4 and he may seize the thing together with any container in which it is kept.

5 (4) Transfer, sale, export, attempted export or any dealings in heritage
6 resources without the authority of the Commission shall be punishable under
7 this Act.

Searches in
emergencies

8 **90.**-(1) A Heritage Protector may search:

9 (a) if:

10 (i) He believes on reasonable grounds that it is necessary to do so in
11 order to prevent the exportation or importation of that thing or the concealment,
12 loss or destruction of anything connected with an offence against this Act; and

13 (ii) The search or entry is made in circumstances of such seriousness
14 and urgency as to require and justify immediate search or entry without the
15 authority or an order of a court or of a warrant issued under this Act.

16 (2) A Heritage Protector may stop a person, vessel, aircraft or vehicle
17 for the purposes of subsection (1).

Power of arrest

18 **91.**-(1) A Heritage Protector may, without warrant, arrest any person
19 if the Heritage Protector believes on reasonable grounds:

20 (a) That the person is committing or has committed an offence against
21 this Act; and

22 (b) That proceeding against the person by summons would not be
23 effective.

24 (2) Where a person is arrested under sub-section (1), the Heritage
25 Protector shall forthwith bring the person, or cause the person to be brought,
26 before a court or proper authority to be dealt with in accordance with law.

27 (3) Nothing in this section prevents the arrest of a person in
28 accordance with any other law.

29 (4) Any seizure made under sub-sections (1), (2) and (3) of section 89
30 above shall as soon as possible be taken before a Court which-

1 (a) In respect of seizure under sub-section (1) of section 89, shall
2 make an order for the forfeiture of the thing seized together with any
3 container in which it is kept to the Commission, if it is established that the
4 thing seized is a heritage resource and that it has been bought, sold or
5 acquired contrary to the provisions of section 83 of this Act;

6 (b) In respect of seizure under sub-section (2) of section 89 shall
7 make an order for the forfeiture of the thing seized together with any
8 container in which it is kept to the Commission, if it is established that the
9 thing seized is a heritage resource and that no export permit in respect
10 thereof has been issued by the Commission.

11 (c) In respect of seizure under subsection (3) of section 89 shall
12 make an order for the forfeiture of the thing seized together with any
13 container in which it is kept to the Commission if it is established that the
14 thing seized is a heritage resource and that it has been bought, sold or
15 acquired contrary to the provisions of section 83 of this Act.

16 (5) Any heritage resource forfeited to the Commission under any of
17 the provisions of this Part of this Act shall be kept in the custody of the
18 Commission and shall be disposed of in such a manner as the Commission
19 may direct.

20 (6) Any costs incurred by the Commission in transporting or
21 disposing of the object are a debt due to the Commission by the person who
22 was the owner of the object immediately before it was seized and may be
23 recovered by the Commission in a court of competent jurisdiction.

24 **92.**-(1) Where an information on oath is laid before a Court Search warrants
25 alleging that there are reasonable grounds for suspecting that there may be,
26 upon any land or upon or in any premises, structure, vessel, aircraft or
27 vehicle, a thing or things of a particular kind that is or are connected with a
28 particular offence against this Act, and the information sets out those
29 grounds, the Judge may issue a search warrant authorising a Heritage
30 Protector named in the warrant, with such assistance as he thinks necessary

1 and if necessary by force:

2 (a) To enter upon the land or upon or into the premises, structure,
3 vessel, aircraft or vehicle;

4 (b) To search the land, premises, structure, vessel, aircraft or vehicle
5 for things of that kind; and

6 (c) To seize anything of that kind found there that he believes on
7 reasonable grounds to be connected with that offence.

8 (2) If, in the course of searching, in accordance with a warrant issued
9 under this section, for things that are connected with a particular offence, being
10 things of a kind specified in the warrant, a Heritage Protector finds anything
11 that he believes on reasonable grounds to be connected with the offence,
12 although not of a kind specified in the warrant, or to be connected with another
13 offence against this Act, and he believes on reasonable grounds that there is a
14 compelling need for the immediate seizure of the thing in order to prevent its
15 exportation, importation, concealment, loss or destruction, or its use in
16 committing, continuing or repeating the offence or in committing the other
17 offence, the Heritage Protector may seize that thing.

18 (3) For the purposes of this section, a thing is connected with a
19 particular offence if it is:

20 (a) A thing in respect of which the offence was committed;

21 (b) A thing that will afford evidence of the offence; or

22 (c) A thing that was used, or is intended to be used, for the purpose of
23 the offence.

24 (4) A reference in this section to an offence includes a reference to an
25 offence that there are reasonable grounds for believing has been, or will be,
26 committed.

Heritage Protector
may demand for
permit

27 **93.-(1)** A Heritage Protector may require any person whom the
28 Heritage Protector suspects on reasonable grounds of intending to export, of
29 exporting, or of having exported, a Nigerian protected object to produce a
30 permit or certificate authorising the export or to produce evidence of the

1 existence and contents of such a permit or certificate.

2 (2) A person who fails to comply with a requirement made under
3 subsection (1) is guilty of an offence punishable on conviction by a fine not
4 exceeding N2,000,000.

5 **94.**-(1) A Heritage Protector exercising or proposing to exercise
6 powers pursuant to this Part in relation to property, being any premises,
7 structure, vessel, aircraft or vehicle, may require the owner or person in
8 charge of the property to provide reasonable assistance to the Heritage
9 Protector in the exercise of those powers in relation to the property, and the
10 person shall comply with the request.

Assistance
Heritage Protectors

11 (2) Any person obstructing any person designated a Heritage
12 Protector in this Act in the performance of his duties under this section shall
13 be guilty of an offence and liable on conviction to imprisonment of not
14 more than one year or a fine of N500,000.

15 **95.**-(1) The Commission shall engage its staff in the activity of
16 regularly and constantly registering heritage resources in all parts of the
17 nation.

Registration of
Heritage Resources

18 (2) Any person who has a heritage resource in his possession or
19 under his control either before or after the commencement of this Act shall
20 register such with the Commission;

21 (3) Any person who has a heritage resource in his possession or
22 under his control either before or after the commencement of this Act shall,
23 if so demanded by an accredited agent, register the heritage resource with
24 the accredited agent who may call upon him in person between the hours of 8
25 a.m. and 6 p.m. any day, except on work-free days, for that purpose;

26 (4) Any heritage resource not so registered by a person who is in
27 possession or control of it under this section shall:

28 (a) In respect of heritage resource not registered under subsection
29 (1) of this section such shall be liable to seizure by the Commission through

1 a Heritage Protector but the heritage resource shall not be forfeited except on
2 the order of a Court;

3 (b) In respect of heritage resource not registered under subsection (2)
4 of this section such shall be liable to seizure by the Commission through a
5 Heritage Protector and the heritage resource shall be forfeited on the order of a
6 Court.

7 (5) For the purpose of registering heritage resources, the owners shall
8 inform the Commission through any of its stations or officials nearest to him or
9 shall make a report to a state or local government heritage resources authority
10 or to the police or any law enforcement agent or village head. The police or law
11 enforcement agent or village head shall quickly acquaint the Commission
12 through any of its stations or officials or a state or local government heritage
13 resources authority of the report. In this case, the private ownership of these
14 properties is preserved. Otherwise the Commission may exercise its right of
15 redemption or expropriation and seize the heritage resources.

16 (6) The Commission may invite any person, owner or holder, by any
17 right, of an asset that might constitute a heritage resource to appear before it to
18 register the heritage resource. He shall appear within a not extendable period of
19 60 working days, as from the date of the notification. If the person fails to
20 appear the Commission may exercise its power and expropriate the assets.

21 (7) The Commission shall issue to the owner a Certificate of
22 Registration for each heritage resource registered in the National Heritage
23 Resources Register, A copy of this shall be retained by the Commission. The
24 Certificate of Registration shall explain the description, origin, source and the
25 circumstance under which it was discovered, it shall have at least one
26 photograph of the heritage resource attached. This Certificate of Registration
27 shall be indispensable for the transfer of the property under any title.

28 (8) The Commission or a State heritage resource authority may, by
29 notice in the Federal Gazette or State Gazette, list a heritage resource or amend
30 or delete an entry in a heritage register. The Commission for this purpose shall

1 co-ordinate, and shall prescribe national standards for the recording of
2 information by state heritage authorities.

3 (9) The heritage resources authority of a state shall-

4 (a) Compile and maintain a heritage register listing the heritage
5 resources in the state which it considers to be conservation-worthy;

6 (b) Within one month of knowing of the existence of movable or
7 immovable heritage resources, inform the Commission in writing and also
8 submit the inventory of the properties for registration in the National
9 Heritage Resources Register;

10 (c) At regular intervals in the manner prescribed by the
11 Commission, provide the Commission with any information about heritage
12 resources in the state which would increase the volume and detail of
13 information held in the registry;

14 (d) Approve an inventory of heritage resources submitted to it by
15 any person for listing in the heritage register.

16 (10) At the time of the compilation or revision of a town or regional
17 planning scheme or a spatial development plan, or at any other time of its
18 choosing, or at the initiative of a state heritage resources authority where in
19 the opinion of a state heritage resources authority the need exists, a planning
20 authority in conjunction with the state heritage resources authority shall
21 compile an inventory of the heritage sites which fall within its area of
22 jurisdiction and submit such inventory to the relevant state heritage
23 resources authority, which shall be listed in the heritage register.

24 (11) A state heritage resources authority shall not list a place in a
25 heritage register without having consulted the owner of such place.

26 (12) Any person can have access to the content of a register at the
27 offices of the Commission or at the offices of a state's heritage resources
28 authority upon paying a fee, but such access shall be at the discretion of the
29 Commission or the heritage resource authority of a state.

30 (13) The Commission shall-

1 (a) At regular intervals, publish a summary and analysis of the
2 inventory of the National Heritage Resources Register;

3 (b) Regularly inform the states' heritage resources authority of the
4 content of the National Register of Heritage Resources;

5 (c) The Commission shall consider the issue of security while
6 carrying out the provisions of this section and circumscribe details when
7 necessary in the interest of protecting a particular heritage resource which is in
8 danger of theft or spoliation for reasons of lack of adequate security which the
9 Commission or other heritage body is unable to provide immediately.

10 (14) The owner of registered movable heritage resources shall inform
11 the Commission in the case of change of the location or of the place of
12 preservation of the properties;

13 (15) The provisions of this section on registration of heritage
14 resources with the Commission shall apply mutatis mutandis to registration of
15 heritage resources with states and Local Governments' heritage resources
16 authorities.

Need to seek
clarification when
in doubt

17 **96.** Where a person is in any doubt as to whether or not an object in his
18 possession is a heritage resource, he may apply in person with the object, or in
19 writing, attaching a photograph of it, to the Commission for the assessment.

Clearance permit

20 **97.** Where the Commission is satisfied that the object in the
21 possession of the applicant is not a heritage resource, it may issue a permit
22 called a "clearance permit" in respect of that object.

Appointment
of Licensee

23 **98.-(1)** The Director-General may upon an application by a person
24 who is not a staff of the Commission, and upon paying a fee, by an instrument
25 issued under his hand, appoint such a person as a Licensee for a specified area
26 in Nigeria. For the purpose of this section such a person may be addressed as a
27 Licensee, and the instrument so issued; a Licence.

28 (2) On receipt of an application for licence to be a Licensee, the
29 Director-General shall, in addition to confirming that the applicant has
30 provided the information required shall consider the bonafide intention of the

1 applicant and if satisfied about such intention, may grant a licence to the
2 applicant.

3 (3) The transfer of the licence to another person is prohibited.

4 (4) A Licensee shall enjoy the rights and privileges of an
5 Accredited Agent except where the Director-General stipulates otherwise in
6 the license issued to a Licensee.

7 (5) Schedule 13 of this Act provides further rules and procedures
8 for the activities and operation of Licensees and shall be read in conjunction
9 with sections 98 and 99.

10 **99.**-(1) A person appointed as a Licensee shall-

Obligations of a
person appointed
Licensee

11 (a) Keep a daily register of items acquired by him in the register,
12 which is given to him by the Commission. In the event the person has more
13 than one establishment, a register is required for each establishment;

14 (b) Refrain from acquiring heritage resources of which the origin is
15 dubious or of which the owner cannot be identified with certainty;

16 (c) Refrain from acquiring heritage resources in exchange for
17 another as payment;

18 (d) Refrain from acquiring heritage resources from a minor or from
19 an incompetent person without the consent of his parents or legal
20 representative;

21 (e) Inform person who acquires from him of the status of such
22 heritage resources, and provide the Commission with the identity and
23 domicile of the acquirer, as well as the date on which ownership was
24 transferred;

25 (f) Guarantee the specification that he has put forward regarding
26 the nature, composition, origin and age of the heritage resources and a
27 certification if so requested;

28 (g) Declare to the Commission any change in the location of his
29 establishment;

30 (h) Display the licence granted to him in the place where he

1 conducts his business;

2 (i) Maintain a photo album separately for each category of heritage
3 resources having clear photographs in at least post-card size, pasted in the
4 album together with loose photographs bearing the serial number of his
5 register;

6 (j) On enquiry by an officer authorised by the Commission, show any
7 heritage resources, which he possesses, to the officer for verification;

8 (k) If so required by the Commission permit the Commission's
9 photographer to take photographs of heritage resources in the possession of the
10 Licensee;

11 (l) Submit to the Commission quarterly using a form provided for the
12 purpose by the Commission, record of dealings in heritage resources, within
13 fifteen days of the expiry of the period to which the record relates and, shall
14 also, on demand within such time as an official of the Commission may specify,
15 produce such record.

16 (2) When the person appointed as a Licensee in sub-section (1) is a
17 juridical person, the above-mentioned obligations shall be incumbent upon the
18 executive officers of the legal entity.

19 (3) When a Licensee is in breach of one of his obligations, the
20 Commission may withdraw his licence temporarily, or in the case of a repeat
21 offense, permanently.

22 (4) Full identification of the person appointed as Licensee shall be
23 kept by the Commission.

24 (5) Dealing in heritage resources by a person granted a licence is
25 permitted under the condition that the heritage resources are registered and
26 recorded on the basis of the provisions of section 95 of this Act.

27 (6) When a licence holder comes about an object he desires to acquire,
28 he shall notify the nearest heritage officer of the Commission or any other
29 officer of the Commission of this in order for the context of the object to be
30 recorded.

1 (7) A Licensee may be authorised in writing to record an object in
2 the context of where it was acquired.

3 (8) The Director-General may, with a view to securing compliance
4 with the provisions of this Act,-

5 (a) Require any Licensee to give such information in his
6 possession with respect to any business carried on by him as the Director-
7 General may demand;

8 (b) Inspect or cause to be inspected any book, register or other
9 document belonging to or under the control of any Licensee; and

10 (c) Authorise any officer of the Commission to enter and search,
11 any premises, or authorise any such officer, to seize, any heritage resource in
12 respect of which he has reason to believe that a breach of any condition of the
13 licence has been committed.

14 (9) A Licensee shall not excavate or conduct archaeological search
15 for heritage resources.

16 (10) A Licensee shall not deal with a foreigner.

17 **100.**-(1) The Commission may purchase, at a reasonable rate
18 established by the Heritage Resources Acquisition and Delisting Committee
19 any heritage resources from a Licensee.

Acquisition of
heritage resources
by the Commission
from a Licensee

20 (2) The Commission may exercise its right of pre-emption or its
21 right of redemption to acquire heritage resources in the control of a
22 Licensee.

23 (3) Any Licensee who desires to dispose of heritage resources
24 under any arrangement shall duly notify the Commission and shall also
25 declare the conditions under which the heritage resource is being disposed
26 of.

27 (4) The Commission shall have the right of first refusal.

28 (5) Within the period of two months subsequent to the notification
29 referred to in sub-section (3), the Commission may use its right of pre-
30 emption to purchase the property.

1 (6) When the intention to dispose of is not correctly notified, the
2 Commission may, in the same terms as those for the right of pre-emption,
3 exercise its right of redemption within a period of six months after the date on
4 which it receives reliable information on the disposal.

5 (7) (a) In case of expiration of a license, the Licensee shall two months
6 before the date of expiry of a licence, send to the Commission a declaration of
7 his stock and another declaration of stock immediately after six months from
8 the date of expiry within which period he shall renew his licence or have it
9 revoked;

10 (b) In the case of revocation of a licence for non-compliance with any
11 condition for the grant of a licence or for not observing his obligation under the
12 licence, an ex- Licensee shall submit a declaration of his stock to the Director-
13 General within fifteen days of revocation and shall transfer heritage resources
14 in his possession on the date of revocation to another Licensee or recognized
15 museum in Nigeria;

16 (c) A Licensee who wants to surrender his licence shall apply stating
17 this to the Director-General. The application shall be accompanied by a
18 declaration of his stock. If the Director-General is satisfied that there has been
19 compliance with all the conditions of the licence by the Licensee, he may
20 accept the surrender and the licence shall be deemed to have been terminated
21 from the date of such acceptance;

22 (d) The Licensee who has surrendered his licence shall be allowed to
23 dispose of heritage resources declared to another Licensee or recognized
24 museum in Nigeria or to the Commission up to six months of the date of
25 acceptance of the surrender of his licence provided that on the expiry of such
26 six months, he shall transfer the rest stock to the Commission.

Transfer of
registered heritage
resources

27 **101.** When any person transfers the ownership, control or possession
28 of a registered heritage resource to any other person under condition permitted
29 by the Commission, the transfer shall be disclosed by the transferor within
30 fifteen days of the date of transfer to the Commission in a Form provided by the

1 Commission for this purpose.

2 **102.**-(1) No person may import into Nigeria any foreign Heritage
3 Resources other than through a customs port of entry, and the export permit
4 or other permission issued in the country of origin of such object must be
5 produced to a customs officer before import to Nigeria is effected or
6 allowed.

Import of objects
protected in terms
of laws of foreign
states

7 (2) Any person who is importing cultural objects into Nigeria from
8 a foreign country must complete the prescribed form at the point of entry in
9 Nigeria.

10 (3) Heritage Resources imported onto Nigerian soil without the
11 export permit is deemed to be illegally imported. This same applies to stolen
12 Heritage Resources that is smuggled onto Nigerian soil.

13 (4) The Customs Service and the Commission shall take all
14 necessary action to confiscate illegally imported Heritage Resources.

15 (5) After a Heritage Resources agreement between Nigeria and a
16 reciprocating state comes into force, no person may import into Nigeria any
17 foreign Heritage Resources that has been illegally exported from a
18 reciprocating state.

19 (6) A Confiscated Heritage Resources imported in contravention of
20 subsection (1), (2), (3) or (5) shall be deposited with the Commission which
21 shall provide protection for it and take all necessary measures for its
22 conservation;

23 (7) The Commission may, with the consent of the Minister and the
24 Minister of Foreign Affairs, liaise and co-operate with the authority
25 responsible for the protection of Heritage Resources in any reciprocating
26 state and may enter into agreements with any such authority with regard to
27 the return to the country of origin of any heritage object or Heritage
28 Resources which is illegally imported into Nigeria or the reciprocating state,
29 whether specifically or in general;

30 (8) The return of the item of Heritage Resources shall take place

1 upon payment by the requesting State of all expenses relating thereto,
2 including expenses entailed in confiscating the item, depositing it with the
3 Commission and any conservation measures taken;

4 (9) An illegally imported item of Heritage Resources for which the
5 return is not requested within the timeframe provided by domestic or
6 international law devolves to Nigeria except the Minister mandates its return;

7 (10) Nigeria is not compelled by this law to return any item of
8 Heritage Resources illegally imported into Nigeria to a non-reciprocating state
9 except if the Minister mandates its return.

10 (11) Objects brought into Nigeria on the basis of exhibition or
11 exchange program are hereby indemnified from seizure or from expropriation.

12 (12) A person who intends to import an object for temporary purposes
13 or in circumstances, in which the person may subsequently wish to export the
14 object, may apply to the Commission for a certificate of exemption authorising
15 the export of the object concerned for the period specified in the certificate.

16 (13) By force of this Act, the Commission on behalf of the nation is
17 invested with the power to indemnify heritage resource imported into Nigeria
18 on the basis of an agreement with another nation, body or individual against
19 seizure. Such heritage resource so imported under an agreement shall not on
20 the basis of any court or administrative determination be subject to restriction
21 of seizure or denial of return to the place where it is imported or wherever the
22 importer intends it should be exported on the basis of the agreement.

23 (14) Proceedings for a contravention in relation to a protected object
24 of a foreign country shall not be instituted unless Nigeria has received from the
25 Government of the country a request for the return of the object;

26 (15) But if in any legal proceedings against any person in respect of a
27 contravention of this section any question shall arise whether a heritage
28 resource has been lawfully imported into Nigeria the onus of proof thereof
29 shall lie upon that person.

30 (16) The Commission or any other heritage resources authority in

1 Nigeria may assist and co-operate with heritage bodies outside Nigeria if
 2 agreed upon between the Government of Nigeria and the government of any
 3 other state, The Commission has power, with the concurrence of the
 4 Minister, to perform in that state any functions which a heritage resources
 5 authority would be capable of performing in Nigeria in terms of this Act.

6 **103.**-(1) Subject to the provisions of sub-section (2) of this section
 7 and to any exception which may be prescribed, no heritage resource shall be
 8 exported from Nigeria without a permit issued in that behalf by the
 9 Commission.

Restriction on
export of heritage
resources

10 (2) An application for a permit under this section shall be made
 11 following the rules laid down and the format prescribed in Schedule 14 and
 12 14A of this Act.

13 (3) Before issuing a permit under this section in respect of a
 14 heritage resource, the Commission shall cause the heritage resource to be
 15 inspected and to be sealed.

16 (4) Any person who exports heritage resources from Nigeria
 17 without permission shall be guilty of an offence and is liable on conviction-

18 (a) If a natural person, to a fine of N2,000,000 or imprisonment for
 19 five years or both,

20 (b) If a juridical person, to a fine of N20,000,000.

21 (5) Whenever Nigeria's heritage resources are in jeopardy from
 22 pillage of archaeological or ethnological materials, Nigeria may call other
 23 state parties to conventions of which Nigeria is party to participate in
 24 stopping the pillage or trafficking of the pillaged materials.

25 (6) When a heritage resource has been illegally exported,
 26 temporarily or permanently, the Commission shall be empowered, in
 27 cooperation with the Ministry of Culture and the Ministry of Foreign
 28 Affairs, to undertake all diplomatic, administrative and legal procedures
 29 necessary to have the said heritage resources returned to national soil;

30 (7) The Commission shall also act on behalf of Nigeria or owner,

1 in any diplomatic, administrative or legal procedure provided for under a
2 bilateral treaty or other international Conventions;

3 (8) The Commission shall constantly inform the public of the
4 procedures undertaken to have illegally exported heritage resources returned
5 to national soil. The public shall also be informed, where applicable, of the
6 outcome of such procedures;

7 (9) A regime of international leasing coupled with international
8 travelling exhibition is hereby established whereby reclaimed and yet to be
9 repatriated antiquities and antiquities still in Nigeria shall be objects of leasing
10 arrangements and travelling exhibitions to generate funds for the Commission
11 and for the Nigeria nation and in order to garner visibility and goodwill for the
12 heritage resources, the Commission and the Nigerian nation.

Compulsory
acquisition of
heritage resources

13 **104.**-(1) Where any person has applied to the Commission for a
14 permit to export any heritage resources from Nigeria and the permit is refused,
15 such heritage resources may be compulsorily acquired by the Commission at a
16 fair reasonable local price from the applicant;

17 (2) Where a heritage resources in possession of any person is found to
18 be in a state of neglect, such heritage resources may be compulsorily acquired
19 by the Commission at a fair reasonable local price.

20 (3) If a person is not satisfied with the compensation proposed by the
21 Commission, such a person may apply on the basis of Schedule 3 to a court for
22 the determination of reasonable compensation.

23 (4) Any applicant for a permit under subsection (1) who intentionally
24 destroys or damages the heritage resources for which a permit to export from
25 Nigeria has been refused shall be guilty of an offence and shall be liable on
26 conviction-

27 (a) If a natural person, to a fine of N2,000,000 or imprisonment for
28 five years or both,

29 (b) If a juridical person, to a fine of N20,000,000.

1 **105.**-(1) Subject to section 30(9) and section 31(27) of this Act, no Reproduction
2 person shall be allowed except by a written permission from the of heritage resources
3 Commission or the heritage resource authority of a state to record heritage
4 resources on film, cast or reproduce them, or make any other form of
5 replicas of them. Provided that before such written permission is given the
6 party intending to record any heritage resource or make any replica shall-

7 (a) Agree to pay to the Commission or the heritage resource
8 authority of a state a fee or an agreed percentage of the profit to be made on
9 the purpose for which the reproduction and recording is being made,
10 depending on the number of recording;

11 (b) Agree not to depict or represent such heritage resources in
12 manner that may denigrate the custom, tradition or belief of Nigeria or a part
13 of Nigeria;

14 (c) Acknowledge the Commission's right on behalf of the nation or
15 the heritage resource authority of a state's right on behalf of that state to
16 regulate the use or manner of use of images made from such.

17 (d) Involve the Commission or the heritage resource authority of a
18 state in any of the activities contemplated by sub-section (1) and any
19 ancillary business.

20 (2) Whoever counterfeits, or commits forgery in respect of any
21 heritage object with intent to commit fraud or knowing to be likely that fraud
22 will thereby be committed, or causes anything to appear like, or to be
23 believed to be, an heritage object with intent to cause wrongful gain to one
24 person or wrongful loss to another person shall be guilty of an offence.

25 (3) The Court trying an offence under subsection (1) or (2) may
26 direct that anything the making or forging of which has constituted such
27 offence shall stand forfeited to the Commission or the heritage resource
28 authority of a state.

29 (4) Any person who infringes against any provision in this Part
30 commits an offence and is liable on conviction-

1 (a) If a natural person, to a fine of N2,000,000 or imprisonment for
2 five years or both,

3 (b) If a juridical person, to a fine of N20,000,000.

4 **PART IX - MUSEUMS**

Museum is for
education and
enjoyment of
the society

5 **106.**-(1) Museums are permanent cultural institutions at the service of
6 society and its development which collect, acquire, preserve, research,
7 document, exhibit and disseminate material objects and intangible aspects of
8 cultural and natural items concerned with the human beings and their
9 environments for the purposes of study, education and enjoyment.

10 (2) It is the responsibility of the Commission to determine which
11 cultural institutions have the category of museum.

12 (3) There shall be a National Museum in Abuja.

13 (4) No person shall set up a museum, or aid in setting up a museum, or
14 run a museum, or aid in running a museum without authorisation from the
15 Commission. The authorisation so given can be withdrawn by the Commission
16 if officials of the Commission are of the opinion that certain measures are not
17 taken or adhered to in the setting up or operation of the museum.

A guide to
Museum Practice

18 **107.**-(1) The purpose of this Part shall be to promote the activities and
19 cooperation of museums with a view to safeguarding Nigeria's cultural and
20 natural heritage and ensuring access to and knowledge about this heritage and
21 its interaction with the world around us.

22 (2) This Part is also to aid the museum in its fundamental role as a
23 research based institution that is dedicated to utilising knowledge of the past to
24 propound reasons for the present and the future;

25 (3) Furthermore, the purpose of this Part is to enable the Commission
26 perform its regulatory and supervisory role for all museums owned by state
27 governments, local governments and communities, or museums owned by
28 public and private entities, and also for museums fully or partially owned or
29 subsidized or assisted by the Commission.

30 (4) Unless otherwise or specifically provided, the provisions of this

1 Act shall apply to all museums in Nigeria.

2 **108.**-(1) Through collecting, registering, preserving, researching The roles of
3 and disseminating, museums in Nigeria shall- museums

4 (a) Work to safeguard Nigeria's cultural and natural heritage;

5 (b) Illuminate cultural, natural and art history;

6 (c) Enhance the collections and documentation within their
7 respective areas of responsibility;

8 (d) Make the collections and documentation accessible to the
9 general public; and

10 (e) Make the collections and documentation accessible for
11 research, and communicate the results of such research.

12 (2) All museums in Nigeria shall collaborate to promote the tasks
13 referred to in subsection (1);

14 **109.**-(1) The Commission shall have a Register of Museums which Register of
15 shall list all museums in Nigeria and their location, ownership, management Museums
16 and other information in the manner prescribed in the Register. The
17 Commission shall also ensure that all heritage resources in the holding of all
18 museums in Nigeria are registered in the National Heritage Resources
19 Register;

20 (2) It shall be a policy of the government of Nigeria to ensure that
21 Nigerians show appreciation for arts and culture through the museums;

22 (3) By force of this section, all government Ministries and
23 Agencies, and all Universities, Institutions and government owned schools
24 that are 50 years or more and other publicly owned entities shall have
25 museums which shall be set up with the assistance of the Commission.

26 (4) It shall be the policy of the Commission to influence state
27 governments and Local Governments to mandate all Authorities and all
28 Universities, Institutions and government owned schools and similar bodies
29 that are 50 years or more and other publicly owned entities that derive
30 authority or enjoy subvention from them or are located within their

1 jurisdiction to establish museums with the assistance of the Commission or of
2 the heritage resources authority of the states or local governments;

3 (5) The Commission, states and Local Governments shall ensure that
4 the museums so established in line with this section are promptly listed in the
5 Register of Museums and that all heritage resources in their holding are
6 included in the National Heritage Resources Register.

7 (6) The activities of all museums shall be regulated by the
8 Commission. For this purpose, the Commission shall publish and distribute to
9 all museums in Nigeria regulatory pamphlets stipulating standards.

10 (7) Each museum in Nigeria shall have a Register of Heritage
11 Resources for Museums issued by the Commission in which all objects in the
12 holding of the museum shall be listed. The Register shall have columns for
13 required information as stipulated by the Commission. The contents of these
14 Registers shall be aligned with the National Heritage Resources Register.

15 (8) All museums in Nigeria shall be registered with the Commission
16 and shall pay a Registration fee and a stipulated amount annually as Regulation
17 fee which shall be charged on the basis of their collections as determined by the
18 Commission.

19 (9) All Managers and Curators of Museums after successful
20 attendance and requisite examinations and tests shall obtain a certificate of
21 competence or proficiency from the Commission's Institute of Archaeology
22 and Museum Studies or equivalent institution approved by Nigerian authority
23 ascertaining their competence. Such attendance, examination, test or
24 certificate may be waived by the Director-General of the Commission upon the
25 advice in writing of the Heritage Resources Acquisition and Delisting
26 Committee if it is shown that the person has adequate knowledge of the field of
27 practice. However, the Director-General shall issue a certificate of waiver to
28 the person.

29 (10) A person who sets up a museum or aids in setting up a museum or
30 manages or curates a museum without requisite permit or certificate of

1 competence from the Commission's Institute of Archaeology and Museum
2 Studies or equivalent institution approved by the Nigerian authority or a
3 certificate of waiver issued by the Director-General of the Commission shall
4 be guilty of an offence and is liable on conviction-

5 (a) If a natural person, to a fine of N500,000,

6 (b) If a juridical person, to a fine of N5,000,000.

7 **110.-(1)** Where anyone has heritage resource that he wishes the Accessioning
8 Commission to acquire, the person shall inform an official of the
9 Commission nearest to him of this.

10 (2) The official shall:

11 (a) Immediately make a recording and documentation of this
12 heritage resource and attach his opinion and recommendation in the form
13 prescribed for this;

14 (b) Send the recording and documentation together with his
15 recommendation within 24 hours by electronic mail or any other method,
16 whichever is faster, to the Heritage Resources Acquisition and Delisting
17 Committee.

18 (3) The Heritage Resources Acquisition and Delisting Committee
19 may request for further information and this shall be provided by the official.

20 (4) The Heritage Resources Acquisition and Delisting Committee
21 shall make recommendations to the Director-General within 15 days of
22 receiving the documentation on whether the Director-General should
23 acquire the heritage resource or not.

24 (5) The Director-General shall decide on the recommendation of
25 the Heritage Resources Acquisition and Delisting Committee within two
26 weeks. If he chooses to oppose the recommendation of the Committee, he
27 shall submit his opinion in writing to the Board and the Committee.

28 (6) Where the Director-General decides to acquire the heritage
29 resource, he may pay to the person by whom it is handed over to him such
30 cash reward as the Heritage Resources Acquisition and Delisting

1 Committee may recommend;

2 (7) The heritage resource so acquired shall then form part of the
3 National Heritage Resources Register, and may then become part of the
4 collection of a museum;

5 (8) Also, heritage resources acquired by order of forfeiture, seizure,
6 expropriation, or under right of pre-emption, or redemption as enumerated in
7 this Act, or in circumstances enumerated in sections 83, 91, 95, 100, 104 and
8 any other part of this Act shall be accessioned by the Commission through
9 officials of the Commission and shall then form part of the National Heritage
10 Resources Register, and may then become part of the collection of a museum;

11 (9) If there is any argument as to whether an object is a heritage
12 resource or not, the opinion of the Director-General shall be final.

13 (10) Officials, Managers and Curators of museums in Nigeria,
14 whether publicly or privately owned shall record in their register the heritage
15 objects upon accessioning them and forthwith inform the Commission of
16 heritage objects accessioned by them in order for the Commission to record
17 such in the National Heritage Resources Register.

18 (11) An official, Manager or Curator of a museum in Nigeria whether
19 publicly or privately owned who accessions a heritage object without
20 recording such in the Register and also immediately inform the Commission
21 shall be prosecuted in a law court for the offence and is liable on conviction to a
22 fine of N500,000 or imprisonment for two years or both.

23 (12) Every museum in Nigeria shall have a clear accessioning policy;

24 (13) The Commission may advise a state government or Local
25 Government or any other entity to acquire any heritage resources not acquired
26 by the Commission under this section.

De-Accessioning

27 **111.-(1)** The Commission shall dispose of a heritage resource in the
28 National Heritage Resources Register only after full consideration of the
29 merits of the case on the basis of curatorial, legal and other appropriate advice
30 and authority and adequate consultation.

1 (2) Disposal of heritage resources of the nation shall be done on the
2 basis of the De-accessioning Policy of the nation as provided for in Schedule
3 15 of this Act and upon thorough study and findings by the Heritage
4 Resources Acquisition and Delisting Committee.

5 (3) Where the Director-General decides to de-accession a heritage
6 resource he may do this based on the assessment of the Heritage Resources
7 Acquisition and Delisting Committee which he shall submit with his own
8 recommendation, if any, to the Board for approval.

9 (4) There is a legal presumption against de-accessioning;

10 (5) All museums in Nigeria whether government owned or not
11 shall not de-accession a heritage resource without informing the
12 Commission.

13 (6) An official, Manager or Curator of a museum in Nigeria
14 whether publicly or privately owned who de-accessions a heritage resource
15 without informing the Commission before doing so shall be prosecuted in a
16 law court for the offence and is liable on conviction to a fine of N2,000,000
17 or imprisonment for five years or both.

18 (7) Every museum in Nigeria shall have a clear de-accessioning
19 policy;

20 (8) When a community or body with a bona fide interest makes a
21 claim for the restitution of a movable heritage resource which is held by the
22 Commission in any of its museum or any other museums which the
23 Commission regulates, the Commission or the owner of the museum
24 concerned must enter into a process of negotiation with the Claimant
25 regarding the future of the resource. The Commission shall make a decision
26 guided by the De-accessioning policy of the Commission. However, if the
27 Claimant is not satisfied with the decision, the Minister shall be approached
28 who in the absence of agreement between the parties concerned, and in the
29 spirit of reconciliation make a final decision on the future of the resource,
30 including any conditions necessary to ensure its safety, the conditions of

Manager and
Curators roles

1 access of the claimants or the institution or any other interested party to the
2 resource, or any other appropriate conditions.

3 **112.-(1)** Each museum shall have a Manager or a person who carries
4 out the duty of Manager notwithstanding what designation he is known by in so
5 far as he is recognised by the Commission as Manager of the museum.

6 (2) The Manager shall preside over the affairs of the museum,
7 supervise its personnel and thereby endeavour to accomplish the functions of
8 the museum;

9 (3) Museums shall have Curators and specialized personnel.

10 (4) Curators shall take charge of specialized matters concerning the
11 collection, custody, exhibition, surveys, research, etc. of museum materials, as
12 well as other related matters.

13 (5) Museums may have assistant Curators and other personnel in
14 addition to the Manager and the Curators.

15 (6) Assistant Curators shall assist the Curators.

16 (7) Nothing precludes a Manager or Curator of a museum from
17 combining the roles of Manager and Curator;

18 (8) At the end of the tenure of a Manager, he shall hand over to another
19 Manager. Such handing over shall be properly recorded in a manner to identify
20 any person that is responsible for any loss or damage to heritage resources;

21 (9) The representative of the Commission shall investigate any
22 shortage in the number of heritage resources. Any matter which cannot be
23 resolved shall be submitted to the Commission which shall deal with it in
24 accordance with the provisions of this Act. If necessary, the Commission shall
25 refer the case along with the suspected offender to the Heritage Protectors or to
26 the law enforcement agencies and a court of competent jurisdiction for
27 prosecution and punishment in line with section 17 of this Act;

28 (10) Annually, the Commission shall send an investigating team for
29 the purpose of conducting investigation into the conditions of heritage
30 resources in the museum's collection, competence of personnel, proper

1 documentation, best museum practices, proper security measures etc all
2 over the nation. A report of this investigation shall be submitted by the
3 investigating team to the Commission.

4 (11) The Manager or Curator of each museum in Nigeria shall
5 inform the Commission of a period of the year or date of the year in which
6 the museum will be accessible for the purpose of conducting investigation
7 into the conditions of heritage resources in the museum, competence of
8 personnel, proper documentation, best museum practices, proper security
9 measures etc. The Commission may direct that investigation be conducted
10 on a day which is most conducive for the investigation without requesting
11 for impute on the choice of date from the Manager or Curator of the museum
12 to be investigated.

13 (12) In the case where there are immediate concerns that heritage
14 resources in a museum have been stolen, exchanged or sold, the
15 Commission shall conduct an investigation promptly.

16 (13) An informant whose report leads to the recovery of stolen
17 heritage resources shall be rewarded in appreciation.

18 (14) The concerned heritage resources authority shall not disclose
19 the name of the informant.

20 **113.-(1)** Protection and safeguarding of Nigeria's heritage Museum Security
21 resources which are in the repositories of museums is a matter of the highest
22 priority and of the highest public and social interest, therefore, it is
23 imperative to implement throughout Nigeria minimal standards that allow at
24 any time and place to preserve said heritage from any contingencies or risks
25 that may affect it or put it at risk.

26 (2) These standards include the set of measures, devices and
27 actions for the purpose of protecting and adequately maintaining the cultural
28 assets in museums, as well as to prevent any contingency, natural, human or
29 of a delinquent nature that may affect said cultural assets and/or the facilities
30 and areas of the museums.

1 (3) The museum's Manager/Curator or the chief security officer of a
2 given museum, in compliance with the security measures, shall have the
3 support of the owner and management of the museum.

4 (4) Design, application and control of security measures shall have a
5 high priority within the budgeting, organization and management processes of
6 each museum.

7 (5) Notwithstanding ownership, the Commission shall regulate and
8 supervise museum security in Nigeria to ensure they meet basic international
9 standard and to ensure that Nigerian heritage resources are properly
10 documented, protected and are not illicitly taken out of the country.

11 (6) Basic security system for museum practices is provided for in
12 Schedule 16 of this Act and shall be observed by all museums.

13 (7) Museum security in museums owned or controlled or operated by
14 the Commission shall be provided by employees of the Commission known as
15 Heritage Protectors, other museums owned by other governments, entities or
16 persons shall have similar museum security officers whose identity shall be
17 made known to the Commission by their employers.

18 (8) The Manager or Curator of museums in Nigeria shall compile and
19 send to the Commission names, addresses, description, passport photographs
20 and other information as stipulated by the Commission of Managers, Curators,
21 security personnel and other principal officials of the museums in which they
22 operate.

23 (9) Information provided in sub-section (8) of this section shall be
24 compiled in the Register of Museums Officials kept in the Commission upon
25 receiving them from all museums in Nigeria by the Commission. The
26 Commission shall be notified immediately of changes in personnel by the
27 museums and this shall be reflected in the Register by the Commission.

Liability of Museum
Manager and staff

28 **114.-(1)** Following instructions and directions given by the
29 Commission on the general standards of museum security, the Management of
30 a museum shall introduce security measures to ensure the protection,

1 preservation and care of the museums and of the objects in it;

2 (2) Notwithstanding subsection (1) of this section; the following
3 rules shall guide liability for loss, damage or deterioration of museum
4 objects-

5 (a) Direct responsibility for the application of and compliance with
6 the security standards will be that of museums' Managers/Curators;

7 (b) A museum shall maintain proper care and security of the
8 museum collections. The Manager and Curator shall be liable for any loss
9 of, or deterioration or damage on, objects in the museum's collection
10 resulting from negligence or misconduct;

11 (c) In respect of museums under the direct control of the
12 Commission, the Commission shall ensure appropriate prosecution of the
13 museums' Managers, Curators or staff found liable in the loss, damage or
14 deterioration in the museums' collections resulting from negligence or
15 misconducts; states and local governments' heritage resources authorities
16 and other entities owning museums shall ensure prosecution of liable
17 officers in the museums they control, this however does not preclude the
18 Commission from prosecuting any official of any museum irrespective of
19 ownership against an offence against Nigerian heritage resources in that
20 museum;

21 (d) A staff of the Commission whose negligence or misconduct
22 results in the loss, damage or deterioration of an object in a museum shall-

23 (i) Be administratively punished for serious misconduct on the
24 basis of the Public Service Rules;

25 (ii) Be prosecuted in a law court for the offence and is liable on
26 conviction to a fine of N200,000 or imprisonment for two years or both and
27 the cost of restoration;

28 (e) Discharge or acquittal in a law court in respect of any of the
29 offences in subsection (d) of this section does not preclude the Commission
30 from punishing the staff on the basis of the Public Service Rules either

1 before, during or after the pendency of a court case;

2 (f) A person who is not a staff of the Commission whose negligence or
3 misconduct results in the loss, damage or deterioration of an object in a
4 museum shall be prosecuted in a law court by the Commission for the offence
5 and is liable on conviction to a fine of N200,000 or imprisonment for two years
6 or both and the cost of restoration;

7 (g) Notwithstanding a fine, term of imprisonment or charges before,
8 during or after being prosecuted by the Commission, a person who is not a staff
9 of the Commission whose negligence or misconduct results in the loss, damage
10 or deterioration of an object in a museum is expected to be administratively
11 punished by his employer.

National Museums

12 **115.-(1)** Museums shed light on change, variation and continuity in
13 the living conditions of human beings from prehistoric times to the present.

14 (2) In furtherance of this purpose in subsection (1) above, the
15 Commission shall:

16 (a) Designate the museums in Abuja, Enugu, Ibadan, Jos, Kaduna,
17 Lagos, Maiduguri, Sokoto, Uyo and others managed by the Commission as
18 National Museums;

19 (b) Maintain and control other museums previously established by
20 the Commission which illuminate the culture of their respective regions or
21 states;

22 (c) Establish Specialised National Museums in form of natural
23 history, war, science, technological, space museums etc in various parts of the
24 nation;

25 (d) Assist in establishing and promoting Palace and Community
26 museums;

27 (e) Establish other museums.

28 (3) The National Museums in Nigeria are the principal cultural
29 heritage museums in Nigeria. The responsibility of national museums shall be
30 to illuminate the cultures of Nigeria and the world and their interdependence.

1 (4) National Museums shall establish and maintain representative
2 collections regarding Nigeria's culture.

3 (5) The Museum shall highlight its collections and relate them
4 through participating in international cooperation.

5 (6) The collections of the Museum shall provide the basis for
6 research and for the Museum's general educational activities.

7 **116.**-(1) The Commission shall recommend to state and local Museums owned
8 governments the need to establish museums and shall publicise the effort of by state or local
9 states and local governments in this regard. governments

10 (2) State and local governments shall fund museums owned by
11 them but the Commission shall regulate their practices and ensure they
12 conform to international standard and that they maintain proper security
13 measures;

14 (3) Upon establishing a museum, the state or Local government
15 shall inform the Commission who shall on request collaborate and offer
16 assistance in technical areas including, but not limited to preservation,
17 conservations, documentation and display.

18 (4) Cultural heritage museums owned by states shall illuminate the
19 cultures prevalent in their regions and their interdependence with that of
20 their neighbouring regions.

21 (5) State and local government museums shall-

22 (a) Operate with the knowledge of the Commission and shall
23 follow the rules laid down on the basis of international practices as
24 enunciated by the Commission;

25 (b) Have adequate financial basis enabling it to maintain a
26 reasonable standard;

27 (c) Have a reasonable professional standard and its buildings shall
28 be of a reasonable standard;

29 (d) Provide adequate security arrangement to safeguard the
30 premises, objects and showcases;

- 1 (e) Provide climatic controls for the objects in their holdings;
- 2 (f) Not permit reproduction of objects or images without express
- 3 approval of the Commission.
- 4 (g) Not charge copyright fees on reproduced copies of objects and
- 5 images without the express approval of the Commission.
- 6 (6) The head of the museum shall have relevant qualifications and
- 7 shall be employed on a full-time basis.
- 8 (7) All objects in the exhibition and repositories of museums owned
- 9 by states and local governments shall be inventoried and recorded following
- 10 the guideline established by the Commission in a register provided for that
- 11 purpose by the Commission;
- 12 (8) All registers in subsection (7) shall be updated regularly and their
- 13 contents shall be part of the National Heritage Resources Register;
- 14 (9) States and local governments shall present their staff for regular
- 15 training in museum practices conducted by the Commission;
- 16 (10) The museum shall not dispose of objects from the collections to
- 17 other museums except with the knowledge of the Commission;
- 18 (11) The museum shall regularly forward information for the update
- 19 of the National Heritage Resources Register;
- 20 **117.-(1)** Other public entities may with the permission of the
- 21 Commission establish museums to assume responsibility for specific
- 22 collections or related set of collections or for particular areas or spheres within
- 23 the museum network of Nigeria or to document the evolution of that particular
- 24 entity to its present state. Such entities must satisfy the Commission as having
- 25 appropriate infrastructure to do research, conservation, exhibition and
- 26 diffusion of the heritage resources and shall also meet the technical and
- 27 scientific requirements prescribed by the Commission. The museum condition
- 28 is determined exclusively by the Commission.
- 29 (2) Realising that knowledge of the heritage resources of the nation
- 30 must be protected and that it must be made available to the general public, and

Specialised
Museums

1 in line with the provisions of sub-section (3) and (4) respectively of section
2 109 of this Act to the effect that certain public entities shall establish
3 museums, the Commission shall aid public entities to meet the desire in sub-
4 section (1) of this section and thereby ensure that such entities establish
5 museums.

6 (3) Notwithstanding sub-section (1) of this section, certain
7 National Museums may assume responsibility for certain earmarked
8 purposes and for specific local collections,

9 (4) To ensure the proper functioning of specialised museums, the
10 following regulations shall apply-

11 (a) The museum shall be registered as an educational or research
12 based body with the Corporate Affairs Commission. The museum's area of
13 responsibility shall be stated in the statute establishing it;

14 (b) The governing body of the museum shall include at least one
15 representative of the Commission.

16 (5) Museums set up for specific collections or related set of
17 collections or for particular areas or spheres within the museum network of
18 Nigeria or to document the evolution of that particular entity to its present
19 state shall be known as specialized museums;

20 (6) No specialised museum owned by any entity shall operate in
21 Nigeria except with the knowledge and authority of the Commission and
22 shall follow the rules laid down on the basis of international practices as
23 enunciated by the Commission;

24 (7) The Commission shall-

25 (a) Approve, collaborate and offer technical assistance in setting up
26 a museum in this category;

27 (b) Grant a licence to a specialized museum in order to operate in
28 Nigeria and may withdraw the licence if the museum fails to fulfil the
29 conditions stated in sub-section (8) of this section;

1 (c) Provide the general management plans and standard to guide the
2 museum;

3 (d) Provide the professional advice in technical areas including, but
4 not limited to preservation, conservations, documentation and display;

5 (e) The museum shall cooperate at national and regional level with
6 other museums owned or assisted by the Commission.

7 (8) The Management of a specialized museum may be wholly or
8 partially provided by the entity establishing the museum or by the
9 Commission, but the Management shall be known to, and be registered with
10 the Commission;

11 (9) To operate, a specialized museum shall meet the following
12 requirements-

13 (a) Have adequate financial basis enabling it to maintain a reasonable
14 standard;

15 (b) Provide necessary exhibition information, materials and
16 resources for setting up the museum as may be required by the Commission;

17 (c) Have a reasonable professional standard and its buildings shall be
18 of reasonable standard;

19 (d) The head of the museum shall have relevant professional
20 qualifications which may be granted by or obtained from the Commission or
21 from an institution approved by the Commission, or the head may be a staff of
22 the Commission deployed to the museum from the Commission;

23 (e) Provide the security arrangement to safeguard the premises,
24 objects and showcases;

25 (f) Provide climatic controls for the objects in their holdings;

26 (g) The museum shall not dispose of objects from the collections to
27 other museums except with permission from the Director-General and in
28 accordance with laid out principles;

29 (h) The museum shall regularly report objects and documentation to
30 the National Heritage Resources Register;

1 (10) The museum shall register, inventory and record all objects in
2 its exhibition and repositories on the basis of the guideline established by the
3 Commission in a register provided for that purpose by the Commission;

4 (11) The museum shall regularly update the register stipulated in
5 subsection (9) and their contents shall be part of the National Heritage
6 Resources Register;

7 (12) Curatorial staff of specialised museums shall receive
8 regularly further training from the Commission, to facilitate this, museums
9 in this category shall present their staff for training in current museum
10 practices conducted by the Commission;

11 (13) The museum shall draw up a work plan to be submitted every
12 four years to the Commission.

13 (14) Specialised museums shall-

14 (a) Not permit reproduction of objects or images without express
15 approval of the Commission;

16 (b) Not charge copyright fees on reproduced copies of objects and
17 images without the express approval of the Commission;

18 (c) Shall be open to the public during previously announced hours;

19 (d) Shall be for the purposes of study, education and leisure;

20 (e) Admit, with minimal charges, school pupils visiting the
21 museum as part of their education;

22 (f) Launch special dissemination initiatives, e.g. discount schemes,
23 aimed at children;

24 (g) The museum shall aim to ensure the greatest possible
25 accessibility for persons with special needs;

26 (h) Specialised museums shall pay the Commission a fee upon
27 their being established and an annual fee for the Commission's oversight
28 functions over these museums;

29 (15) A specialized museum which contravenes any of the
30 provisions in subsection 5, 6, 7, 8, 12 and 13(a) or (b) shall pay a fine not

Community
Museums

1 exceeding N1,000,000 and may have its operation suspended.

2 **118.-(1)** In order to preserve and exhibit, for the knowledge and study
3 of a community, the documents, photographs and other objects associated with
4 the local history, the traditions of the people, the lives of renowned
5 personalities in different times; the economic, cultural and institutional
6 developments of the area; and also to promote research work of the
7 Commission; promote museum activities, museology and integration of
8 Nigerian people, the Commission shall encourage all communities in Nigeria
9 to have museums.

10 (2) To realise the objective of subsection (1) of this section, ancient
11 palaces of traditional rulers, ancient churches and ancient mosques and other
12 establishments of long standing and historical significance shall have
13 museums; and notwithstanding the names given to the museums by their
14 sponsors, the museums shall be designated Community Museums for
15 administrative purposes.

16 (3) The Commission shall-

17 (a) Approve, collaborate and offer technical assistance in setting up a
18 museum in this category;

19 (b) Regulate the practice of community museums and ensure they
20 conform to international standard and have proper security;

21 (c) Provide the general management plans and standard to guide the
22 museum;

23 (d) Provide the professional advice in technical areas including, but
24 not limited to preservation, conservations, documentation and display.

25 (4) The Management of a community museum may be wholly or
26 partially provided by the entity establishing the museum or by the
27 Commission, but the Management shall be known to, and be registered with
28 the Commission.

29 (5) To ensure the proper functioning of community museums, the
30 following regulations shall apply:

1 (a) The curatorial staff of community museums shall be trained by
2 the Commission or be deployed from the Commission;

3 (b) The museum shall be registered as an educational or research
4 based body with the Corporate Affairs Commission. The museum's area of
5 responsibility shall be stated in the statute establishing it;

6 (c) The governing body of the museum shall include at least one
7 representative of the Commission;

8 (d) The museum shall encourage, promote and have local
9 participation and financial support from individuals and bodies;

10 (e) The museum shall cooperate at national and regional level with
11 other museums and with the Commission;

12 (f) The museum shall draw up a work plan to be submitted every
13 four years to the Commission and to the museum's main contributor of
14 funds.

15 (6) Community museums shall-

16 (a) Not dispose of objects from the collections to museums other
17 than those owned or subsidised or assisted by the Commission, except with
18 permission from the Director-General;

19 (b) Regularly forward information for the update of the National
20 Heritage Resources Register;

21 (c) Not permit reproduction of objects or images without express
22 approval of the Commission;

23 (d) Not charge copyright fees on reproduced copies of objects and
24 images without the express approval of the Commission;

25 (e) Be open to the public during previously announced hours;

26 (f) Shall be for the purposes of study, education and leisure;

27 (g) The museum shall admit, with minimal charges, school pupils
28 visiting the museum as part of their education;

29 (h) Launch special dissemination initiatives, including discount
30 schemes, aimed at children;

1 (i) The museum shall aim to ensure the greatest possible accessibility
2 for people with special needs.

3 (7) The Heritage Officer of the Commission in each local government
4 and the head of the nearest station of the Commission to a community shall
5 collaborate with the community to organise and implement the necessary
6 measures to create and maintain community museums;

7 (8) Such museums, in a modest way, shall use the existing facilities
8 and other local resources available including, among others, the arrangement
9 of buildings with historical or architectural value, with the authorization and
10 guidance of the Commission.

Private Museums 11 **119.-(1)** Private and public entities may with the permission of the
12 Commission establish private museums. Such persons or entities must satisfy
13 the Commission as having appropriate infrastructure to do research,
14 conservation, exhibition and diffusion of the heritage resources and shall also
15 meet the technical and scientific requirements prescribed by the Commission.
16 The museum condition is determined exclusively by the Commission;

17 (2) No private museum owned by any entity shall operate in Nigeria
18 except with the knowledge and authority of the Commission and shall follow
19 the rules laid down on the basis of international practices as enunciated by the
20 Commission;

21 (3) The Commission shall-

22 (a) Approve, collaborate and offer technical assistance in setting up a
23 museum in this category;

24 (b) Grant a licence to a private museum in order to operate in Nigeria
25 and may withdraw the licence if the museum fails to fulfil the conditions stated
26 in sub-section (5) of this section;

27 (c) Provide the general management plans and standard to guide the
28 museum;

29 (d) Provide the professional advice in technical areas including, but
30 not limited to preservation, conservations, documentation and display;

1 (4) The Management of a private museum may be wholly or
2 partially provided by the entity establishing the museum or by the
3 Commission, but the Management shall be known to, and be registered with
4 the Commission;

5 (5) To operate, a private museum shall meet the following
6 requirements-

7 (a) Have adequate financial basis enabling it to maintain a
8 reasonable standard;

9 (b) Provide necessary exhibition information, materials and
10 resources for setting up the museum as may be required by the Commission;

11 (c) Have a reasonable professional standard and its buildings shall
12 be of reasonable standard;

13 (d) The head of the museum shall have relevant professional
14 qualifications which may be granted by or obtained from the Commission,
15 or the head may be a staff of the Commission deployed to the museum from
16 the Commission;

17 (e) The museum shall be registered as an educational or research
18 based body with the Corporate Affairs Commission. The museum's area of
19 responsibility shall be stated in the statute establishing it;

20 (f) The governing body of the museum shall include at least one
21 representative of the Commission;

22 (g) The museum shall cooperate at national and regional level with
23 other museums owned or subsidised or assisted by the Commission;

24 (h) Provide the security arrangement to safeguard the premises,
25 objects and showcases;

26 (i) Provide climatic controls for the objects in their holdings;

27 (j) The museum shall not dispose of objects from the collections to
28 other museums except with permission from the Commission;

29 (k) The museum shall regularly forward information for the update
30 of the National Heritage Resources Register;

1 (6) The museum shall register, inventory and record all objects in its
2 exhibition and repositories on the basis of the guideline established by the
3 Commission in a register provided for that purpose by the Commission;

4 (7) The museum shall regularly update the register stipulated in
5 subsection (6) and their contents shall be part of the National Heritage
6 Resources Register;

7 (8) Curatorial staff of private museums shall regularly receive further
8 training from the Commission, to facilitate this, museums in this category shall
9 present their staff for training in current museum practices conducted by the
10 Commission;

11 (9) The Heritage Officer of the Commission in each local government
12 and the head of the nearest station of the Commission to a private museum shall
13 regularly inspect private museums in their areas;

14 (10) The museum shall draw up a work plan to be submitted every
15 four years to the Commission.

16 (11) Private museums shall-

17 (a) Not permit reproduction of objects or images without express
18 approval of the Commission;

19 (b) Not charge copyright fees on reproduced copies of objects and
20 images without the express approval of the Commission;

21 (c) Shall be open to the public during previously announced hours;

22 (d) Shall be for the purposes of study, education and leisure;

23 (e) Admit, with minimal charges, school pupils visiting the museum
24 as part of their education;

25 (f) Launch special dissemination initiatives, e.g. discount schemes,
26 aimed at children;

27 (g) The museum shall aim to ensure the greatest possible accessibility
28 for people with special needs;

29 (h) Private museums shall pay the Commission a fee upon their being

1 established and an annual fee for the Commission's oversight functions over
2 these museums.

3 (12) A private museum which contravenes any of the provisions in
4 subsection 2, 3, 4, 5, 10 and 11(a) or (b) shall pay a fine not exceeding
5 N1,000,000 and may have its operation suspended.

6 **120.-(1)** The following rules in this section shall guide the
7 operation of all museums operating in Nigeria:

General rules for
all museums
operating in Nigeria

8 (a) A museum operating in Nigeria shall be registered in the
9 National Register of Museums which is hosted in the Commission;

10 (b) All objects in a museum collection shall be inventoried and
11 given Object ID;

12 (c) Except with the authority of the Commission, no person shall be
13 permitted to photograph, film or carry out research on any museum's
14 collections;

15 (d) Objects in the collections of a museum shall not be transferred
16 to other locations without the knowledge of the Commission;

17 (e) When it is imperative that objects in a museum's collection be
18 transferred, such shall be carried out in accordance with the provisions
19 established by the Commission;

20 (f) A museum shall actively provide citizens with information
21 concerning the operation of museums in order to promote a better
22 understanding in the public of the purpose of museums;

23 (g) The Commission may, for the purpose of research and survey
24 concerning museums, request a museum to submit necessary reports;

25 (h) In national interest, the Commission may temporarily or
26 otherwise remove an object on the basis of an agreement, from the collection
27 of any museum for display in a National Museum or for purposes of
28 international exhibitions;

29 (i) De-accessioning of any of the objects in a museum's collection
30 shall be with the authority of the Commission and shall be done on the basis

1 of the guiding principles established by the Commission and this Act.

2 (2) By force of this section-

3 (a) Persons in charge of museums, heritage sites and monuments shall
 4 establish a group to be known as Friends of the Museum, or Cultural Heritage
 5 Associations or, any association by whatever name identified to support and
 6 promote Nigeria heritage. They shall ensure that this ideal is propagated in
 7 schools, Universities and other places of tertiary education and in other places
 8 around them and in state capitals, cities, towns, villages, local governments,
 9 and around museums and historical monuments;

10 (b) Persons in charge of museums, heritage sites and monuments in
 11 promoting this ideal of developing associations to support and promote Nigeria
 12 heritage shall observe the provisions of Schedule 17 of this Act to guide their
 13 operations in developing these associations. They may however develop what
 14 most properly suit their circumstances;

15 (c) All other persons that is interested or called upon to share in this
 16 ideal of developing associations to support and promote Nigeria's heritage
 17 shall observe the provisions of Schedule 17 of this Act to guide their operations
 18 in developing these associations. They may however develop what most
 19 properly suit their circumstances.

20 **PART XI - DEDUCTION FROM BUDGET AND TAX TO AID CULTURE**

deduction from
public work and
lottery

21 **121.**-(1) Any public work (which shall include new roads, buildings,
 22 rail lines, canals and dams etc) that are financed completely or partially by the
 23 Federal, State or Local government shall include an item of 0.0025 % of the
 24 total contract value of the work, less expenditure that are wholly, exclusively
 25 and necessarily incurred for the work of the Commission of preserving,
 26 protecting and enriching Nigerian heritage resources.

27 (2) If the public works are to be built and operated by private persons
 28 through a concession without financial participation by a government, 0.0015
 29 % of the total contract value of the work, less expenditure that are wholly,
 30 exclusively and necessarily incurred for the work shall be appropriated to the

1 Commission to preserve, protect and enrich Nigerian heritage resources.

2 (3) The following public works shall be exempted from the
3 provisions of the preceding sub-sections:

4 (a) Those for which the total budget does not exceed One Hundred
5 Million Naira (N100,000,000);

6 (b) Those relating to the security and defence of the Nigerian State
7 and the safety of public services.

8 (4) 5% of profits made by any lottery entity registered with the
9 National Lottery Regulatory Commission shall be dedicated to the
10 Commission for its work of preserving, protecting and enriching the
11 Nigerian heritage resources.

12 **122.**-(1) Historical monuments, places and sites which are in Tax Deduction
13 possession or ownership of the Commission or state or local government
14 heritage resources authorities, as well as monuments and places in natural or
15 juridical persons' possession or ownership, registered in the National
16 Heritage Resources Register of the nation as well as museums recognised
17 by virtue of the provisions in this Act shall be exempted from all Real estate
18 taxes like property registration tax, personal income tax in respect of
19 earnings for transferring the property, land use charge or tenement rates and
20 any other taxes or charges from all tax authorities in Nigeria.

21 (2) Owners of real estate properties that have been declared
22 monuments who upkeep them and where appropriate restore them under the
23 terms of this Act may request exemption from property taxes on the basis of
24 the technical opinion issued by the Commission.

25 (3) Persons paying Income Tax shall be entitled to a deduction on
26 the tax liability of the equivalent of 10% of any investments they make on
27 the purchase, preservation, repair, restoration, dissemination and exhibition
28 of property declared to be of cultural interest.

29 (4) Persons paying Income Tax shall be entitled to deduct 10%
30 from the tax liability for any donations made on property forming part of the

1 Nigerian Cultural Heritage, provided these are made in favour of the State and
2 other public entities, as well as those carried out in favour of establishments,
3 institutions, foundations or associations that are classified or declared to be
4 charitable or of public utility by the appropriate government.

5 (5) Any real estate property that has been declared a monument and is
6 not being used for profit purposes shall be exempted from property tax.

7 (6) The import of any heritage resources of the nation with the proper
8 certification issued by the Commission shall not be taxed and are exempted
9 from customs duties;

10 (7) Sponsorship and Donations from Businesses shall be permitted
11 for cultural activities of the Commission and such sponsorship and donations
12 shall result in tax reduction to such bodies making it.

13 (8) Taxpayers are permitted to assign not more than 5% of their
14 income tax to a museum. A person may arrange to re-route their income tax so
15 that it can be used to support the cultural sector.

16 (9) States and Local Governments shall assign at least 2% of their
17 budgetary allocations to cultural activities.

18 (10) Construction companies shall deduct 0.5% of the budget of
19 construction projects for the purpose of preserving culture through the work of
20 the Commission.

21 (11) The Commission shall engage in Public Private Partnership and
22 shall also work out Matching grants approaches and seek financings of the
23 private sector and establish various Bilateral Frameworks through its grant
24 sourcing, business enterprises, Corporate Services and its other ventures.

25 (12) Persons in this section include corporate bodies.

Consent of the
Ministers of
Culture and
Finance needed

26 **123.-(1)** The provisions of sections 121 and 122 shall be carried out
27 with the collaboration of the Minister of Culture and the Minister of Finance
28 and after discussions with state authorities and on the recommendations of the
29 Commission.

30 (2) On advice from the Commission the Minister, in concurrence with

1 the Minister of Finance, may publish regulations on financial incentives for
2 the conservation of Nigeria heritage resources or in other forms promote the
3 purpose of this Act.

4 (3) A state or a local authority may in planning schemes, budgeting
5 or in bye-laws or by any other means provide incentives for the conservation
6 of heritage resources.

7 **124.** Notwithstanding the provisions in this Part, the various Governments in
8 governments in the Federation may come to an arrangement whereby the Federation may
9 money realised through this Part shall be shared in a manner to be agreed by share proceeds
10 the various governments but solely for the purpose of preserving, protecting
11 and enriching Nigerian heritage resources.

12 **PART XII - FINANCIAL PROVISION**

13 **125.-(1)** The Commission shall establish and maintain a fund from Sources of fund
14 which shall be defrayed all expenditure incurred by it.

15 (2) There shall be paid and credited to the fund established
16 pursuant to subsection 1 of this section-

17 (a) Subvention and extra-budgetary allocations;

18 (b) Such money as may, from time to time, be lent, deposited with
19 or granted to the Commission by the government of the Federation or of a
20 State;

21 (c) All sums accruing to the Commission by way of gifts,
22 endowments, donations or other voluntary contributions by persons and
23 organizations;

24 (d) All profits accruing to the Commission from the grant sourcing,
25 business enterprises, Corporate Services, its other ventures, whether carried
26 out alone or in conjunction with others, and interests derived from
27 investments;

28 (e) Fees and fines received under this Act and other regulations;

29 (f) Fees received in payment of services;

30 (g) Trust funds vested in it;

	1	(h) Moneys received from any other source.
Power to accept gifts	2	126. -(1) The Commission may accept gifts of any heritage object,
	3	monument or museum or of any land, money, loan, building, work of art or
	4	other property connected with its functions under or pursuant to this Act upon
	5	such trusts and conditions, if any, as may be specified by the person or
	6	organization making the gift.
	7	(2) The Commission shall not accept any gift if the conditions
	8	attached by the person or organization making the gift to the acceptance thereof
	9	are inconsistent with the functions of the Commission or national interest.
Borrowing power	10	127. -(1) The Commission may, with the consent of the Minister or in
	11	accordance with any general authority given in that behalf by the Federal
	12	Government, borrow by way of loan or overdraft from any source any sums
	13	required by the Commission for meeting its obligations and discharging its
	14	functions under this Act.
	15	(2) The Commission may invest any surplus funds of the Commission
	16	in such securities as may be approved by the Minister, so however that in
	17	respect of any securities specified in the Trustee Investment Act, no such
	18	consent shall be necessary.
Accounts and Audits	19	128. -(1) The Commission shall cause to be prepared not later than
	20	31st December in each year, an estimate of the expenditure and income of the
	21	Commission during the next succeeding financial year and when so prepared,
	22	it shall be submitted to the appropriate authority for approval.
	23	(2) The Commission shall cause to be kept proper account of the
	24	Commission and proper records in relation thereto and when certified by the
	25	Commission such accounts shall be audited as provided in subsection (3)
	26	below.
	27	(3) The accounts of the Commission shall be audited within 6 months
	28	of the end of the financial year by auditor appointed from the list and in
	29	accordance with guidelines supplied by the Auditor-General of the Federation

1 **129.** The Commission shall, not later than 30 September in each Annual report
2 year, submit to the Minister and the public a report on the activities of the
3 Commission and its administration during the immediately preceding year
4 and shall include in such report the audited accounts of the Commission.

5 PART XIII - MISCELLANEOUS AND SUPPLEMENTARY

6 **130.**-(1) Subject to the provisions of this Act, the Commission may Staff regulations
7 make staff regulations relating generally to the conditions of service of the
8 employees of the Commission and, without prejudice to the generality of the
9 foregoing, such regulations may provide for-

(a) The appointment, promotion and disciplinary control
(including dismissal) of employees of the Commission; 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 officers in the public service of the Federation shall, with such modifications as may be necessary, be applicable to the employees of the Commission.

(2) Staff regulations made under subsection (1) above shall not have effect until approved by the Board;

19 20 21	<p>131.-(1) Subject to the provisions of this Act, the provisions of the Public Officers Protection Act shall apply in relation to any suit instituted against any officer or employee of the Commission.</p>	<p>Noteworthy considerations in suits by or against the Commission</p>
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(2) Notwithstanding anything in any other enactment, no suit against the Commission, a member or any staff of the Commission for any act done in pursuance or execution of any enactment or law or any public duty or authority, or in respect of any alleged neglect or default in the execution of such enactment or law, duty or authority, shall lie or be instituted in any court unless it is commenced within three months next after the act, neglect or default complained of or, in the case of a continuance of damage or injury, within three months next after the ceasing thereof;

30 (3) No suit shall be commenced against the Commission, the

1 Director-General, officer or employee of the Commission before the expiration
2 of a period of one month after written notice of intention to commence the suit
3 shall have been served upon the Commission by the intending plaintiff or his
4 agent.

5 (4) The notice referred to in subsection(3) of this section shall clearly
6 and explicitly state the cause of action, the particulars of the claim, the name
7 and place of abode of the intending plaintiff and the relief which he claims.

8 (5) No person shall, in any proceedings before any court in respect of
9 the seizure of anything seized in the exercise or the purported exercise of any
10 powers conferred under this Act be entitled to the costs of such proceedings or
11 to any damages or other relief unless such seizure was made without
12 reasonable cause.

13 (6) Where a person charged with an offence under this Act or any
14 regulations made there under is a body corporate, every person who, at the time
15 of the commission of such offence was a Managing-Director, Manager or other
16 similar officer of such body corporate, may be charged jointly in the same
17 proceedings with the body corporate, and where the body corporate is
18 convicted of the offence charged, every such Managing-Director, Manager or
19 officer shall also be deemed to have committed the offence and shall be liable to
20 the same penalty as the body corporate, unless he proves that the offence was
21 committed without his knowledge, consent or connivance or that he took
22 reasonable precautions to prevent its commission.

23 (7) Any person who commits an offence under this Act or any
24 regulations made under this Act where no penalty is expressly provided shall
25 on conviction be liable to a fine not exceeding N500,000 or to imprisonment
26 for a term not exceeding two years or to both, and for a second or subsequent
27 offence he shall be liable to a fine not exceeding N1,000,000 or to
28 imprisonment for a term not exceeding five years or to both.

29 (8) Where the offence committed resulted in damage to or the
30 demolition or destruction of a heritage item, the court may order the person to

1 pay, in addition to any penalty that may be imposed under sub-section (7),
2 the costs of the repair, restoration or reconstruction of the heritage item.

3 **132.** Service of documents, notice, summons or other document
4 required or authorised to be served upon the Commission under the
5 provisions of this Act or any other law or enactment may be served by
6 delivering it to the Director-General or by sending it by registered post and
7 addressed to the Director-General at the principal office of the Commission.

Service of
documents

8 **133.** In any action or suit against the Commission no execution or
9 attachment or process in the nature thereof shall be issued against the
10 Commission, but any sums of money which may by the judgment of the
11 court be awarded against the Commission shall, subject to any directions
12 given by the court where notice of appeal has been given by the Commission
13 in respect of the said judgment be paid by the Commission from the funds of
14 the Commission.

Restriction on
execution against
property of the
Commission

15 **134.** Every member, agent, auditor or staff for the time being of the
16 Commission shall be indemnified out of the assets of the Commission
17 against any liability incurred by him in defending any proceeding whether
18 civil or criminal, in which judgment is given in his favour or in which he is
19 acquitted, if any such proceeding is brought against him in his capacity as
20 such member, agent, auditor or staff as aforesaid.

Indemnity of
officers

21 **135.** Subject to the other provisions of the Act, the Minister, with
22 the approval of the Federal Executive Board, may make regulations
23 generally for the purpose of this Act and the due administration thereof.

Regulations

24 **136.** The Minister shall by regulation make transitional provisions
25 for savings on structures and personnel under the Repeal Act

Repeal etc. and
transitional and
saving provisions

26 **137.** In this Act-

Interpretation

27 "Accessioning" means the formal, legal process of accepting an object into a
28 museum collection with the corresponding duty to care for that object.

29 "Accredited agent" means the Director-General or any employee of the
30 Commission authorised by the Commission or any person or body in any

1 State or area authorised in writing by the Commission to act for the
2 Commission in the State concerned.

3 "alter" means any action affecting the structure, appearance or physical
4 properties of a place or object, whether by way of structural or other works, by
5 painting, plastering or other decoration or any other means;

6 "antiquity" means for the purpose of this Act "heritage resource" except if the
7 context does not permit and includes-

8 (a) An object, building or work of art produced from the ancient past
9 and used before 1918;

10 (b) any object of archaeological interest or land in which any such
11 object was discovered or is believed to exist; or

12 (c) any relic of early human settlement or colonization; or

13 (d) any work of art or craft work, including any statue, model, clay
14 figure, figure cast or rust metal, carving, house post, door, ancestral figure,
15 religious mask, staff, drum, bolt, ornament, utensil, weapon, armour, regalia,
16 manuscript or document if such work of art or craft work is of indigenous origin
17 and -

18 (i) was made or fashioned more than 100 years ago; or

19 (ii) is of historical, artistic or scientific interest and is or has been used
20 at any time in the performance and for the purpose of any traditional ceremony,
21 and in the case of any object or relic mentioned paragraph (b) or (c) of this
22 definition includes for the purposes of this Act any land adjacent thereto which
23 is in the opinion of the Commission, a State Government or, as the case may
24 require, the President is reasonably required for the purpose of maintaining the
25 same or the amenities thereof or for providing or facilitating access thereto, or
26 for the exercise of proper control or management with respect thereto;

27 "approved museum" means a museum approved by the Commission under
28 section 11 of this Act;

29 "archaeological" means-

30 (a) material remains resulting from human activity which are in a state

1 of disuse and are in or on land, underwater and which are older than 100
2 years, including artefacts, human and hominid remains and artificial
3 features and structures;

4 (b) wrecks, being any vessel or aircraft, or any part thereof, which
5 was wrecked in Nigeria, whether on land, or in the internal waters or in
6 territorial waters and any cargo, debris or artefacts found or
7 associated therewith, which is older than 50 years or which the Commission
8 considers to be worthy of conservation; and

9 (c) features, structures and artefacts associated with military
10 history which are older than 75 years and the sites on which they are found;
11 "archaeological object" includes any object, being a chattel (whether in a
12 manufactured or unmanufactured state), which is, or appears to be, of
13 archaeological or historical interest and which has, by reason of such
14 interest, a value substantially greater than its intrinsic value or the value of
15 the materials of which it is composed;

16 "Biological resources" shall mean genetic resources, organisms or parts
17 thereof, populations or any other biotic components of ecosystems that are
18 of real or potential value or use to the human race;

19 "Board" means the Governing Board of the Commission;

20 "Buffer zone" shall mean an area surrounding the property which has
21 restrictions placed on its use to give an added layer of protection; the area
22 constituting the buffer zone should be determined in each case through
23 technical studies,

24 "Collective knowledge" means accumulated and trans-generational
25 knowledge of biological herbal practices devoid of spiritualism, ordeal,
26 witchcraft, juju and criminal charms developed by Nigerians over many
27 generations for the treatment of ailments, diseases, pains, cuts, fractures etc
28 which have been proved by modern medical science as effective.

29 (d) "Collective Knowledge Use License Agreement" shall mean an
30 express agreement entered into between the representative organization of

1 indigenous peoples possessing collective knowledge and a third party that
2 incorporates terms and conditions for the use of the said collective knowledge.

3 "The Commission" means the National Commission for Museums and
4 Monuments established under section 1 of this Act;

5 "Conservation", in relation to heritage resources, includes intervention,
6 maintenance, protection, preservation and sustainable use of places or objects
7 so as to safeguard their cultural significance;

8 "Cultural significance" means aesthetic, architectural, historical, scientific,
9 social, spiritual, linguistic or technological value of heritage resource;

10 "Cultural heritage" means for the purpose of this Act, national, ethnic, and
11 global legacies of great historical, artistic, academic, or scenic value which
12 have been formed either artificially or naturally, and fall under any of the
13 following sub-paragraphs:

14 (1) Tangible cultural heritage: Tangible cultural products of great
15 historical, artistic or academic value, such as buildings, records and books,
16 ancient documents, paintings, sculpture and handicraft, clothing, implements
17 which are indispensable for understanding changes in the life of the people;
18 and archaeological materials corresponding thereto;

19 (2) Intangible cultural heritage: Intangible cultural products of great
20 historical, artistic or academic value, such as drama, music, dance,
21 craftsmanship, oral tradition, folklore/tales, songs/poems, manners, customs,
22 occupation, religions, faith, annual rites;

23 (3) Monuments: Those specified in the following items:

24 (a) Historic sites of great historical or academic value, such as temple
25 sites, ancient tombs, shell mounds, ruins of fortresses, palace sites, pottery kiln
26 sites, or relic-bearing strata and monumental facilities;

27 (b) Natural heritage:

28 (i) Scenic places of great artistic value and outstanding scenic beauty;
29 and

30 (ii) Animals (including their habitats, breeding grounds and

- 1 migratory areas), plants (including their natural habitats), minerals, caves,
2 geological features, biological products and special natural
3 phenomena which, are of great historical, scenic or academic value; and
4 "Heritage Resources agreement" in relation to a foreign state, means
5 an agreement between Nigeria and a foreign state or an
6 international agreement to which Nigeria and a foreign state are both parties,
7 relating
8 to the prevention of illicit international traffic in Heritage Resources;
9 "De-accessioning" means the process of disposing objects from a museum
10 collection;
11 "Detection device" means a device designed or adapted for detecting or
12 locating any metal or mineral or heritage object or antiquity or heritage
13 resources on or in the ground
14 "Development" means any physical intervention, excavation, or action,
15 other than those caused by natural forces, which may in the opinion of a
16 heritage authority in any way result in a change to the nature, appearance or
17 physical nature of a place, or influence its stability and future well-being,
18 including-
19 (a) construction, alteration, demolition, removal or change of use
20 of a place or a structure at a place;
21 (b) carrying out any works on or over or under a place;
22 (c) subdivision or consolidation of land comprising, a place,
23 including the structures or airspace of a place;
24 (d) constructing or putting up for display signs or hoardings;
25 (e) any change to the natural or existing condition or topography of
26 land; and
27 (f) any removal or destruction of trees, or removal of vegetation or
28 topsoil;
29 "Development project" relates to rescue archaeology which includes laying
30 of gas pipelines, oil pipelines, other pipelines, building drainage schemes,

1 major irrigation schemes, major mechanized agriculture schemes, new
2 plantations or their expansions, major factory sites, airports, depots, building
3 of private estates.

4 "Director-General" means the Director-General of the Commission;

5 "Export" means taking out of Nigeria by land, sea or air;

6 "Expropriate" means the taking over by the authority of the State Heritage
7 Resources in the possession of a person or authority,

8 "foreign Heritage Resources", means any object that is specifically designated
9 by that state as being of importance for archaeology, history, literature, art or
10 science;

11 "Founding fathers" means Chief Obafemi Awolowo, Dr.Nnamdi Azikiwe, Sir.
12 Tafawa Balewa, Sir. Ahmadu Bello and any other persons the Board by notice
13 includes;

14 "Heritage object" In this Act, heritage object means movable heritage resource
15 which has an outstanding historical, scientific, artistic, natural or cultural
16 value;

17 "Heritage resources" refers to both tangible and intangible heritage resources
18 and generally what is known as cultural property;

19 "Heritage resources authority" means in relation to the Federation; the
20 National Commission for Museums and Monuments, in relation to state and
21 local governments; the Ministry, Agency, Department or other entity
22 established by that state or local government to perform the functions or similar
23 functions to what the Commission does in the Federation;

24 "Heritage site" means a place declared to be a national heritage site by the
25 Commission or a place declared to be a state heritage site by a state heritage
26 resources authority;

27 "Historic Urban Landscape Sites" means groups of buildings with historical
28 value, including public squares which are of outstanding universal value

29 "Improvement", in relation to heritage resources, includes the repair,
30 restoration and rehabilitation of a place protected in terms of this Act;

1 "Indigenous peoples" shall mean Nigerians who provide proven effective
2 remedies on the basis of biological resources derived from their
3 environment without recourse to foreign influence or recourse to spiritism
4 or "juju", ordeal, witchcraft and criminal charms but from knowledge
5 existing mostly prior to the formation of the Nigerian State, maintaining
6 their own culture, as well as native and peasant communities. The term
7 "indigenous" includes and may be used as synonym for "traditional",
8 "ethnic", "ancestral", "native", or other similar words.

9 "Land" includes land covered by water and the air space above the land;

10 "Legal Adviser" is the most senior lawyer by year of call to bar in the Legal
11 Department,

12 "Licensee" means a person who though is not a staff of the Commission has
13 the licence to obtain heritage resources for onward transmission to the
14 Commission.

15 "Living heritage" means the intangible aspects of inherited culture, and may
16 include-

- 17 (a) cultural tradition;
- 18 (b) oral history;
- 19 (c) performance;
- 20 (d) ritual;
- 21 (e) popular memory;
- 22 (f) skills and techniques;
- 23 (g) indigenous knowledge systems; and
- 24 (h) the holistic approach to nature, society and social relationships;

25 "Local authority" means a Local Government Area or Council as
26 contemplated in the First Schedule of the 1999 Constitution of the Federal
27 Republic of Nigeria;

28 "Local government" means any Local Government Authority, Council or
29 Local Authority established by law in any state of the Federation including
30 the Federal Capital Territory.

1 "Maintenance", in relation to a heritage object or antiquity or heritage
2 resources, includes the fencing, repairing and covering any heritage object or
3 antiquity or heritage resources and the doing of any other act or thing which
4 may be required for the purpose of repairing the heritage object or antiquity or
5 heritage resources or protecting it from decay or injury, and "maintain" shall be
6 construed accordingly;

7 "Management", in relation to heritage resources, includes the conservation,
8 presentation and improvement of a place protected in terms of this Act;

9 "Mining title" means any licence, right or lease granted under the provision of
10 the Minerals Act, the Quarries Act 1969 and the Petroleum Act 1990 or under
11 the provisions of any other enactment regulating or authorizing the mining of
12 solid or other minerals;

13 "The Minister" means the Minister charged with the responsibility for heritage
14 resources, museums and national monuments;

15 "Monuments" or "national monument" means any heritage object or antiquity
16 or heritage resources declared to be such under section 30 and section 41 of this
17 Act;

18 "Object" means any movable property of cultural significance which may be
19 protected in terms of any provisions of this Act, including-

20 (a) any archaeological artefact;

21 (b) palaeontological and rare geological specimens;

22 (c) meteorites; and others which the context permits,

23 "Object ID" International standard for describing cultural objects initiated by
24 the J. Paul Getty Trust and promoted by major law enforcement agencies to
25 help combat the illegal appropriation of art objects by facilitating
26 documentation of Heritage Resources.

27 "Object of archaeological interest" means?

28 (a) any fossil remains of man or of animals found in association with
29 man; or

30 (b) any site, trail, trace or ruin of any ancient habitation, working

1 place, midden or sacred place; or

2 (c) any cave or other natural shelter or engraving , drawing,
3 painting or inscription on rock or elsewhere; or

4 (d) any stone object or implement believed to have been used or
5 produced by early man; or

6 (e) any ancient structure, erection, memorial, causeway, bridge,
7 cairn, tumulus, grave, shrine, excavation, well, water tank, artificial hole,
8 monolith, grove, store, earthwork, wall, gateway or fortification; or

9 (f) any antique tool or object of metal, wood, stone, clay, leather,
10 textile, basket or other material, which is of archaeological interest;

11 "owner" includes a joint owner invested with powers of management in
12 respect of heritage object or antiquity or heritage resources on behalf of
13 himself and other joint owners and any agent or trustee exercising such
14 powers and the attorney of any such person and any person with a real
15 interest in the property and-

16 (a) In the case of a place owned by the State or State-aided
17 institutions, the Minister or any other person or body of persons responsible
18 for the care, management or control of that place;

19 (b) In the case of community land, the recognised traditional
20 authority.

21 "planning" means urban and regional planning, as contemplated in the
22 Nigerian Urban and Regional Planning Act, 2004 and other state laws in that
23 respect,

24 "planning authority" means an office of the State, including a state, or a local
25 authority which is invested with a physical planning capacity;

26 "Pre-emption" State's right to acquire rights over heritage resource in a
27 citizen's hand by way of purchase or otherwise over and above the right of
28 that citizen to dispose of that resource to someone else;

29 "prescribe" means prescribed by regulation;

30 "protected area" means for the purpose of this Act. In case where any

1 tangible object fixed to the ground or a specific area has been designated as a
2 cultural heritage, any zone designated to protect the relevant cultural heritage,
3 excluding the area occupied by the cultural heritage;
4 "redemption" State right to recover heritage resources from citizens by making
5 certain payment;
6 "Register" means the National Heritage Resources Register or similar registers
7 in states and local governments;
8 "Rescue Archaeology" Survey and excavation carried out to salvage a site in
9 advance of construction or other land development,
10 "State heritage resources authority", means an authority established by a state
11 to preserve and manage heritage resources,
12 "Site" means any area of land, including land covered by water, and including
13 any structures or objects thereon;
14 "Traditional peoples" shall mean Nigerians who provide proven effective
15 remedies on the basis of biological resources derived from their environment
16 without recourse to foreign influence or recourse to spiritism or "juju" but from
17 knowledge existing mostly prior to the formation of the Nigerian State,
18 maintaining their own culture, as well as native and peasant communities. The
19 term "indigenous" includes and may be used as synonym for "indigenous",
20 "ethnic", "ancestral", "native", or other similar words.

Citation

21 **Citation**
22 **138.** This Bill may be cited as the National Commission for Museums and
23 Monuments (Repeal and Enactment) Bill, 2022.

1 SCHEDULES

2 FIRST SCHEDULE

3 SUPPLEMENTARY PROVISION RELATING TO THE COMMISSION

4 Proceedings

5 1. Subject to this Act and section 27 of the Interpretation Act, cap
6 123 LFN, 1964 (which provides for decisions of a statutory body to be taken
7 by a majority of its members and for the person presiding to have a second or
8 casting vote), the Commission may make standing orders regulating the
9 proceedings of the Commission or any Committee thereof.

10 2. Every meeting of the Commission shall be presided over by the
11 Chairman or in his absence by any Deputy Chairman appointed pursuant to
12 section 2(3) of this Act but in the absence of both the members present at the
13 meeting shall elect one of their number to preside at the meeting.

14 3. The quorum at a meeting of the Commission shall consist of the
15 Chairman (or in an appropriate case the person presiding at the meeting
16 pursuant to paragraph (2) above and 4 other members of whom at least 2
17 shall be members appointed pursuant to paragraph (a) of section 2(1) of this
18 Act.

19 4. Where upon any special occasion the Commission desires to
20 obtain the advice of any person on any particular matter, the Commission
21 may co-opt that person to be a member for as many meetings as may be
22 necessary, and that person while so co-opted shall have all the rights and
23 privileges of a member except that he shall not be entitled to vote.

24 *Committees*

25 5. Subject to its standing orders, the Commission may appoint
26 such number or standing and adhoc committees as it thinks fit to consider
27 and report on any matter with which the Commission is concerned.

28 6. Every committee appointed under the foregoing provisions of
29 this paragraph shall be presided over by a member of the Commission and
30 shall be made up of such number of other persons, not necessarily members

1 of the Commission, as the Commission may determine in each case.

2 7. The quorum of any Committee set up by the Commission shall be
3 as may be determined by the Commission.

4 8. Where standing orders made pursuant to paragraph 1 above provide
5 for a committee of the Commission to consist of or co-opt persons who are not
6 members of the Commission, the committee may advise the Commission on
7 any matter referred to it by the Commission.

8 *Miscellaneous*

9 (1) The fixing of the seal of the Commission shall be authenticated by
10 the signature of the Chairman or the Director-General of the Commission.

11 (2) Any contract or instrument which, if made by a person not being a
12 body corporate, would not be required to be under seal may be made or
13 executed on behalf of the Commission by the Director-General or by any other
14 person generally or specially authorized to act for that purpose by the
15 Commission.

16 (3) Any document purporting to be a contract, instrument or other
17 document duly signed or sealed on behalf of the Commission shall be received
18 in evidence and shall, unless the contrary is proved, be presumed without
19 further proof to have been so signed or sealed.

20 (4) The validity of any proceedings of the Commission or of a
21 committee thereof shall not be affected -

22 (a) By any vacancy in the membership of the Commission, or any
23 committee thereof; or

24 (b) By any defect in the appointment of a member of the Commission
25 or any committee thereof.

26 (5) Any member of the Commission or a committee thereof who has a
27 personal interest in any contract or arrangement entered into or proposed to be
28 considered by the Commission or committee thereof shall forthwith disclose
29 his interest to the Commission or the committee and shall not vote on any
30 question relating to the contract or arrangement.

(6) No member of the Commission shall be personally liable for any act or omission done or made in good faith while engaged on the business of the Commission.

(7) The Commission shall subject to approval of the Board, or the Minister as the case may be, de-accession artefacts or heritage objects or antiquities or heritage resources as it deems fit.

7 SECOND SCHEDULE

8 NATIONAL MUSEUMS

9 MUSEUMS OF NATIONAL UNITY

- 10 1. National Museum, Abuja
- 11 2. National Museum, Sokoto
- 12 3. National Museum, Ibadan
- 13 4. National Museum, Enugu
- 14 5. National Museum, Maiduguri

15 OTHER NATIONAL MUSEUMS

- 16 1. National Museum, Oron
- 17 2. National Museum, Benin
- 18 3. National Museum, Owo
- 19 4. National Museum, Ile-Ife
- 20 5. National Museum, Esie
- 21 6. National Museum, Lagos
- 22 7. National Museum, Jos
- 23 8. National Museum, Kaduna
- 24 9. National Museum, Uyo
- 25 10. National Museum, Ogbomosho
- 26 11. National Museum, Igbo-Ukwu
- 27 12. National Museum (Gidan Makama), Kano
- 28 13. National Museum, Oyo
- 29 14. National Museum, of Colonial History, Aba
- 30 15. National Museum, Ilorin

- 1 16. National Museum, Minna
- 2 17. Old Residency Museum, Calabar
- 3 18. National Museum, Port-Harcourt
- 4 19. National Museum, Makurdi
- 5 20. National Museum, Owerri
- 6 21. National Museum, Oshogbo
- 7 22. National Museum, Asaba
- 8 23. National Museum, Abeokuta
- 9 24. National Museum, Akure
- 10 25. National Museum, Yola
- 11 26. National Museum, Osogbo
- 12 27. Osun-Oshogbo UNESCO World Heritage Site
- 13 NATIONAL SPECIALISED MUSEUMS
- 14 1. National War Museum, Umuahia
- 15 2. Colonial History Museum, Aba
- 16 3. Museum of Colonial History, Lokoja
- 17 4. National Museum, Koko
- 18 5. Slave History Museum, Calabar
- 19 6. Museum of Traditional Nigerian Architecture (MOTNA), Jos.
- 20 WORLD HERITAGE SITE
- 21 1. UNESCO World Heritage Site, Sukur
- 22 2. Osun Osogbo Sacred Grove, Osogbo

THIRD SCHEDULE

NATIONAL COMMISSION FOR MUSEUMS AND MONUMENTS ACT

IN THE HIGH COURT OF.....

DETERMINATION OF REASONABLE PRICE FOR HERITAGE RESOURCES/ LAND CONTAINING HERITAGE RESOURCES

Let all parties attend at.....on the.....day of.....20.....at.....o'clock in the.....noon on the hearing of an application on the part of.....for the determination of the following questions:-

What should be a fair and reasonable local price for the heritage resource/land containing heritage resources for which

(a).....demands a price of.....

(b) The National Commission for Museums and Monuments has paid/offered to pay.....and any other questions connected with the local price of the heritage resource/land containing heritage resources.

If any party fails to attend at the date, place and time above-mentioned such order may be made as the court thinks just.

DATED the.....day of.....20.....

.....

Signature of Judge

The summons was taken out by.....

FOURTH SCHEDULE

RULES FOR RESTORERS OF HERITAGE RESOURCES

(1) Upon an application to this effect by a person registered as restorer with the Commission, or upon a directive issued to a staff who is qualified to be a restorer in the employment of the Commission, the Director-General shall in writing authorise such a person to carry out restoration or

1 conservation works on a registered heritage resource,

2 (2) The person shall also submit the necessary guarantees for the
3 correct execution of the work;

4 (3) Upon conclusion of the restoration or conservation works, the
5 person shall submit a final report to the Commission;

6 (4) Restoration or conservation works on heritage resources shall-

7 (a) Not be carried out without approval from the Commission;

8 (b) Not be approved until the identity and qualification of the restorer
9 identified to carry out the work, have been verified and the conservation
10 proposal has been examined and found to be appropriate.

11 (5) If heritage resources belonging to any person is a valuable one, he
12 shall restore or conserve it with the help of the Commission;

13 (6) Regardless of who carries out restoration or conservation works
14 on an object, the Commission shall maintain and keep a record of this
15 restoration or conservation.

16 (7) In order to ensure that heritage resources are conserved effectively
17 and safely, the Commission shall propose plans and strategies and shall also
18 regularly conduct training for repairers and restorers on appropriate methods of
19 conservation, maintenance and safeguarding of heritage resources

20 (8) There shall be examinations for repairers and restorers. However
21 exemption from the examination may be granted to persons who have been
22 engaged in heritage resources repair duties for no less than ten years;

23 (9) The Commission shall issue to any person who has passed the
24 examination a certificate for qualification as a heritage resources restorer;

25 (10) A restorer shall not-

26 (a) Permit another person to perform repair work using his name, and
27 shall not lend his certificate to another person;

28 (b) Be employed concurrently in more than one cultural heritage
29 repair business.

30 (11) The Director-General may either revoke a restorer's registration

1 or order the restorer to suspend practice for a fixed term of two years when a
2 restorer who has been registered falls under any of the following:

3 (a) When he is found to have registered his qualification by deceit
4 or other illicit means;

5 (b) When he continues to practice after receiving a disposition of
6 suspension from practice;

7 (c) When he is deemed unable to practice his profession due to
8 physical or mental disability or other circumstances;

9 (d) When he has damaged or destroyed a cultural heritage during
10 its repair (including improvement and maintenance of the area surrounding
11 a cultural heritage);

12 (e) When he has performed repair work in violation of any
13 requirements;

14 (f) When he has permitted another person to use his name or lent his
15 certificate to another person to perform repair work,

16 (g) When he has failed to use designated repair materials or to
17 make repairs in accordance with traditional styles; or

18 (h) When he has performed repair work outside of the technical
19 field in which he is qualified.

20 (12) A person whose registration has been revoked or whose
21 practice has been suspended under Paragraph (11) of this Schedule shall
22 forthwith surrender his certificate to the Commission, when the period of
23 suspension expires; the Director-General shall reinstate the surrendered
24 certificate to the restorer.

25 (13) When the head of a state heritage resources authority finds a
26 restorer falling under any of sub-paragraph (a) to (h) of Paragraph(11) of this
27 Schedule while performing heritage restorations duties he shall notify such
28 fact to the Commission.

29 (14) A restorer shall be held bound to a warranty for the exercise of
30 requisite skills in the provision of the services demanded by his work and the

1 use of genuine materials and input in execution of the work.

2 FIFTH SCHEDULE

3 DUTIES OF CERTAIN OFFICERS OF THE COMMISSION NATIONWIDE.

4 (1) Heritage Officers and Ethnographers in the local governments and
5 Communities shall perform the following tasks in the Local Government Area
6 to which they are assigned-

7 (a) Identify, conserve and preserve heritage sites,

8 (b) Advise the local government officials and other bodies and entities
9 within the local government, the community head, community leaders and
10 residents on safeguarding, promoting and dealing with any of the nation's
11 heritage,

12 (c) Collate the records of heritage resources in the Local Government
13 Area where they are based and transfer such records to the Headquarters for the
14 purpose of updating and maintaining the National Heritage Resources
15 Register,

16 (d) Register heritage resources that comes to their knowledge in line
17 with section 95 or in any other manner,

18 (e) Coordinate private, community and specialised museums,

19 (f) Perform such other functions as his professional Head of
20 Department, or the Head of Station nearest to them may assign to them from
21 time to time.

22 (g) An Ethnographer shall also identify the interrelationship among
23 languages and dialects and their sources,

24 (h) Perform other duties as directed.

25 (2) Heritage Protector: Notwithstanding the general provisions that
26 pertain to the functions of a Heritage Protector and mode of executing those
27 functions by him as provided for in Part VIII of this Act, a Heritage Protector
28 shall be actively engaged in the Local Government Area to which he is assigned
29 in-

1 (a) Discovering and bringing to prosecution offenders against this
2 Act,

3 (b) Keeping proper documentation of activities involving the
4 security of the heritage of the nation,

5 (c) Ensuring proper security of National Museums and conducting
6 oversight functions in respect of other museums irrespective of to whom
7 they belong,

8 (d) Ensuring proper security of Community Museums and other
9 museums that is under the full or partial control of the Commission,

10 (e) Coordinating, if he is based in a Local Government Area that
11 abuts a national boundary, relations with the Customs, Immigration and
12 other officers at the borders on the bases of directives received from the
13 Director-General, or from his professional Head of Department, or the Head
14 of Station nearest to him, in order to protect Nigerian heritage resources,

15 (f) Identifying and protecting all Commission's landed properties.
16 He shall do these on the bases of directives received from the Director-
17 General, or from his professional Head of Department, or from the Head of
18 station nearest to him;

19 (g) Ensure the security of other objects the Commission proposes
20 to bring into custody or intends to control,

21 (h) Ensuring that all Export Certificates issued in respect of
22 heritage resources originating from the Local Government Area where he is
23 based are properly recorded;

24 (i) Performing such other functions as his professional Head of
25 Department, or the Head of Station nearest to him may assign to him from
26 time to time;

27 (j) Prosecute offenders against this Act;

28 (k) Perform other duties as directed.

1 SIXTH SCHEDULE

2 POLICY OF THE COMMISSION REGARDING SAFEGUARDING AND
3 PERPETUATING KNOWLEDGE

4 (1) It shall be the policy of the Commission to ensure that-

5 (a) Staff of the Commission are competent in Information
6 Technology and other additional contemporary know-how which are helpful in
7 the effective performance of their duties in the Commission; and

8 (b) That the competence is demonstrable and considered as a factor in
9 securing advancement to higher grade levels in the Commission.

10 (2) It shall be the policy of the Commission to-

11 (a) Locate and identify persons above the age of 50 who are skilled in
12 rare fields of tangible and intangible cultural heritage and by virtue of which
13 they shall be referred to as Living Legends, and ensure that:

14 (i) The knowledge and skills of Living Legends are transferred to
15 protégés and some workers of the Commission;

16 (ii) Staff of the Commission relevant to the field of a Living Legend is
17 attached to the Living Legend and learns directly the skills acquired overtime
18 by the Living Legend and documents this in audio, visual, documentary or
19 other formats;

20 (iii) The knowledge gained by the said staff from the Living Legends
21 is demonstrable and is considered as a factor of earning additional marks at
22 promotional exercise in the Commission;

23 (b) This sub-section shall be applied in conjunction with section 29
24 and section 52(9) of this Act and other relevant parts of this Act.

25 (3) Relevant officials of the Commission shall attend the Institute of
26 Archaeology and Museum Studies. Successful attendance at this institute shall
27 be considered as a factor in securing advancement to higher grade levels in the
28 Commission.

1 SEVENTH SCHEDULE

2 PROTECTION OF TRANSGENERATIONAL COLLECTIVE KNOWLEDGE OF
3 BIOLOGICAL HERBAL MEDICINE AS HERITAGE RESOURCES

4 Purpose, extent etc. of the intervention in trans-generational knowledge of
5 the people is stated in this Schedule.

6 1. Subsection 13 of Section 47 and Schedule 7 of this Act shall have
7 the following purposes:

8 (a) To treat indigenous knowledge of herbs preparation from
9 biological resources as transferred from generations to generations as part of
10 the heritage resources of Nigeria;

11 (b) To promote the respect for, protection, preservation, a wider
12 application and development of the collective knowledge of each
13 community of traditional Nigerian people with native, effective knowledge
14 of herbs as obtained from their forebears, uninfluenced by foreign,
15 overwhelmingly commercial and sometimes quackery tendencies;

16 (c) To promote fair and equitable distribution of the benefits
17 derived from the use of such collective knowledge where possible in
18 contrast to the approach of the pharmaceutical corporations and other big
19 businesses that procure and utilise these indigenous knowledge of
20 biological heritage resources without acknowledging or adequately
21 rewarding the native Nigerians who are the true repository of these
22 knowledge;

23 (d) To protect and promote the use of the knowledge for the benefit
24 of mankind in general;

25 (e) To prevent grant of patents to inventions obtained or developed
26 from the collective knowledge of native Nigerian indigenous peoples if
27 acknowledgement of the preserver of the knowledge is not taken into
28 account, and the knowledge is not considered as heritage resources and prior
29 art in the examination as to novelty and inventiveness of the said inventions.

30 2. Collective knowledge form part of the cultural heritage of

1 Nigerian peoples. The inalienability and indefeasibility of rights of traditional
2 Nigerian natives in this knowledge is presumed by this Act. The rights of
3 indigenous Nigerian peoples in this collective knowledge shall be inalienable
4 and indefeasible except to the extent that they are conceded to the Nigerian
5 state by the provisions of this Act or other laws, through the Commission or any
6 other Agency of the Nigerian government and no foreigner shall without
7 permission procure or utilize or investigate into this knowledge.

8 3. The collective knowledge of indigenous peoples shall be registered
9 in:

10 (a) The Register of Collective Knowledge of Biological Resources
11 provided at the headquarters and in all the stations of the Commission;

12 (b) The Registers of Collective Knowledge of Biological Resources
13 provided at the offices of relevant heritage resources authorities of the states, if
14 the Federal authority delegates such power to the state authority;

15 (c) Any other Register of any other Agency approved for that purpose
16 by the Federal government.

17 4. Purpose of the Register of Collective Knowledge of Biological
18 Resources is the following, as the case may be:

19 (a) To preserve and safeguard the collective knowledge of traditional
20 peoples and their rights therein;

21 (b) To provide the Commission and other relevant government bodies
22 with such information that enable them to defend the interests of traditional
23 peoples in their collective knowledge.

24 5. The Register of Collective Knowledge of Biological Resources
25 shall not be consulted by any third party.

26 6. Any people or community, or group of persons may, through its
27 representative or representative organization, register with the Commission
28 the collective knowledge in its possession, in the Register of Collective
29 Knowledge of Biological Resources.

30 7. Applications for the registration of collective knowledge of

1 indigenous peoples shall be filed with Commission or any designated place,
2 through the representative, or representative organizations of the said
3 peoples, and shall contain the following information:

4 (a) Identity of the indigenous people applying for the registration
5 of its knowledge;

6 (b) Identity of the representative;

7 (c) Designation of the biological resource to which the collective
8 knowledge relates, the indigenous name may be used;

9 (d) A mention of the use or uses of the biological resource;

10 (e) A clear and full description of the collective knowledge to be
11 registered; and

12 (f) A recording of how the biological resource is prepared into
13 herbs and other uses.

14 8. The application shall be accompanied by a sample of the
15 biological resource to which the collective knowledge to be registered
16 relates.

17 9. In the cases that the sample is difficult or impossible to transport,
18 the indigenous people applying for the registration may be exempted from
19 the submission of the said sample and allowed to file instead photographs
20 and other approved recordings that show the characteristics of the biological
21 resource to which the collective knowledge relates. Such sample or
22 photographs, as the case may be, shall enable the Commission to identify
23 unmistakably the biological resource concerned and to enter its scientific
24 name in the file.

25 10. The Commission shall verify within ten (10) days after the
26 filing of the application that the application contains all information as
27 specified in 7 above. Once the Commission has verified that the application
28 contains all the information specified, it shall register the collective
29 knowledge in question.

30 11. In order to make the registration of collective knowledge of

1 indigenous peoples easier, the Commission may send duly accredited
2 representatives to the various indigenous peoples for the purpose of gathering
3 the information necessary for the prosecution of such applications for
4 registration as they may wish to file.

5 12. The Commission shall have the obligation to send the information
6 contained in the Register of Collective Knowledge of Biological Resources
7 through the relevant Nigerian government agencies or directly to the main
8 patent offices of the world with a view to its opposing pending patent
9 applications, disputing granted patents or otherwise intervening in the grant of
10 patents for goods or processes produced or developed on the basis of collective
11 knowledge,

12 13. The Commission shall through the relevant Nigerian government
13 agencies or directly send the information entered in the Register of Collective
14 Knowledge of Biological Resources to the main patent offices in the world in
15 order that it may be treated as prior art in the examination of the novelty and
16 inventiveness of patent applications.

17 14. The Commission shall provide technical assistance and direction
18 in the operation of the Register of Collective Knowledge of Biological
19 Resources to the States and Local Governments who may desire to establish
20 their Register of Collective Knowledge of Biological Resources in accordance
21 with their practices and customs within the ambit of authorization given by the
22 Federal government.

23 15. The Commission shall coordinate a system of facilitating the
24 issuance of Licences to the indigenous people through their representatives. In
25 doing this, the Commission shall take into cognizance the Convention on
26 Biological Diversity (CBD), Trade-Related Aspects of Intellectual Property
27 Right (TRIPS) and the statutory roles of the National Agency for Food and
28 Drugs Administration (NAFDAC), Nigerian Export Promotion Council
29 (NEPC), the duty of the Commission to record as heritage resources for
30 posterity the nation's biological resources, concern of ensuring that benefits

1 accrue to Nigerian peoples and the Nigerian state through Patent rights and
2 other commercial rights.

3 16. A License Contract shall contain at least the following clauses:

4 (a) Identification of the parties;

5 (b) A description of the collective knowledge to which the contract
6 relates;

7 (c) A statement of the compensation that the indigenous peoples
8 receive for the use of their collective knowledge; such compensation shall
9 include an initial monetary or other equivalent payment for its sustainable
10 development, and a percentage of not less than five per cent of the value,
11 before tax, of the gross sales resulting from the marketing of the goods
12 developed directly and indirectly on the basis of the said collective
13 knowledge, as the case may be;

14 (d) The provision of sufficient information on the purposes, risks
15 and implications of the said activity, including any uses of the collective
16 knowledge and its value where applicable;

17 (e) The obligation on the licensee to inform the licensor
18 periodically, in general terms, of progress in the research on and
19 industrialization and marketing of the goods developed from the collective
20 knowledge to which the license relates;

21 (f) The obligation on the licensee to contribute to the improvement
22 of the ability of the indigenous peoples to make use of the collective
23 knowledge relating to its biological resources.

24 17. Applications for the registration of a license contract filed with
25 the Commission shall enclose the following:

26 (a) Identity of the indigenous peoples party to the contract and their
27 representatives;

28 (b) Identity of the other parties to the contract and their
29 representatives;

30 (c) A copy of the contract;

1 (d) The instrument evidencing agreement to enter into a license
2 contract on the part of the indigenous peoples party to the contract.
3 The contract may not be consulted by third parties except with the express
4 permission of both parties.

5 18. The Commission shall verify within ten days of the filing of the
6 application that it contains all the data specified.

7 19. The Commission shall request additional information, either at
8 the request of a party or suomotu, in cases where it considers that there is risk of
9 the balance of the environment being affected in the territories inhabited by the
10 indigenous peoples as a result of the contract filed for registration. Registration
11 of the contract shall be refused if such a risk is detected and where the parties
12 fail to undertake to do what is necessary to avoid it to the extent required by the
13 national authority responsible for environmental concerns.

14 20. Sublicensing shall be allowed only with the express permission of
15 the representative organization of the indigenous peoples that granted the
16 license.

17 21. The Commission may, either suomotu or at the request of a party-

18 (a) cancel a registration of collective knowledge or a license, after the
19 parties concerned have been heard, where:

20 (i) The registration or license has been granted in violation of any of
21 the provisions of this regime;

22 (ii) It is shown that the essential data contained in the application are
23 false or inaccurate.

24 (b) Cancellation actions may be initiated at any time.

25 22. Rights of Indigenous Peoples Possessing Collective Knowledge
26 shall be protected against the disclosure, acquisition or use of that collective
27 knowledge without their consent and in an improper manner provided that the
28 collective knowledge is not in the public domain. It shall likewise be protected
29 against unauthorized disclosure where a third party has legitimately had access
30 to the collective knowledge.

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1 (3) The Director-General may instigate disciplinary proceedings
2 against the veterinarian or staff that falls under any of the following
3 subparagraphs:

4 (a) When he has intentionally or by gross negligence caused any
5 animal under its treatment to die or become disabled;

6 (b) When he has failed to file a report on the result of treatment
7 or filed a false report;

8 (c) When it has, by deceit, filed claims for payment for treatment of
9 animals under paragraph (3); or

10 (d) When it has violated the order of the Director-General.

(4) Animals in this Schedule and section 48 of this Act include birds, fish and all other living things except mankind.

(5) The Commission shall maintain a collection of all insects native to Nigeria in a preserved form;

15 (6) The Commission shall maintain a collection of all birds native to
16 Nigeria in a preserved form;

(7) The Commission shall maintain a collection of all fish native to Nigeria in a preserved form.

NINTH SCHEDULE

NATIONAL POLICY, GUIDING PRINCIPLES AND GENERAL PROVISIONS FOR
HERITAGE RESOURCES MANAGEMENT

1. The heritage resources of Nigeria belong to the people of Nigeria and are the manifestation of their participation in the evolution of the cultural heritage of mankind. It is the duty of the State and the people of Nigeria to protect Nigeria's heritage resources.

26 2. All authorities, bodies and persons performing functions and
27 exercising powers in terms of this Act for the management of heritage
28 resources must recognise the following principles:

(a) Heritage resources have lasting value in their own right and provide evidence of the origins of Nigerian society;

1 (b) They are valuable, finite, non-renewable and irreplaceable they
2 must be carefully managed to ensure their survival;

3 (c) Every generation has a moral responsibility to act as trustee of
4 the national heritage for succeeding generations and the Nigerian State has
5 an obligation to manage heritage resources in the interests of all Nigerians;

6 (d) Heritage resources have the capacity to promote reconciliation,
7 understanding and respect, and contribute to the development of a unifying
8 Nigerian identity;

9 3. Heritage resources form an important part of the history and
10 beliefs of communities and must be managed in a way that acknowledges
11 the right of affected communities to be consulted and to participate in their
12 management.

13 4. Heritage resources contribute significantly to research,
14 education and tourism and they must be developed and presented for these
15 purposes in a way that ensures dignity and respect for cultural values.

16 5. To ensure that heritage resources are effectively managed-

17 (a) The skills and capacities of persons and communities involved
18 in heritage resource management must be developed;

19 (b) Provision must be made for the ongoing education and training
20 of existing and new heritage resource management workers;

21 (c) The Ministry of Education and relevant government bodies
22 shall include knowledge of the cultural and natural heritage of Nigeria in the
23 curriculum from primary, secondary and tertiary levels;

24 (d) The Commission shall promote specific campaigns and actions
25 of sensitisation and awareness programmes targeted at preserving the
26 national patrimony and heritage.

27 6. Policy, administrative practice and legislation shall promote the
28 integration of heritage resources conservation in urban and rural planning
29 and social and economic development.

30 7. The identification, assessment and management of the heritage

1 resources shall-

2 (a) Take account of all relevant cultural values and indigenous
3 knowledge systems;

4 (b) Take account of material or cultural heritage value and involve the
5 least possible alteration or loss of it;

6 (c) Promote the use and enjoyment of and access to heritage
7 resources, in a way consistent with their cultural and natural significance and
8 conservation needs;

9 (d) Contribute to the social and economic development as well as her
10 national identity and pride;

11 (e) Safeguard the options of present and future generations; and

12 (f) Be fully researched, documented and recorded.

13 8. The Commission or the corresponding authority of a state or Local
14 Government shall coordinate the traffic regulations, parking, pedestrian
15 crossings, closing of squares and public areas and other similar provisions in
16 urban historic centres and sites registered as Monuments.

17 9. The Commission may, if necessary, acquire, at a reasonable cost,
18 the ownership of immovable heritage resources and sites.

19 10. The Nigerian State shall place under its protection the following
20 heritage resources within the boundaries of Nigeria:

21 (a) Sites of ancient culture, ancient tombs, ancient architectural
22 structures, caves temples, shrine, stone carvings and murals that are of
23 historical, artistic or scientific value;

24 (b) Important modern and contemporary historic sites, material
25 objects and buildings that are related to major historical events, revolutionary
26 movements or famous personalities and that are highly memorable or are of
27 great significance for education or for the preservation of historical data;

28 (c) Valuable works of art and handy craft articles dating from various
29 historical periods;

30 (d) Important documents dating from various historical periods, and

1 manuscripts, books and materials, etc. that are of historical, artistic or
2 scientific value; and

3 (e) Material objects reflecting the social system, social production
4 or the life of various ethnic nationalities in different historical periods.

5 11. The criteria and measures for the verification of heritage
6 resources shall be formulated by the Commission;

7 12. Fossils of paleovertebrates and paleoanthropoids of scientific
8 value shall be protected by the Nigerian State in the same way as heritage
9 resources.

10 13. Immovable heritage resources, such as sites of ancient culture,
11 ancient tombs, ancient architectural structures, caves temples, shrines, stone
12 carvings and murals as well as important modern and contemporary historic
13 sites and buildings, may, depending on their historical, artistic and scientific
14 value, be designated respectively as major sites to be protected for their
15 historical and cultural value at the national level by the Commission, sites to
16 be protected for their historical and cultural value at the state level, and sites
17 to be protected for their historical and cultural value at the city or local
18 government level.

19 14. The Nigerian State shall encourage, through such forms as
20 donations, the establishment of special funds for the management of
21 heritage resources.

22 15. The Nigerian State shall direct efforts to the publicity and
23 education with emphasis on the need to protect heritage resource, enhance
24 the awareness of the entire people and encourage scientific research.

25 16. The owners of or persons/entities in possession of sacred places
26 or historical buildings, which have been registered as historical and Heritage
27 Resources shall be responsible for protecting them. The Commission shall
28 give advice and supervision to such owners in order to ensure the proper
29 protection and the preservation of the authentic features of the sacred places
30 and historical buildings.

1 TENTH SCHEDULE

2 PROCEDURE OF PROTECTING HERITAGE LAND IN LAND REGISTRIES

3 (1) The Registrar of Land Titles must inform the Commission or the
4 relevant heritage resources authority in the states, of the particulars of the
5 registration or transfer or subdivision of any place which is formally protected
6 by the Commission or such heritage resources authority within 14 days of such
7 registration.

8 (2) When-

9 (a) A place has been declared a national heritage site or a state heritage
10 site;

11 (b) A place has been designated a protected area;

12 (c) A place has been entered in a heritage register; the heritage
13 resources authority concerned must furnish the Surveyor-General and the
14 Registrar of Titles in whose deeds registry the land in question is registered
15 with-

16 (i) A copy of the notice in the Gazette or the State Gazette;

17 (ii) The particulars of the protection;

18 (iii) A copy of any survey, including any diagram or plan made;

19 (3) The Registrar of Titles must-

20 (a) Endorse the title deed of the place in question filed in the deeds
21 office;

22 (b) Make an entry in the appropriate registers and upon the owner's
23 title deed as soon as it is lodged in the deeds office, relating to the particulars
24 furnished in terms of Item 2 of this Schedule;

25 (c) Identify the area of the protected place; and

26 (d) Clearly state the particulars of the protection order or heritage
27 agreement.

28 (4) The Surveyor-General must-

29 (a) Endorse upon the relevant records filed in his office an entry
30 referring to the notice furnished in terms of Item 2 of this Schedule; and

1 (b) State the particulars of the protection order or heritage
2 agreement in broad terms.

3 (5) When-

4 (a) A place ceases being a national heritage site or a state heritage
5 site;

6 (b) A place ceases being designated a protected area; or

7 (c) A place is no longer in a heritage register; the heritage resources
8 authority concerned must furnish a copy of the notice or order to the
9 Registrar of Titles and the Surveyor-General.

10 (6) The Registrar of titles must make the necessary endorsement
11 upon the relevant title deeds and in the appropriate registers.

12 (7) The Surveyor-General must make the necessary endorsement
13 upon the relevant records filed in his office.

14 ELEVENTH SCHEDULE

15 ARCHAEOLOGY PROTECTION METHODOLOGIES

16 (1) Duties of the Commission in Protecting Archaeological
17 Heritage.

18 In respect of protecting the nation's archaeological heritage, the
19 Commission shall-

20 (1) Ensure the implementation of national strategies,
21 methodologies, regulations and legal provisions made to protect the nation's
22 archaeological heritage;

23 (2) Ensure the fulfilment of Nigeria's obligations under
24 international conventions on protection of archaeological heritage;

25 (3) Create, update and administer the National Archaeological
26 Register which shall be a database of places and things of archaeological
27 interest making up the national archaeological endowment;

28 (4) Establish the planning, execution and control methodology for
29 preventive and rescue excavations.

30 (5) Finance or co-finance, research into archaeological heritage;

1 (6) Ensure the annual publishing of national archaeological research
2 records;

3 (7) Supervise archaeological excavations conducted in any part of the
4 nation;

5 (8) Issue excavation permits,

6 (9) Propose to the government the acquisition of lands holding
7 archaeological heritage assets;

8 (10) Represent Nigeria at relevant international bodies;

9 (11) Fulfil other duties in the field.

10 (2) There shall be a National Archaeological Register which shall
11 contain images, mapping, topographical and scientific data, as well as any
12 other information concerning-

13 (1) Areas of known and researched archaeological potential, the areas
14 of unresearched but known archaeological heritage, and, the areas whose
15 archaeological potential heritage becomes known by chance or following
16 preventive or rescue archaeological researches;

17 (2) The historic monuments, assemblages and sites where
18 archaeological researches were conducted or are being conducted;

19 (3) Record data of movable assets uncovered in historic areas or at
20 historic monuments.

21 (3) Duties of States and Local Governments in Protecting
22 Archaeological Places and Protected Sites.

23 In order to protect the archaeological heritage and to observe the legal
24 provisions in this field, the Federal, state and local governments shall:

25 (1) Ensure the protection of the archaeological heritage and fortuitous
26 discovery of archaeological finds in the public and private domains of the
27 territorial administrative units in question;

28 (2) Include in the economic, social, urban and regional planning
29 development programmes specific objectives regarding the protection of the
30 archaeological heritage;

1 (3) Take into consideration information given by the Commission
2 while making urban and regional planning documentation in order to
3 establish measures for the protection of archaeological heritage;

4 (4) Collaborate with the Commission and convey to the
5 Commission the updated information regarding the building permit
6 applications relating to the located archaeological heritage;

7 (5) Specify in the town planning certificate the legal status of the
8 buildings in the areas of located archaeological heritage;

9 (6) Take adequate managing measures and notify owners and other
10 right holders of properties the imperativeness of preventing destruction of
11 fortuitous archaeological finds;

12 (4) The governor of a state in protecting archaeological heritage
13 existing on his territory of competence shall-

14 (1) Cancel building permit and put an end to any construction or
15 demolition works whenever archaeological relics or other classifiable assets
16 are uncovered, and, where applicable, whenever requested by the
17 Commission, organise the safeguard of fortuitous archaeological finds;

18 (2) Issue building or demolition permit on the basis of, and in
19 accordance with, the request of the Commission for works in protected
20 archaeological heritage areas, as well as for works in areas of fortuitous
21 archaeological finds;

22 (3) Notify the Commission on issues of archaeological finds and
23 other relevant archaeological activities.

24 (5) Principles to guide the authorities-

25 (1) Governments; Federal, states and local, in the realisation that
26 heritage resources is indispensable to the correct understanding of the
27 history and culture of Nigeria and that it forms a foundation for cultural
28 development in the future, shall sincerely endeavour to achieve the purpose
29 of this Act so that the preservation of Nigeria's heritage resources may be
30 properly secured.

1 (2) Governments at various levels shall attach importance to the
2 protection of heritage resources and correctly handle the relations between
3 economic and social development and the protection of heritage resources so
4 as to ensure safety of the heritage resources.

5 (3) State and local governments shall incorporate the undertaking of
6 the protection of heritage resources into their own plans for national economic
7 and social development and the expenses entailed shall be included in their
8 annual budgets.

9 (4) Incomes earned by State-owned museums, monuments, sites etc.
10 shall exclusively be used for the protection of heritage resources,

11 (5) The governments shall respect the ownership and other property
12 rights of the persons concerned in the enforcement of the present law.

13 (6) Nigerians are enjoined to faithfully cooperate with such measures
14 taken by the governments to achieve the purpose of this Act.

15 (7) The long-lasting development, research, conservation,
16 preservation, restoration and presentation of protected sites of archaeological
17 interest is a national objective;

18 (8) Collaborative funding for the archaeological development,
19 research, conservation, preservation, restoration, and presentation of protected
20 sites may be provided, through co-financing by states and local governments
21 whose territories hold these sites.

22 (9) The Commission shall ensure that state and local government
23 authorities whose territories host protected sites put in place measures
24 necessary for the protection of the archaeological heritage which they shall
25 integrate into the economic, social, and territorial town development plans. To
26 this end, the authorities shall:

27 (a) Introduce or, where applicable, modify urban and regional
28 planning documentations, with a view to including the necessary measures of
29 protection of archaeological sites;

30 (b) Make special regulations for protection of archaeological sites;

1 (c) Delineate the boundaries of protected sites and raise awareness
 2 of the public regarding protection of the area.
 3 The owners, possessors, and holders of other rights over protected sites shall
 4 permit access of officials authorized by the Commission to conduct
 5 archaeological research and protect archaeological heritage. They shall also
 6 ensure measures of protection and safeguarding of the archaeological
 7 heritage assets in accordance with the Act.

8 TWELFTH SCHEDULE

9 MODE OF CONDUCTING RESCUE ARCHAEOLOGY

10 On becoming aware through the Commission's Heritage Protectors, or on
 11 being notified by the concerned public or private entity, or by any other
 12 source, of development that may result in major earth movement, or of
 13 construction work which is likely to endanger archaeological sites, shrines
 14 and other sites of cultural/traditional/historical value, the Commission shall
 15 do the following:

16 (1) Send its officials to visit and inspect the site and conduct
 17 reconnaissance survey of the site;

18 (2) Ensure that work is temporarily suspended;

19 (3) Obtain plans or drawing of the proposed development;

20 (4) If the proposed development exceeds the stipulated size or
 21 threatens area of known archaeological interest, the Commission shall make
 22 a Declaration of Interest which it shall send to the Agency or Company;

23 (5) Sign an agreement with the Agency or Company on money to
 24 pay for rescue archaeology for the site;

25 (6) Inspect aerial photographs, longitudinal profiles, plans, maps,
 26 historical records, local lore and field surveys of the line/area to be
 27 developed and conduct aerial survey of the site;

28 (7) Identify areas of archaeological interest or of cultural
 29 landscapes having exceptional interest;

30 (8) Liaise with all local teams and with developers;

(9) Commission magnetic surveys or local excavation teams to investigate areas of interest before any further development work is undertaken;

(10) Direct its officials to check total ground area during or immediately after initial bulldozing to ensure local teams are rapidly organised to deal with disturbance to the developer;

(11) In respect of pipelines and open drainage schemes, direct further inspections to be made immediately after trench digging and direct its officials to urgently organise local teams in follow up excavations before pipe laying;

10 (12) Collect field reports from its officials;

(13) Ensure that analysis of materials collected is done by the Commission in agreement with the entity;

13 (14) Ensure final publication of the rescue archaeology process;

14 (15) Do all above swiftly and speedily.

THIRTEENTH SCHEDULE

LICENSEES

17 (1) Application to be Licensee-

18 (1) The application to be a Licensee shall contain the following:

19 (a) (i) If applicant is a natural person; name and address of applicant,

(ii) If applicant is a juridical person, names and addresses of the entity and that of the principal members of the entity;

22 (b) Past names and (aliases) for 10 years of applicant, or principal
23 members or entity, if any;

24 (c) Business address;

25 (d) Names and addresses of branches;

(e) The village, town or city, including local government and state, where the applicant intends to carry on the business;

28 (f) List of verifiable assets;

29 (g) The period for which the applicant has been in business giving the
30 details of his experience.

1 (h) Whether the applicant/firm (including all constituents
2 individually and jointly) was convicted of or is being prosecuted for any
3 offence against any law made for the protection of heritage resources, or, in
4 any other case involving theft or smuggling of heritage resources. If so,
5 details thereof may be stated.

6 (i) Whether all stock up to the date of application has been entered
7 in the applicant's register;

8 (j) Nature, i.e. details of the varieties of heritage resources in which
9 the applicant wishes to deal in, such as, stone sculptures, metal works, wood
10 works, coins, paintings, jewellery and the like;

11 (k) Category-wise, list of all objects on hand claimed by the
12 applicants to be heritage resources including those which have been
13 registered with the Commission;

14 (l) Proof of payment of licence fee;

15 (m) Copy of Income-tax Certificate for the preceding year and the
16 Registration Number of the business.

17 (2) Every such application in sub-paragraph (1) shall be
18 accompanied by three copies of photographs in postcard or quarter size in
19 sharp focus, of each heritage resources in the applicant's possession, and if
20 so required by the registering Officer, by an equal number of photographs of
21 different sides, or facets of such heritage resources,

22 (3) Every application for a licence to be appointed as a Licensee
23 shall be accompanied with a prescribed fee.

24 (4) Every licence granted shall be valid for two years from the date
25 of issue. This period of two years may be extended by one year, and further
26 one year on and on, upon the payment of a prescribed fee if;

27 (a) The application for such extension is received by the Director-
28 General at least two months before the date of expiry and;

29 (b) The licensee;

30 (i) Has been submitting all the prescribed returns;

1 (ii) Has satisfactorily maintained all the prescribed records; and
2 (iii) Continues to comply with all the conditions laid down for the
3 grant of licence.

4 (2) Content of the Register kept by a Licensee

5 (1) The register of heritage resources kept by a Licensee shall contain
6 the following information-

7 (a) A full description of each item, specifying its main conspicuous
8 features as well as names, signatures, letters, digits, emblems and signs of any
9 nature that appear on it and that facilitate its identification.

10 (b) The full name, position and domicile of the depositor, as well as
11 the nature, number and issue date of the identification document shown by the
12 private person that deposited it;

13 (c) A serial number to be affixed to each item of Heritage Resources;

14 (d) The purchase price or estimated price;.

15 (2) The register shall be serially marked and initialled by a duly
16 empowered officer of the Commission. It may be computerised provided that it
17 is available in a continuous listing (permanent sheets), previously serially
18 numbered and initialled by the said officer;

19 (3) The information appearing in the register shall be written in
20 indelible ink, with no blanks, erasures or abbreviations.

21 (3) A copy of the register shall be kept by the Commission;

22 (4) The register shall be kept in perpetuity by the licensee from the
23 time of closing down;

24 (5) Inspection of the registers shall be done regularly by the
25 Commission.

26 **FOURTEENTH SCHEDULE**

27 **EXPORT PERMIT**

28 (1) An application for the issue by the Commission of a permit for the
29 export of a heritage resource from Nigeria shall be made in writing to the
30 Director-General of the Commission.

1 (2) Unless some reasonable grounds for urgency are stated or
2 unless the Commission in its discretion accepts a lesser period such
3 applications shall be made at least three months before the proposed date of
4 export.

5 (3) The application shall contain-

6 (a) The name of the object;

7 (b) Its function;

8 (c) A full description with dimensions;

9 (d) Its local cost or an estimate of its value;

10 (e) When, where and from whom it was obtained;

11 (f) Purpose for export,

12 It shall also be accompanied by an adequate photograph or photographs.

13 (4) Unless the heritage resource is delivered to the Commission
14 and left in its charge, the application shall state its location, and, if it is to be
15 moved, its expected location during the period until the proposed export is to
16 take place.

17 (5) (a) The applicant shall permit and facilitate such access to and
18 inspection of the heritage resource as may be required by the Director-
19 General or a member of the Commission and shall permit to be affixed or
20 applied thereto any seal or identification mark that may be so required;

21 (b) The Director-General, if in his judgment the subject of the
22 application is not a heritage resource within the meaning of the Act, may
23 give a certificate that the object is not subject to the Act.

24 (6) (a) A permit may be issued subject to such terms and conditions,
25 which may include the surrender to the Government of the Federal Republic
26 of Nigeria of a portion or a reproduction of the heritage resource, as the
27 Commission may think fit, and the Commission may, without assigning the
28 reason, refuse to issue a permit;

29 (b) Where under paragraph (1) of this regulation, any portion or
30 reproduction of a heritage resource has been surrendered to the Government

1 of the Federal Republic of Nigeria, the Commission may deposit such portion
2 or reproduction in any museum or similar institution in Nigeria.

3 (7) (a) No permit shall authorise the removal from Nigeria of a
4 heritage resource except through a place appointed to be a port or airport for the
5 purposes of the customs laws;

6 (b) Upon the presentation of a heritage resource for export the permit
7 shall be surrendered to a Senior Customs Officer. Until a permit is surrendered,
8 a Senior Customs Officer shall, detain any heritage resource presented for
9 export;

10 (c) A heritage resource may be disposed of as the Commission may
11 direct if such permit is not produced and surrendered within a reasonable
12 period of time.

13 (8) (a) A permit to export shall be in the form set out in Schedule 15A
14 below and be signed by the Director-General on the written recommendation
15 of the Heritage Resources Acquisition and Delisting Committee;

16 (b) Signature thereof the Director-General shall be adequate evidence
17 that the permit has been granted by the Commission.

18 SCHEDULE 14A

19 PERMIT TO EXPORT A HERITAGE RESOURCE

20 Subject to any terms and conditions endorsed on the reverse
21 hereof,.....

22

23of.....

24

25

26is authorised under

27 section 103 of the National Commission for Museums and Monuments Act to

28 remove from Nigeria by air/sea through the Airport/Port

29 of.....to.....

30

1 during the period of
 2 From the date hereof the following heritage resources
 3(bearing the following identification
 4 marks.....
 5
 6
 7)
 8 Dated the.....20.....

9
 10 Director-General, National Commission for Museums and Monuments

11 FIFTEENTH SCHEDULE

12 DE-ACCESSIONING POLICY OF THE COMMISSION

13 (1) The De-accessioning Policy of the Commission covers all
 14 objects in the National Heritage Resources Register.

15 (2) Where the Board is satisfied upon being informed by the
 16 Director-General that heritage resources in the National Heritage Resources
 17 Register may be disposed of, the Board shall observe the considerations in
 18 this Schedule of this Act which constitute the De-accessioning Policy of the
 19 Commission.

20 (3)(a) The Board may resolve that the heritage resources be
 21 disposed of by sale, gift or destruction;

22 (b) Decisions to dispose of objects comprised within the National
 23 Heritage Resources Register cannot be made with the principal aim of
 24 generating funds though any eventual proceeds from such disposal must be
 25 used to add to the collection;

26 (c) The Commission shall not sell, exchange, give away or
 27 otherwise dispose of any object in the Register unless-

28 (i) The object is unfit for the collection; or

29 (ii) The object is not required as part of the collection;

30 (iii) The object has become useless for the purposes of the Museum

1 by reason of damage, physical deterioration, or infestation by destructive
2 organisms;

3 (iv) It is not in the interest of the nation or a part of it to keep the object.

4 (4) Where the Board is satisfied that the exchange of heritage
5 resources in the National Cultural Heritage Register for other heritage
6 resources would be advantageous, the Board may resolve that the first
7 mentioned heritage resources be disposed of in exchange for that other heritage
8 resources.

9 (5) The Board shall not resolve that heritage resources be disposed of
10 by destruction unless the Board is satisfied that the material has no value.

11 (6) Where:

12 (a) The Board has resolved, in accordance with this section, that
13 heritage resources be disposed of; and

14 (b) If the value of that heritage resources exceeds Fifteen Million
15 Naira(N15,000,000), the Board shall inform the Minister who may approve of
16 that disposal; the Commission may dispose of that heritage resources
17 accordingly.

18 (7) The De-accessioning Policy will be reviewed from time to time
19 and at least once every five years. In the event that changes to the Policy are
20 made, the Minister shall cause such to be introduced into the Schedule to this
21 Act.

22 SIXTEENTH SCHEDULE

23 SECURITY SYSTEM

24 (1) (a) The security system is the assembled set of preventive
25 elements, actions and devices ensuring the protection, preservation and care of
26 the museum and of the cultural assets within it. In this sense, all security
27 systems will include security staff in charge of protecting and safeguarding the
28 museum, as well as the adoption of museological standards that are adequate
29 for ensuring the protection and safeguard of the assets within it;

30 (b) In all museums, the security mechanisms shall ensure the

1 existence of appropriate locks at all ways of access, doors and windows, as
2 well as fire extinguishers. All exhibited assets, especially when they are of
3 outstanding value, shall be displayed within protected cases, which are also
4 protected by locks ensuring their adequate safe keep;

5 (c) Those objects which, given their extraordinary value or any
6 other circumstance, make it advisable to adopt special safekeeping
7 measures shall be subjected to said special security measures, always
8 seeking not to compromise their visibility. To this end, appropriate
9 safekeeping construction measures shall be adopted, as well as any
10 readjustment judged to be adequate;

11 (d) The Curator/Manager shall determine which objects of singular
12 value shall need safekeeping in a security vault, in a storeroom or, as the case
13 may be, in places with special protection; and such persons shall also
14 determine the form in which they may be exhibited to the public, always
15 taking into account such objects' maximum protection and care;

16 (e) Museums exhibiting objects or collections of exceptional value
17 shall have, aside from mechanical security devices, electronic protection
18 measures making it possible to permanently guard the exhibition areas;

19 (f) In those museums which operate out of buildings which are
20 themselves classified as historical or artistic monuments, adoption of the
21 security measures previously set out shall be carried out in such a way as to
22 preserve the physical and cultural integrity of the building.

23 (g) Whenever maintenance or museographical tasks are to be
24 performed in a museum, access to the area in question shall be restricted to
25 only persons authorised by the Curator/Manager;

26 (h) Every museum must have trustworthy personnel who shall
27 receive adequate training in security systems and appropriate training
28 regarding appreciation and knowledge of the cultural heritage;

29 (i) The Curator/Manager of a museum shall establish the necessary
30 coordination mechanisms with the police in order to assemble a complete

1 security system for the museum both internal and external. The police shall
2 lend its aid in connection with the above in compliance with applicable
3 standards;

4 (j) Security personnel shall serve in successive shifts ensuring 24-
5 hour coverage. Whenever applicable, the service shall be organized by rounds
6 and beats. These personnel shall receive regular training in security techniques,
7 both regarding natural risks and illicit or criminal behaviour.

8 (2) (a) The Commission may enter into agreements or coordination
9 arrangements with state or local government heritage resources authorities, as
10 well as with other authorities or bodies to set up, with the greatest possible
11 efficacy, the security measures these standards require. Also, agreements may
12 be entered into with entities of civil society to allow the latter to voluntarily
13 participate in complying with the programs for the security and safe keep of the
14 cultural heritage and with the need to rigorously preserve it;

15 (b) The Security programs implemented by the heritage resources
16 authorities and administrators of museums shall involve awareness-raising
17 actions of its own personnel and of the community as a whole regarding the
18 importance of the cultural patrimony and of the need of its rigorous
19 preservation;

20 (c) Movement of cultural assets to and from the museums shall be
21 carried out in accordance with the provisions established by the applicable
22 regulations.

23 SEVENTEENTH SCHEDULE

24 CULTURAL HERITAGE ASSOCIATIONS

25 (1) The Commission shall encourage the formation of Cultural
26 Heritage Associations or Friends of the Museum or any association by
27 whatever name identified in state capitals, cities, towns, villages, local
28 governments, and around museums and historical monuments,

29 (2) Each association shall be named after the place, the museum or the
30 site of historical monument where it is established.

1 (3) The aim of these associations shall be to attract tangible and
2 intangible support and total synergy of the community and the Commission
3 concerning research, collaboration, presentation and education in the fields
4 related to the national cultural heritage,

5 (4) The duties of members of these associations shall include:

6 (a) Acquainting themselves with the rules and regulations provided
7 for research, conservation and revitalization of the national heritage as
8 propounded in this Act and paving the ground for the community to be
9 acquainted with them as well;

10 (b) Discussing and examining cultural and social issues and
11 providing consultative opinion for ideal implementation of programs on
12 research, conservation and revitalization, presentation and education
13 concerning the cultural heritage and submitting the prepared proposals in
14 this regard to the Commission;

15 (c) Endeavouring to identify and introduce the yet to be publicly
16 acknowledged aspects of the cultural heritage,

17 (d) Encouraging and promoting the community to respect and
18 protect the cultural heritage;

19 (e) Deliberating on, and finding practical ways to prevent any
20 illegal actions such as clandestine excavations, destruction of historical
21 monuments, trade in the Heritage Resources and submitting the prepared
22 proposals in this regard to the Commission;

23 (f) Examining ways of summoning tangible and intangible support
24 of the community, and submitting the prepared proposals in this regard to
25 the Commission;

26 (g) Cooperating with the officials of the Commission;

27 (h) Cooperating with local institutions and organs, and obtaining
28 their total support for realizing the aims of the associations;

29 (i) Sponsoring museum programmes;

30 (j) Providing linkages, connections and support for the museum.

(5) Membership of these associations shall be sought from available members in that community from the class of the following: Local government Chairmen or their representatives, traditional rulers or their representatives, museum Managers or Curators, Vice Chancellors, Provosts, Rectors and Principals of schools or their representatives, religious leaders or their representatives, Commissioners or ?s in charge of Works, Culture, Education, Environmental protection or their representatives, interested experts and authorities in the field of cultural heritage, retired officials of the Commission, prominent citizens, students etc.

10 (6) Membership in the Associations shall be honourary,

11 (7) A staff of the Commission in the community shall be the Secretary
12 of the association in that community and shall be the link with the Commission
13 and shall also be responsible for organising the Association in that Community.

14 EIGHTEENTH SCHEDULE

15 NATIONAL MONUMENTS

16 The (National Commission for Museums and Monuments) Declaration Notice
17 1956 declared to be monuments-

(1) The stone built causeway at Forof, near Bokkos in Plateau Province, together with an area of land including the stream within a radius of three hundred feet of the centre of the causeway.

(2) The stone-built causeway at Tading, near Bokkos in Plateau Province, together with an area of land including the stream within a radius of three hundred feet of the centre of the causeway.

(3) The stone-built causeway at Butura, near Bokkos in Plateau Province, together with an area of land including the stream within a radius of three hundred feet of the centre of the causeway.

(4) The cairn of stones at the foot of Panshanu Pass near mile 31 on the Jos-Bauchi road, known as Kwandon Kaya which was set up by the army of the Emir of Bauchi, Yakubu I, to commemorate the submission of the pagan tribes of the Panshanu hills, and the surrounding land within three hundred feet of the

1 centre of the cairn.

2 (5) The house and compound at Kafin Madaki, 28 miles north of
3 Bauchi, known as Gidan Madaki Bauchi which was built in 1860 by the
4 celebrated master-builder, Babban Gwani of Zaria.

5 (6) The rock shelter containing polychrome cave paintings in the
6 hill known as Dutsen Mesa at Birnin Kudu in Kano Province (now in Jigawa
7 State), and the land within a radius of three hundred feet of the rock shelter.

8 (7) The first mining beacon to be erected in Nigeria, which was set
9 up at Tilden Fulani, at mile 14 of the Jos-Bauchi road, by the late Lt.-Col.
10 Henry William Laws, C.M.G., D.S.O., on 19th September, 1905, together
11 with the land within a radius of one hundred feet.

12 (8) The steel footbridge originally erected by the late Lord Lugard
13 at Zungeru in 1904, and re-erected in 1954 in the Kaduna Gardens.

14 (9) The building known as "Ilojo Bar", Nos. 6 Alli Street and 2
15 Bamgbose Street, Lagos, and the compound in which it is situated.

16 (10) The hills known as Kufena near Zaria and an area of farmland
17 within three hundred feet of the foot of the hills.

18 (11) The building in Katsina known as the "Gobirau Minaret".

19 (12) The relics of the steamer Dayspring at Jebba Station.

20 *[20th February, 1959]*

21 The (National Commission for Museums and Monuments) Declaration
22 Notice 1959 declared to be a monument-

23 A strip of land, on the eastern side of the Ife-Ilesha Road at the place on the
24 edge of Ife Town (now within city limits) known as Ita Yemoo, measuring
25 approximately 1,585 feet by 400 feet, and following the building line of the
26 Ife-Ilesha Road from beacon No, 2156 in a southerly direction to the point
27 where the inner wall meets the Ife-Ilesha Road.

28 *23rd April, 1959*

29 The National Commission for Museums and Monuments (Monuments)
30 Declaration (No. 2) Notice 1959 declared to be a monument-

(1) The old West African Frontier Force fort situated at Okuta and the area within three hundred feet of the perimeter wall of the fort;

(2) The old West African Frontier Force fort situated at Yashikera and the area within three hundred feet of the fort;

(3) The rock paintings at Dutsen Damisa, near Gumulel in Zenger District of Bauchi Province, and the area within a radius of six hundred feet thereof;

(4) The rock paintings at Dutsen Zane, near Geji in Jema's District of Bauchi Province, and the area lying within six hundred feet thereof;

(5) The three large and two small tumuli at Durbi Takusheyi in Mani District of Katsina Province, together with the ancient baobab trees known as "Kuka Katsi" and the site of the former tree known as "Kuka Kumayo";

13 (6) The house and compound in Kano known as Makama's house
14 (Gidan Makama);

15 (7) The house and compound in Dikwa, Bornu Province, known as
16 Rabeh's House.

17 [26th May, 1959]

18 The National Commission for Museums and Monuments (Monuments)
19 Declaration (No. 3) Notice 1959 declared to be a monument-

20 The house and compound in Benin known as Chief Ogiamien's House.

21 *14th August, 1959*

22 The National Commission for Museums and Monuments (Monuments)
23 Declaration (No. 5) Notice 1959 declared to be monuments-

(1) The statue in Opobo representing King Jaja and the land lying within a radius of one hundred feet thereof,

26 (2)The house and compound in Calabar known as the "Old
27 Residency" together with the contents thereof,

28 (3)The house and compound in Calabar known as the "Old
29 Consulate",

30 (4) The house and compound at No. 19 Boko Street, Calabar, known

1 as Chief Ekpo Bassey's House.

2 The National Commission for Museums and Monuments (Monuments)

3 Declaration Notice 1961

4 declared to be monuments-

5 Schedule

6 1. 214 Broad Street, known as Elephant House.

7 2. 12 Kakawa Street, known as Water House.

8 *1927th July, 1961*

9 National Commission for Museums and Monuments (Monuments)

10 Declaration

11 Notice 1964

12 *28th May, 1964*

13 1. This Notice may be cited as the National Commission for
14 Museums and Monuments (Monuments) Declaration Notice 1964.

15 2. The antiquities set forth in the Schedule to this notice are
16 declared to be monuments.

17 3. The antiquities (Monuments) Declaration Notice, is hereby
18 revoked.

19 Schedule

20 1. The carved stone figures between Alok and Maghabe in Ogoja
21 Province (now in Cross Rivers State).

22 2. The house and compound of Chief Okoroji situated in
23 Arochukwu (Now in Abia State).

24 3. The Petroglyphs in Igbara-Oke, 17 miles from Akure in Ondo
25 State.

26 4. The cave containing rock paintings at Shadawanka near Bauchi,
27 Bauchi State, and the land within a radius of one thousand feet of the
28 paintings.

29 5. The rock shelter containing two stone figures at Ofaro in Ilorin
30 Province of Kwara State.

1 6. The house and compound known as Obu's House at Elu Ohafia in
2 Bende Division, Eastern Nigeria.

3 7. The house of Chief Ochu Kalu, Ndi Okereke Abam in Bende
4 Division of Eastern Nigeria, (now in Abia State).

8. The building of the Ndi Ezera Clan known as "Omo Ukwu" at Ohafia in the Bende Division of Eastern Nigeria, (now in Abia State).

7 *15th December, 1964*

8 The National Commission for Museums and Monuments (Monuments)
9 Declaration Notice (No 2) 1964 declared to be monuments-

10 (1) Habe Mosque at Maigana, Kaduna State.

11 (2) The Old Iga Building in Iga Idunganran, Lagos, (Oba's old
12 palace).

(3) Ate Ogu Tumulus near the Palace of Ata of Idah, Kabba Province,
Northern Nigeria, (now in Kogi State).

15 (4) Tsoede's Tomb at Gwagwade, Northern Nigeria, (now in Niger
16 State).

17 (5) Osun Shrine at Afin Ataoja, Osogbo, Osun State.

18 (6) Sungbo Eredo's Shrine in Ijebu-Ode, Ogun State.

19 (7) Chief Nwokolo's House at Ukehe, Eastern Nigeria, (now Enugu
20 State).

21 (8) Rock Shelters called Dutsen Murufu and Dutsen Sango at Birinin
22 Kudu, Kano State, (now in Jigawa State).

23 (9) Habe Mosque at Bebeji, Kano State.

24 *5th August, 1965*

25 The (National Commission for Museums and Monuments) Declaration Notice
26 1965 declared to be monuments-

1. The rock paintings of Dutsen Habude at Birnin Kudu in Kano State,
Northern Nigeria, (now in Jigawa State) consist of two rock shelters and have
many paintings of long-horned humpless cattle.

30 2. The river-side shrine and sacred grove of Osun at Osogbo, Osun

1 State together with the shrine, its grove, the surrounding land within a radius
2 of 400 feet from the Northernmost corner of the shrine building.

3 3. The shrine of Osun, in the King's market of Osogbo, Osun State
4 together with the surrounding land to a distance of 25 feet.

5 4. Fine caved stone figure situated at Igbajo in Osun Division, Oyo
6 State. It is 24 inches high, mounted on a base embedded in the ground in the
7 ground dedicated to Esu which stands by the roadside in the centre of the
8 town.

9 5. Shira Rock Paintings found in the Shira Town in Azare Division
10 of Bauchi State, Northern Nigeria. It is within a radius of three miles of the
11 town and the land covering a radius of 300 feet of the Centre of each site.
12 There are ten different sites containing rock paintings.

13 6. Ijara Stone Figures situated at Ijara in Kwara State, Northern
14 Nigeria, and made up of a group of eight stone figures which are related
15 artistically to those of Esie.

16 7. The Ancient City of Surame in Sokoto state, Northern Nigeria.
17 Although abandoned about 260 years ago, the walls still stand to a height of
18 15 to 20 feet. It includes the line of the main roads of the area lying within a
19 distance of 300 feet on the crest of the walls.

20 *6th August 1982*

21 The (National Commission for Museums and Monuments) Declaration
22 Notice 1982 declared to be monuments-

23 The building known and referred to as the Old Secretarial Building, and all
24 its appurtenances access to which is gained via the Marina, Lagos and
25 bounded by the Marina, Brook Street and Broad Street on three sides and by
26 a building on Oil Mill Street.

27 *2nd August, 1990*

28 The (National Commission for Museums and Monuments) Declaration
29 Order 1990 declared to be monuments-

1 The Deji of Akure Palace, Akure, Ondo State and all the antiquities therein.

2 *2nd August, 1990*

3 The (National Commission for Museums and Monuments) Declaration Order
4 1990 declared to be monuments-

5 Chief Nana's house, Koko, Bendel State (now in Delta State) and all the
6 antiquities therein.

7 NOTIFICATION OF INTENTION OF NATIONAL COMMISSION FOR MUSEUMS
8 AND MONUMENTS TO DECLARE THE FOLLOWING SITES AS NATIONAL
9 MONUMENTS

10 The National Commission for Museums and Monuments Act cap N19 of 2004
11 In exercise of the powers conferred on it by section 13 of the National
12 Commission for Museums and Monuments Act cap N19 of 2004, the National
13 Commission for Museums and Monuments in agreement with the state
14 governments announces its intention to request the President of the Federal
15 Republic of Nigeria and Commander-in-Chief of the Armed Forces of the
16 Federation to declare the followings as National Monuments-

17 ARCHITECTURAL (COLONIAL, INDIGENOUS, RELIGIOUS AND MEMORIAL)

18 1. Former Biafran State House and Ojukwu Bunker (Together With
19 National War Museum), Umuahia, Abia State

20 2. National Museum of Colonial History (Consulate Building), Aba,
21 Abia State

22 3. Dikeogu Tower, Anambra State

23 4. Gidan Nabame Museum, Kebbi State

24 5. Giant Tombs of Zamfara Rulers in Zurmi LGA, Zamfara State

25 6. Gidan Yarima, Katsina State

26 7. Gidan Dan Hausa, Kano State

27 8. Gidan Beminister, Kano State

28 9. Arewa House, Kaduna State

29 10. St. Bartholomew's Church, Wusasa Zaria, Kaduna State

30 11. Mapo Hall, Ibadan, Oyo State

- 1 34. Holy Trinity (Bishop Crowther's) Primary School (First Primary
- 2 School In Northern Nigeria), Lokoja, Kogi State
- 3 35. Graves of The Deposed Emirs, Kabawa, Lokoja, Kogi State
- 4 36. Bishop Ajayi Crowther's Home, Oke Ogun Iseyin, Oyo State
- 5 37. Centenary Hall, Abeokuta, Ogun State
- 6 38. Late Dr. Nnamdi Azikiwe's Mausoleum, Onitsha, Anambra State
- 7 39. King's College, Lagos Island, Lagos State
- 8 40. Olumo Rock, Abeokuta, Ogun State
- 9 41. First Storey Building in Nigeria, Badagry, Lagos State
- 10 42. Brazilian Baracoon Museum/Point of No Return Badagry, Lagos
- 11 State
- 12 43. CMS Grammar School, Bariga, Lagos State
- 13 44. Iddo Railway Terminus Building, Lagos State
- 14 45. Tafawa Balewa Square (Memorial Site of Nigeria's
- 15 Independence), Lagos State
- 16 46. The Site of Gen. Murtala Mohammed's Assassination, Lagos
- 17 Island, Lagos State.
- 18 47. Oranmiyan Staff (Granite Stele Obelisk), Osun State
- 19 48. Oke-Idanre Cultural Landscape, Idanre, Ondo State
- 20 49. Statue of Arhuanran and Ogidhi Lake, Udo, Edo State
- 21 50. Lander Brothers' Anchorage, Asaba, Delta State
- 22 51. Warri Royal Cemetery, Ijala, Delta State
- 23 52. Oloibiri Oil Well, Oloibiri, Bayelsa State
- 24 53. The Akassa Raid Site and The British Colonial Cemetery, Akassa,
- 25 Bayelsa State
- 26 54. Isaac Jasper Adaka Boro's Monument, Port Harcourt, Rivers State
- 27 55. Mary Slessor's Residence, Akpap Okoyong, Odukpani LGA,
- 28 Cross River State
- 29 56. Premier Building of Hope Waddell Training Institute, Calabar,
- 30 Cross River State

- Natural

- 1 81. Dutse Bamle, Katsina State
- 2 82. Aso Rock, Federal Capital Territory, Abuja
- 3 83. Erin Ijesa (Oluiminrin) Water Falls, Erin Ijesa, Osun State
- 4 84. Ashuba Marble Stone, Araromi Obu, Ondo State
- 5 85. Agbokim Water Falls, Cross River State
- 6 86. Goya Gorge and Ngeji Escarpment, Fika, Yobe State
- 7 87. The Three Sisters Rock, Adamawa State
- 8 88. Zuma Rock, Niger State
- 9 Technology (Indigenous, Colonial and Early Post-Colonial Era)
- 10 89. Makurdi Railway Bridge, Makurdi, Benue State
- 11 90. Keana Salt Village, Keana, Plateau State
- 12 91. Traditional Iron Smelting Furnaces in Igede, Benue State
- 13 92. Olingdan Iron Smelting Site, Plateau State
- 14 93. Langalang Foot Bridge, Plateau State
- 15 Wild Life/ Forest Reserve
- 16 94. Baturiya Bird Sanctuary (Hadejia Wetlands Game Reserve),
- 17 Jigawa State
- 18 95. Ogun Onire Grove, Ire-Ekiti, Oye LGA, Ekiti State
- 19 96. Igbo Olodumare -"Forest Of A Thousand Demons", Ondo State
- 20 97. Obio Ubium Sacred Heritage Groove and Sites, Akwa-Ibom State
- 21 98. Oban Hills/Cross River National Park, Cross River State
- 22 99. Dagona Bird Sanctuary, Dagona Village, Bade LGA, Yobe State
- 23 100. Oya Shrine and Grove, Iraa, Kwara State.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the National Commission for Museums and Monuments Act Cap N19 Laws of the Federation of Nigeria, 2004, and Enact the National Commission for Museums and Monuments Act, 2022 to reposition the Commission to meet current realities in heritage resource management.

A BILL

FOR

AN ACT TO REPEAL THE NIGERIAN INSTITUTE OF MINING AND GEOSCIENCES, JOS (ESTABLISHMENT) ACT, 2018 AND ENACT THE FEDERAL UNIVERSITY OF MINING AND TECHNOLOGY, JOS, AS A TRAINING INSTITUTION FOR THE DEVELOPMENT OF MINING AND TECHNOLOGY, MAKE COMPREHENSIVE PROVISIONS FOR MANAGEMENT AND ADMINISTRATION OF THE UNIVERSITY; AND FOR RELATED MATTERS

Sponsored by Hon. Muhammed Adam Alkali

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

1 PART I - ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE

2 UNIVERSITY

3 1. (1) There is established the Federal University of Mining and
4 Technology, Jos (in this Bill referred to as "the University").

Establishment
of the Federal
University of
Mining and
Technology, Jos

5 (2) The University is a body corporate with perpetual succession
6 and a common seal and may sue or be sued in its corporate name.

7 (3) The University is a training institution for the development of
8 technology in Nigeria.

9 (4) The University shall be supervised by the Federal Ministry
10 responsible Education through the National Universities Commission
11 which shall be responsible for approving and regulating all academic
12 programmes run in the University, to ensure quality compliance and provide
13 funds for academic and research programmes, infrastructures and
14 remuneration of employees.

15 (5) The objectives of the University shall be to-

16 (a) encourage the advancement of learning and to hold out to all
17 persons without distinction of race, creed, sex or political conviction;

1 (b) develop and offer academic and professional programmes leading
2 to the award of certificates, first degrees, post-graduate diplomas and higher
3 degrees with emphasis on planning, developmental and adaptive skills in
4 technology, applied science, social science, management and allied
5 professional disciplines;

6 (c) produce socially matured technologists with capabilities not to
7 only understand the technological needs of Nigeria as a nation, but to exploit
8 existing technological infrastructure and improve on it to develop new ones;

9 (d) act as agents and catalysts for effective technological system,
10 through post graduate training, research and innovation, for effective
11 economic utilisation and conservation of the country's human resources;

12 (e) bring quality change in technology education by focusing on
13 practical teaching and learning innovations;

14 (f) collaborate with other national and international institutions
15 involved in training, research and development of technology with a view to
16 promoting governance, leadership and management skills among
17 technologists;

18 (g) identify technology needs of the society with a view to finding
19 solutions to them within the context of overall national development;

20 (h) provide and promote sound basic technology training as a
21 foundation for the development of Nigeria, taking into account indigenous
22 culture and the need to enhance national unity;

23 (i) provide higher education and foster a systematic advancement of
24 science and technology education;

25 (j) provide for instruction in such branches of technology education as
26 it may deem necessary to make provision for research advancement and
27 dissemination of knowledge in such manner as it may determine;

28 (k) provide students with operational competence for applying
29 knowledge in the society and make technological changes in the society; and

30 (l) undertake other activities that are appropriate for a university of

1 education of the highest standard.

2 **2.-(1)** The University shall consist of-

Constitution and
principal officers
of the University

3 (a) a Chancellor;

4 (b) a Pro-Chancellor and a Council;

5 (c) a Vice-Chancellor and a Senate;

6 (d) Congregation;

7 (e) Convocation;

8 (f) the campuses and colleges of the University;

9 (g) the faculties, schools, institutes and other teaching and research

10 units of the University;

11 (h) the persons holding the offices constituted by the First Schedule

First Schedule

12 to this Act other than those mentioned in paragraphs (a) - (c);

13 (i) all graduates and undergraduates; and

14 (j) all other persons who are members of the University in

15 accordance with provisions made by statute in that behalf.

16 **(2)** The First Schedule to this Act shall have effect with respect to

First Schedule

17 the principal officers of the University.

18 **(3)** Provision shall be made by statute with respect to the

19 constitution of the Council, Senate, Congregation and Convocation.

20 **3.-(1)** For the carrying out of its objectives as specified under

Powers of the
University

21 section 1 of this Act, the University shall-

22 (a) offer courses of instruction, training and research in Mining and

23 technology and allied areas for the production of quality and skilled Mining

24 technologists required at lower, middle and higher levels of manpower in

25 Nigeria in particular and the world at large;

26 (b) establish such colleges, campuses, institutes, schools,

27 departments and other teaching and research units within the University as

28 may be deemed necessary or desirable subject to the approval of National

29 University Commission;

30 (c) institute professorships, readerships or associate

1 professorships, lectureships, and other posts and offices and to make
2 appointments thereto;

3 (d) institute and award fellowships, scholarships, exhibitions,
4 bursaries, medals, prizes and other titles, distinctions, awards and forms of
5 assistance;

6 (e) provide for the discipline and welfare of members of the
7 University;

8 (f) hold examinations and grant degrees, diplomas, certificates and
9 other distinctions to persons who have pursued a course of study approved by
10 the University and have satisfied such other requirements as the University
11 may lay down;

12 (g) grant honorary degrees, fellowships or academic titles;

13 (h) demand and receive from any student or any other person
14 attending the University for the purposes of instruction, such fees as the
15 University may determine subject to the overall directives of the Minister;

16 (i) subject to section 19 of this Act, acquire, hold, grant, charge or
17 otherwise deal with or dispose of movable and immovable property wherever it
18 is situate;

19 (j) accept gifts, legacies and donations, but without obligation to
20 accept the same for a particular purpose unless it approves the terms and
21 conditions attached to it;

22 (k) enter into contracts, establish trusts, act as trustee, solely or jointly
23 with any other person, and employ and act through agents;

24 (l) erect, provide, equip and maintain libraries, laboratories,
25 workshops, lecture halls, halls of residence, refectories, sports grounds,
26 playing fields and other buildings or things necessary, suitable or convenient
27 for any of the objects of the University;

28 (m) hold public lectures, and print, publish and sell books;

29 (n) subject to any limitation or condition imposed by statute, invest
30 any moneys appertaining to the University by way of endowment, not being

1 immediately required for current expenditure in any investments, securities
2 or in the purchase or improvement of land, with power to vary any such
3 investments to deposit any money not invested with any bank on deposit or
4 current account;

5 (o) borrow, whether on interest or not and if need be upon the
6 security of any or all of the property, movable or immovable, of the
7 University, such money as the Council may, in its discretion, find necessary
8 or expedient to borrow or to guarantee any loan, advances or credit facilities;

9 (p) make gifts for any charitable purpose;

10 (q) do anything which it is authorised or required by this Act or by
11 statute to do; and

12 (r) do all acts or things, whether or not incidental to the foregoing
13 powers, as may advance the objects of the University.

14 (2) Subject to the provisions of this Act and Statute and without
15 prejudice to section 7 (2) of this Act, the powers conferred on the University
16 under subsection (1) are exercisable on behalf of the University by the
17 Council, the Senate or any other manner which may be authorised by
18 statutes.

19 (3) The power of the University to establish additional campuses
20 and colleges within the University is to be exercised in accordance with
21 statutes.

22 4.-(1) The Chancellor shall, in relation to the University, take
23 precedence before all other members of the University, and when he is
24 present, shall preside at all meetings of Convocation held for conferring
25 degrees.

Functions of the
Chancellor and
Pro-Chancellor

26 (2) The Pro-Chancellor shall, in relation to the University, take
27 precedence before all other members of the University, except the
28 Chancellor and the Vice-Chancellor when acting as chairman of
29 Congregation or Convocation and the Pro-Chancellor shall, when he is
30 present, be the chairman at all meetings of the Council.

Establishment,
composition,
tenure and powers
of the Council

- 1 **5.-** (1) There is established for the University a Governing Council (in
- 2 this Act referred to as "the Council") which shall consist of -
- 3 (a) the Pro-Chancellor appointed by the President on the
- 4 recommendation of the Minister;
- 5 (b) the Vice-Chancellor;
- 6 (c) the Deputy Vice-Chancellors;
- 7 (d) one person representing the Federal Ministry responsible for
- 8 Mines;
- 9 (e) four persons representing a variety of interests and broadly
- 10 representative of the whole Federation to be appointed from -
- 11 (i) Mining and Quarrying Industry;
- 12 (ii) Tertiary Education Trust Fund;
- 13 (iii) Nigerian Mining and Geosciences Society; and
- 14 (iv) Nigerian Society of Mining Engineers.
- 15 (f) four persons appointed by the Senate from among its members;
- 16 (g) two persons appointed by Congregation from among its members;
- 17 (h) one person appointed by Convocation from among its members;
- 18 and
- 19 (i) two persons representing the host community appointed by the
- 20 President.
- 21 (2) Persons to be appointed to the Council shall be of proven integrity,
- 22 knowledgeable and familiar with the affairs and tradition of the University.
- 23 (3) The Council so constituted shall have a tenure of four years from
- 24 the date of its inauguration provided that where a Council is found to be
- 25 incompetent or corrupt, it shall be dissolved by the Visitor and a new Council
- 26 shall immediately be constituted for the effective functioning of the University.
- 27 (4) The powers of the Council shall be exercised as specified in this
- 28 Act and to that extent establishment circulars that are inconsistent with this Act
- 29 shall not apply to the University.
- 30 (5) The Council shall be free in the performance of its functions and

1 discharge of its responsibilities for the good management, growth and
2 development of the University.

3 (6) The Council, in the performance of its functions, shall ensure
4 that disbursement of funds of the University comply with the approved
5 budgetary ratio for-

6 (a) personnel cost;

7 (b) overhead cost;

8 (c) research and development;

9 (d) library developments; and

10 (e) the balance in expenditure between academic and non-
11 academic activities.

12 **6.-(1)** Subject to the provisions of this Act relating to the Visitor,
13 the Council is the governing body of the University and is charged with the
14 general control and superintendence of the policy, finances and property of
15 the University.

Functions of the
Council and its
Finance and
General Purposes
Committee

16 (2) There shall be a committee of the Council known as the Finance
17 and General Purposes Committee, which shall, subject to the directions of
18 the Council, exercise control over the property and expenditure of the
19 University and perform such other functions as the Council may delegate to
20 it.

21 (3) The constitution of the Finance and General Purposes
22 Committee shall be made by statute.

23 (4) The Council shall ensure that proper accounts of the University
24 are kept and that the accounts of the University are audited annually by an
25 independent firm of auditors approved by the Council and that an annual
26 report is published by the University together with certified copies of the
27 said accounts as audited.

28 (5) Subject to this Act and the Statute, the Council and the Finance
29 and General Purposes Committee may each make rules for the purpose of
30 performing any of their functions or of regulating their own procedure.

1 (6) Rules made under subsection (5) by the Finance and General
2 Purposes Committee shall not come into effect unless approved by the Council
3 and rules made by the Committee that conflict with any direction given by the
4 Council, whether before or after the coming into effect of the rules in question,
5 the directions of the Council shall prevail.

6 (7) The members of the Council, the Finance and General Purposes
7 Committee and any other committee set up by the Council, shall be paid
8 allowances in respect of travelling and other reasonable expenses, at such rates
9 as may be fixed by the Minister.

10 (8) The Council shall meet as and when necessary for the
11 performance of its functions under this Act at least three times in every year.

12 (9) If requested in writing by any five members of the Council, the
13 chairman shall within 28 days after the receipt of such request call a meeting of
14 the Council.

15 (10) Any request made under subsection (9) shall specify the business
16 to be considered at the meeting and business not so specified shall not be
17 transacted at that meeting.

Functions of the
Senate of the
University

18 7.-(1) Subject to subsections (3) and (4) of this section, section 6 of
19 this Act and other provisions of this Act relating to the Visitor, the Senate shall
20 organise and control the teaching by the University, the admission of students
21 where no other enactment provides to the contrary and the discipline of
22 students and the promotion of research at the University.

23 (2) Without prejudice to subsection (1), the Senate shall make
24 provisions for-

25 (a) the establishment, organisation and control of campuses, colleges,
26 schools, institutes and other teaching and research units of the University and
27 the allocation of responsibility for different branches of learning;

28 (b) the organisation and control of courses of study at the University
29 and of the examinations held in conjunction with those courses, including the
30 appointment of examiners, both internal and external;

1 (c) the award of degrees, and such other qualifications as may be
2 prescribed in connection with examinations held;

3 (d) the making of recommendations to the Council with respect to
4 the award to any person of an honorary fellowship or honorary degree or the
5 title of professor emeritus;

6 (e) the establishment, organisation and control of halls of residence
7 and similar institutions at the University;

8 (f) the supervision of the welfare of students at the University and
9 the regulation of their conduct;

10 (g) the granting of fellowships, scholarships, prizes and similar
11 awards if the awards are within the control of the University; and

12 (h) determining what description of dress shall be academic dress
13 for the purposes of the University, and regulating the use of the academic
14 dress.

15 (3) The Senate shall not establish any new campus, college, school,
16 department, institute or other teaching and research units of the University,
17 or any hall of residence or similar institution at the University without the
18 approval of the Council.

19 (4) Subject to this Act and Statute, the Senate may make
20 regulations for the purpose of performing any function conferred on it for
21 the purpose of making provision for any matter for which provision by
22 regulations is authorised or required by this Act or Statute.

23 (5) Regulations shall provide that at least one of the persons
24 appointed as the examiners at each final or professional examination held in
25 conjunction with any course of study at the University, is not a teacher at the
26 University but is a teacher of the branch of learning to which the course
27 relates at some other university of high repute or a person engaged in
28 practicing the profession in a reputable organisation or institution.

29 (6) Subject to right of appeal to the Council from a decision of the
30 Senate under this subsection, the Senate may deprive any person of any

1 degree, diploma or other award of the University which has been conferred
2 upon him if after due enquiry he is found to have been guilty of dishonourable
3 or scandalous conduct in gaining admission into the University or obtaining
4 that award.

Functions of the
Vice-Chancellor

5 **8.-(1)** The Vice-Chancellor shall, in relation to the University, take
6 precedence before all other members of the University except the Chancellor
7 and subject to section 4 of this Act except the Pro-Chancellor and any other
8 person for the time being acting as Chairman of the Council.

9 (2) Subject to this section, sections 7 and 13 of this Act, the Vice-
10 Chancellor shall have the general function, in addition to any other functions
11 conferred on him by this Act of directing the activities of the University and
12 shall be the Chief Executive and Accounting Officer of the University and ex-
13 officio chairman of the Senate.

14 (3) The Vice-Chancellor shall be the Chairman of the University
15 Tenders' Board, which is charged with the responsibility of approving the
16 conduct of public procurement of goods, works and services within the
17 approved threshold.

18 (4) The Vice-Chancellor shall establish and appoint members of the
19 Tenders' Board in line with the extant Public Procurement Rules and
20 Regulations.

21 **PART II - GENERAL FUND OF THE UNIVERSITY**

General fund
of the University

22 **9.-(1)** There shall be a general fund of the University which shall
23 consist of-

24 (a) grants-in-aid;

25 (b) fees;

26 (c) income derived from investments;

27 (d) gifts, legacies, endowments and donations not accepted for a
28 particular purpose;

29 (e) income derived from the exercise of any functions conferred or
30 imposed on the University by this Act;

- 1 (f) other amounts, charges or dues recoverable by the University;
- 2 (g) revenue, accruing to the University by way of subvention;
- 3 (h) interests on investments;
- 4 (i) donations and legacies accruing to the University from any
- 5 source for the general or special purposes of the University; and
- 6 (j) regular Tertiary Education Trust Fund interventions.

7 (2) The general fund shall be applied for the purpose of the
8 University.

9 **PART III - STATUTES OF THE UNIVERSITY**

10 **10.-(1)** Subject to this Act, the University may make statutes for-

Power of the
University to make
Statutes

11 (a) the composition and constitution of any authority of the
12 University;

13 (b) specifying and regulating the powers and duties of any
14 authority of the University, and regulating any other matter connected with
15 the University or any of its authorities;

16 (c) regulating the admission of students, where no other enactment
17 provides to the contrary, and their discipline and welfare;

18 (d) determining whether any particular matter is to be treated as an
19 academic or non-academic matter for the purpose of this Act and of any
20 statute, regulation or other instrument made under it; and

21 (e) making provision for any other matter for which provision by
22 statute is authorised or required by this Act.

23 (2) Subject to section 24 (6) of this Act, the Interpretation Act shall
24 apply in relation to any statute made under this section as it applies to a
25 subsidiary instrument.

Cap. 123 LFN,
2004

26 (3) The Statute contained in the Third Schedule to this Act shall be
27 deemed to have come into effect on the commencement of this Act and shall
28 be deemed to have been made under this section by the University.

Third Schedule

29 (4) The power to make statutes conferred by this section shall not
30 be prejudiced or limited in any way by reason of the inclusion or omission of

Third Schedule

1 any matter in or from the Statute contained in the Third Schedule to this Act or
2 any subsequent statute.

Mode of exercising
power to make
statutes 3 **11.**-(1) The power of the University to make statutes shall be
4 exercised in accordance with the provisions of this section.

5 (2) A proposed statute shall not become law unless it has been
6 approved at a meeting of the-

7 (a) Senate ,by the votes of not less than two thirds of the members
8 present and voting; and

9 (b) Council, by the votes of not less than two thirds of the members
10 present and voting.

11 (3) A proposed statute may originate either in the Senate or in the
12 Council, and may be approved as required under subsection (2) by either one of
13 those bodies.

14 (4) A statute which-

15 (a) makes provision for or alters the composition or constitution of the
16 Council, the Senate or any other authority of the University; or

17 (b) provides for the establishment of a new campus or college or for
18 the amendment or revocation of any statute where a campus or college is
19 established,

20 shall not come into operation unless it has been approved by the Visitor.

Cap. 123 LFN
2004 21 (5) For the purpose of section 2 (2) of the Interpretation Act, a statute
22 shall be treated as being made on the date on which it is duly approved by the
23 Council after having been duly approved by the Senate, or on the date on which
24 it is duly approved by the Senate after having been duly approved by the
25 Council, as the case may be or, in the case of a statute falling within subsection
26 (4), on the date on which it is approved by the President.

27 (6) In the event of any doubt or dispute arising at any time as to-

28 (a) the meaning of any provision of a statute; or

29 (b) whether any matter is for the purpose of this Act an academic or
30 non-academic matter as they relate to such doubt or dispute,

1 the matter may be referred to the Visitor, who shall take such advice and
2 make such decision as he thinks fit.

3 (7) The decision of the Visitor on any matter referred to him under
4 subsection (6) shall be binding upon the authorities, staff and students of the
5 University.

6 (8) Nothing in subsection (7) shall affect any power of a court of Cap. C23 LFN
7 competent jurisdiction to determine whether any provision of a statute is 2004
8 wholly or partly void as being ultra vires or as being inconsistent with the
9 Constitution of the Federal Republic of Nigeria.

10 **12.** A statute may be proved in any court by the production of a Proof of Statute
11 copy bearing or having affixed to it a certificate purporting to be signed by
12 the Vice-Chancellor or the Secretary to the Council to the effect that the copy
13 is a true copy of a statute of the University.

14 **PART IV - SUPERVISION AND DISCIPLINE**

15 **13.-(1)** The President shall be the Visitor of the University. The Visitor

16 (2) The Visitor shall cause a visitation to the University when
17 necessary, at least every five years, or direct that such a visitation be
18 conducted by such persons as the Visitor may think fit and in respect of any
19 of the affairs of the University.

20 (3) The bodies and persons comprising the University shall make
21 available to the Visitor and to any other person conducting a visitation under
22 this section, such facilities and assistance as the Visitor may reasonably
23 require for the purpose of a visitation.

24 (4) The Visitor shall make the report of such visitations and white
25 paper thereon available to the Council which shall implement same.

26 **14.-(1)** Where it appears to the Council that a member of the Removal of certain
27 Council, other than the Pro-Chancellor or the Vice-Chancellor, shall be members of
28 removed from office on the ground of misconduct or inability to perform the Council
29 functions of his office or employment, the Council shall make a
30 recommendation to that effect through the Minister to the Visitor, and the

Removal and
discipline of
academic,
administrative
and professional
staff

1 Visitor, after making enquiries, may approve the recommendation and direct
2 the removal of the person in question from office.

3 (2) The Minister shall cause a copy of the instrument embodying a
4 direction under subsection (1) to be immediately served on the person to whom
5 it relates.

6 **15.-(1)** Where it appears to the Council that there are reasons for
7 believing that any person employed as a member of the academic,
8 administrative or professional staff of the University, other than the Vice-
9 Chancellor, should be removed from his office or employment on the ground of
10 misconduct or of professional inability to perform the functions of his office or
11 employment, the Council shall-

12 (a) give notice of those reasons to the person in question,

13 (b) afford the person an opportunity of making representations in
14 person on the matter to the Council, and

15 (c) afford the person in question an opportunity of appearing before
16 and being heard by the investigating committee with respect to the matter,
17 and if the Council, after considering the report of the investigating committee,
18 is satisfied that the person in question be removed, the Council may remove
19 him by an instrument in writing signed on the directions of the Council.

20 (2) The Vice-Chancellor may, in a case of misconduct by a member of
21 staff which in the opinion of the Vice-Chancellor is prejudicial to the interest of
22 the University, suspend such member and any such suspension shall
23 immediately be reported to the Council.

24 (3) For good cause, a member of staff may be suspended from his
25 duties or appointment may be terminated by the Council, and for the purpose of
26 this subsection "good cause" means-

27 (a) conviction for any offence which the Council considers to be such
28 as to render the person concerned unfit for the discharge of the functions of his
29 office;

30 (b) any physical or mental incapacity which the Council, after

1 obtaining medical advice, considers to be such as to render the person
2 concerned unfit to continue to hold his office;

3 (c) conduct of a scandalous or other disgraceful nature which the
4 Council considers to be such as to render the person concerned unfit to
5 continue to hold his office;

6 (d) conduct which the Council considers to be such as to constitute
7 failure or inability of the person concerned to discharge the functions of his
8 office or to comply with the terms and conditions of his service; or

9 (e) conduct which the Council considers to be generally of such
10 nature as to render the continued appointment or service of the person
11 concerned prejudicial or detrimental to the interest of the University.

12 (4) Any person suspended under subsection (2) or (3) shall be on
13 half pay and the Council shall, before the expiration of a period of three
14 months after the date of such suspension, consider the case against that
15 person and come to a decision whether to-

16 (a) continue the person's suspension and if so, on what terms,
17 including the proportion of his emoluments to be paid to him;

18 (b) reinstate the person, in which case the Council shall restore his
19 full emoluments to him with effect from the date of suspension;

20 (c) terminate the appointment of the person, in which case the
21 person shall not be entitled to the proportion of his emoluments withheld
22 during the period of suspension; or

23 (d) take such lesser disciplinary action against such person,
24 including the restoration of such proportion of his emoluments that might
25 have been withheld, as the Council may determine.

26 (5) Where the Council, under this section, decides to continue a
27 person's suspension or decides to take further disciplinary action against a
28 person, the Council shall, before the expiration of a period of three months
29 from such decision, come to a final determination in respect of the case
30 concerning the person.

1 (6) The person by whom an instrument of removal is signed under
2 subsection (1) shall cause a copy of the instrument to be served immediately on
3 the person to whom it relates.

4 (7) Nothing in this section shall-

5 (a) apply to any directive given by the Visitor in consequence of any
6 visitation; or

7 (b) prevent the Council from making regulations for the discipline of
8 other categories of workers of the University as may be prescribed.

Removal of
examiners

9 **16.**-(1) Where, on the recommendation of the Senate, it appears to the
10 Vice-Chancellor that a person appointed as an examiner for any examination of
11 the University is to be removed from his office or appointment, then, except in
12 such cases as may be prescribed by the Senate, the Vice-Chancellor may, after
13 affording the examiner an opportunity of making representations in person on
14 the matter to the Vice-Chancellor, remove the examiner from the appointment
15 by an instrument in writing signed by the Vice-Chancellor.

16 (2) Subject to regulations made under section 7 (5) of this Act, the
17 Vice-Chancellor may, on the recommendation of the Senate, appoint an
18 appropriate person as examiner in place of the examiner removed under
19 subsection (1).

20 (3) The Vice-Chancellor, on signing an instrument of removal under
21 this section, shall cause a copy of the instrument to be immediately served on
22 the person to whom it relates.

Participation
and discipline
of students

23 **17.**-(1) The students shall-

24 (a) be represented in the University's Students Welfare Board and
25 other committees that deal with the affairs of students;

26 (b) participate in various aspects of curriculum development;

27 (c) participate in the process of assessing academic staff in respect of
28 teaching; and

29 (d) be encouraged to be more self-assured as part of the national
30 development process.

1 (2) Subject to the provisions of this section, where it appears to the
2 Vice-Chancellor that any student of the University is guilty of misconduct,
3 the Vice-Chancellor may, without prejudice to any other disciplinary
4 powers conferred on him by statute or regulations, direct that the-

5 (a) student shall not, during such period as may be specified in the
6 directions, participate in such activities of the University, or make use of
7 such facilities of the University, as may be so specified;

8 (b) activities of the student shall, during such period as may be
9 specified in the direction, be restricted in such manner as may be so
10 specified;

11 (c) student be rusticated for such period as may be specified in the
12 direction; or

13 (d) student be expelled from the University.

14 (3) Where a direction is given under subsection (2) (c) or (d) in
15 respect of any student, that student may, within the prescribed period and in
16 the prescribed manner, appeal to the Council and where such an appeal is
17 brought, the Council shall, after causing such inquiry to be made in the
18 matter as the Council considers just, confirm, set aside the direction or
19 modify it in such manner as the Council deems fit.

20 (4) An appeal from a direction brought under subsection (2) shall
21 not affect the operation of the direction while the appeal is pending.

22 (5) The Vice-Chancellor may delegate his powers under this
23 section to a disciplinary board consisting of such members of the University
24 as he may appoint.

25 (6) Nothing in this section shall be construed as preventing the
26 restriction or termination of students' activities at the University otherwise
27 than on the ground of misconduct.

28 (7) A direction under subsection (2) (a) may be combined with a
29 direction under subsection (2) (b).

	1	PART V - MISCELLANEOUS AND GENERAL PROVISIONS
Exclusion of discrimination	2	18.-(1) A person shall not be required to satisfy requirements as to
	3	race, ethnic grouping, sex, place of birth, family origin, religious or political
	4	persuasion, as a condition of becoming or continuing to be a student, holder of
	5	any degree, any appointment or employment at the University, or a member of
	6	anybody established by virtue of this Act, and no person shall be subject to any
	7	disadvantage or accorded any advantage in relation to the University, by
	8	reference to any of those matters.
	9	(2) Nothing in subsection (1) shall be construed as preventing the
	10	University from imposing any disability or restriction on any of the persons
	11	mentioned in subsection (1) where such person wilfully refuses or fails, on
	12	grounds of religious belief, to undertake any duty generally and uniformly
	13	imposed on all such persons or any group of them which duty, having regard to
	14	its nature and the special circumstances pertaining thereto, is in the opinion of
	15	the University reasonably justifiable, in the national interest.
Restriction on disposal of land by the University	16	19. Without prejudice to the provisions of the Land Use Act, the
Cap. L5, LFN 2004	17	University shall not dispose of or charge any land or an interest in any land,
	18	including any land transferred to the University by this Act, except with the
	19	prior written consent, either general or special, of the President:
	20	Provided that such consent shall not be required in the case of any
	21	lease or tenancy at a rack-rent for a term not more than 21 years or any lease or
	22	tenancy to a member of the University for residential purpose.
Quorum and procedure of bodies established by this Act	23	20. Except as may be provided by statutes or regulations, the quorum
	24	and procedure of any body of persons established under this Act shall be as
	25	determined by that body.
Appointment of committees	26	21.-(1) Any body of persons established under this Act shall, without
	27	prejudice to the generality of the powers of that body, have power to appoint
	28	committees, which need not consist exclusively of members of that body, and
	29	to authorise a committee established by it to-

1 (a) perform, on its behalf, such of its functions as it may determine;

2 and

3 (b) co-opt members.

4 (2) Any two or more bodies may arrange for the holding of joint
5 meetings of those bodies, or for the appointment of committees consisting of
6 members of those bodies, for the purpose of considering any matter within
7 the competence of those bodies or any of them, and either of dealing with it
8 or of reporting on it to those bodies or any of them.

9 (3) Except as provided by statutes or regulations, the quorum and
10 procedure of a committee established or meeting held under this section,
11 shall be determined by the bodies which have decided to establish the
12 committee or hold the meeting.

13 (4) Nothing in the provisions of subsections (1), (2) and (3) shall be
14 construed as enabling the-

15 (a) statutes to be made other than in accordance with section 11 of
16 this Act; or

17 (b) Senate to empower any other body to make regulations for the
18 award of degrees or other qualifications.

19 (5) The Pro-Chancellor and the Vice-Chancellor shall be members
20 of every committee of which the members are wholly or partly appointed by
21 the Council, other than a committee appointed to inquire into the conduct of
22 the officer in question, and the Vice-Chancellor shall be a member of every
23 committee of which the members are wholly or partly appointed by the
24 Senate.

25 **22.-(1)** Notwithstanding anything to the contrary in the Pension
26 Reform Act, the compulsory retirement age of-

Retirement age
of academic staff

Act No. 4, 2014

27 (a) academic staff of the University in the non-professorial cadre is
28 65 years;

29 (b) academic staff of the University in the professorial cadre is 70
30 years; and

	1	(c) non-academic staff of the University is 65 years.
	2	(2) A law or rule requiring a person to retire from the public service of
	3	the Federation after serving for 35 years shall not apply to an academic staff of
	4	the University.
Special provisions relating to pension of professors	5	23. An academic staff of the University who retires as a Professor in
	6	the University is entitled to pension at a rate equivalent to his annual salary
	7	provided that the Professor has served continuously in the University up to the
	8	retirement age.
Miscellaneous and administrative provisions	9	24. -(1) The seal of the University shall be determined by the Council
	10	and approved by the Chancellor, and the affixing of the seal shall be
	11	authenticated by any member of the Council, Vice-Chancellor, Secretary to the
	12	Council or any other person authorised by statute.
	13	(2) Any document purporting to be a document executed under the
	14	seal of the University shall be received in evidence and shall, unless the
	15	contrary is proved, be presumed to be so executed.
	16	(3) Any contract or instrument which if made or executed by a person
	17	not being a body corporate would not be required to be under seal, may be made
	18	or executed on behalf of the University by any person generally or specially
	19	authorised to do so by the Council.
	20	(4) The validity of any proceeding of anybody established under this
	21	Act shall not be affected by any vacancy in the membership of the body, any
	22	defect in the appointment of a member of the body or by reason that any person
	23	not entitled to do so took part in the preceeding.
	24	(5) A member of any body who has a personal interest in any matter
	25	proposed to be considered by that body shall immediately disclose his interest
	26	to the body and shall not vote on any question relating to that matter.
Cap. 123 LFN 2004	27	(6) Nothing in section 12 of the Interpretation Act, which provides for
	28	the application in relation to subordinate legislation of certain incidental
	29	provisions, shall apply to statutes or regulations made under this Act.

1 (7) The power conferred by this Act on anybody to make statutes or Third Schedule
2 regulations shall include power to revoke or vary such statute, including the
3 Statute contained in the Third Schedule to this Act, or regulations, a
4 subsequent statute, and may make different provisions in relation to
5 different circumstances.

6 (8) No stamp or other duty shall be payable in respect of any Second Schedule
7 transfer of property to the University by virtue of section 27 (2) of this Act or
8 the Second Schedule to this Act.

9 (9) Any notice or other instrument authorised to be served by virtue
10 of this Act may, without prejudice to any other mode of service, be served by
11 post.

12 **25.-(1)** A legal proceeding shall not be instituted or commenced Restriction of
13 against the University or any of its agents in the course of their official duties suits and execution
14 unless a three months' pre-action notice of such intention is served on the
15 University by an aggrieved party.

16 (2) The notice shall state the reason and the cause of action
17 intended to be taken against the University, the particulars of the claim, the
18 name and place of abode of the intending plaintiff and the relief which he
19 claims.

20 (3) A suit shall not be commenced against an officer or servant of
21 the University, in any case where the University is vicariously liable for any
22 alleged act, neglect or default of the officer or servant in the performance or
23 intended performances of his duties, unless three months has elapsed after
24 written notice of intention to commence the same is served on the University
25 by the intending plaintiff or his agent.

26 (4) In any suit against the University, no execution, attachment or
27 process shall be issued against the University, but any sum of money which
28 may, by judgment of the court, awarded against the University shall, subject
29 to any direction given by the court where notice of appeal has been given by
30 the University in respect of the said judgment, be paid by the University

	1	from its general fund.
	2	(5) Service of notice, order or other document upon the University
	3	may be effected by delivering same or sending it by registered post addressed
	4	to the Registrar and Secretary of the Council.
Repeal	5	26. Nigerian Institute of Mining and Geosciences, Jos
	6	(Establishment) Act, 2018, is repealed.
Savings and transitional provisions	7	27.-(1) The statutory functions, rights, interests, obligations,
	8	liabilities and properties of the Nigerian Institute of Mining and Geosciences,
	9	Jos, existing before the commencement of this Act under any contract,
	10	instrument, or in law or in equity, shall by virtue of this Act be deemed to have
	11	been assigned to and vested in the University established under this Act to the
	12	extent that they are not inconsistent with any of the provisions of this Act.
	13	(2) All property held by or on behalf of the Provisional Council of the
	14	University shall, by virtue of this sub-section and without further assurance,
	15	vest in the University and be held by it for the purpose of the University.
	16	(3) The provisions of the Second Schedule to this Act shall have effect
	17	with respect to, matters arising from, the transfer of property by this section and
	18	other matters mentioned in that Schedule.
Proposal and recommendation	19	28. Where, under this Act, it is laid down that the proposals are to be
	20	submitted or a recommendation is to be made by one or more authority through
	21	one or more intermediate authorities, the intermediate authority shall forward
	22	the proposal or recommendation received by it under that provision to the
	23	appropriate authority, and the intermediate authority may, if it deems fit,
	24	forward same with its own comments.
Interpretation	25	29. In this Act-
	26	"campus" means any campus which may be established by the University;
	27	"college" means the College established under section 3 (1) (b) of this Act for
	28	the University;
	29	"Council" means the Governing Council of the University established under
	30	section 5(1) of this Act;

1 "functions" includes powers and duties;
2 "graduate" means a person on whom a degree, other than an honorary
3 degree, has been conferred by the University and any other person as may be
4 designated as a graduate by the Council, acting in accordance with the
5 recommendation of the Senate;
6 "Minister" means the Minister responsible for Education;
7 "notice" means notice in writing;
8 "officer" does not include the Visitor;
9 "prescribed" means prescribed by statutes or regulations;
10 "professor" means a person designated as a professor of the University in
11 accordance with provisions made in that behalf by statutes or by regulations;
12 "property" includes rights, liabilities and obligations;
13 "provisional council" means the provisional council appointed for the
14 University;
15 "regulations" means regulations made by the Senate or the Council;
16 "Senate" means the Senate of the University established under section 2
17 (1)(c) of this Act;
18 "school" means a unit of closely related academic programmes;
19 "Statute" means a statute made by the University under section 10 of this
20 Act, and "the statutes" means all such statutes as are in effect;
21 "teacher" means a person holding a full-time appointment as a member of
22 the teaching or research staff of the University;
23 "undergraduate" means a person registered as a student undergoing a course
24 of study for a first degree of the University or such other course in the
25 University as may be approved by the Senate as qualifying a student
26 undergoing it for the status of an undergraduate; and
27 "University" means Federal University of Mining and Technology, Jos
28 established under section 1 of this Act.

29 **30.** This Bill may be cited as the Nigerian Institute of Mining and Geosciences, Jos(Establishment) Act (Repeal and Enactment) Bill, 2022. Citation
30

1 SCHEDULES

2 FIRST SCHEDULE

3 *Section 2 (1) (h) and (2)*

4 PRINCIPAL OFFICERS OF THE UNIVERSITY

5 *The Chancellor*

6 1. The Chancellor shall be appointed by and hold office at the pleasure
7 of the President.

8 *The Pro-Chancellor*

9 2.-(1) The Pro-Chancellor who shall be the Chairman of the Council
10 shall be appointed or removed from office by the President on the
11 recommendation of the Minister.

12 (2) Subject to the provisions of this Act, the Pro Chancellor shall hold
13 office for a term of four years commencing from the date of his appointment.

14 *The Vice-Chancellor*

15 3.-(1) The Vice-Chancellor of the University shall be appointed by the
16 Council in accordance with the provisions of this paragraph.

17 (2) Where a vacancy occurs in the post of Vice-Chancellor, the
18 Council shall-

19 (a) advertise the vacancy in a reputable journal or a widely read
20 newspaper in Nigeria, specifying the-

21 (i) qualities of the persons who may apply for the post, and

22 (ii) terms and conditions of service applicable to the post,

23 and thereafter draw up a short list of suitable candidates for the post for
24 consideration;

25 (b) constitute a Search Team consisting of-

26 (i) a member of the Council, who is not a member of the Senate, as
27 chairman,

28 (ii) two members of the Senate who are not members of the Council,
29 one of whom shall be a professor, and

30 (iii) two members of Congregation who are not members of the

1 Council, one of whom shall be a professor,
2 to identify and nominate for consideration, suitable persons who are not
3 likely to apply for the post of their own volition because they feel that it is not
4 proper to do so.

5 (3) A Joint Council and Senate Selection Board consisting of-

6 (a) the Pro-Chancellor, as chairman;

7 (b) two members of the Council, not being members of the Senate;

8 and

9 (c) two members of the Senate who are professors, but who were
10 not members of the Search Team,

11 shall consider the candidates and persons in the short list drawn up under
12 subparagraph (2) through an examination of their curriculum vitae and
13 interaction with them, and recommend to the Council three candidates for
14 further consideration.

15 (4) The Council shall select and appoint as Vice-Chancellor one
16 from among the three candidates recommended to it under subparagraph (3)
17 and thereafter inform the Visitor.

18 (5) The Vice-Chancellor shall hold office for a single term of five
19 years only on such terms and conditions as may be specified in his letter of
20 appointment.

21 (6) The Vice-Chancellor may be removed from office by the
22 Council on the ground of gross misconduct or inability to discharge the
23 functions of his office as a result of infirmity of the body or mind at the
24 initiative of the Council, Senate or Congregation after due process.

25 (7) When the proposal for the removal of Vice-Chancellor is made,
26 the Council shall constitute a joint committee of Council and Senate
27 consisting of-

28 (a) three members of Council, one of whom shall be Chairman of
29 the Committee; and

30 (b) two members of Senate,

1 Provided that where the ground for removal is infirmity of the body or
2 mind, the Council shall seek appropriate medical opinion.

3 (8) The Joint Committee shall conduct investigation made into the
4 allegation made against the Vice-Chancellor and report its findings to the
5 Council.

(9) The Council may, where the allegations are proved, remove the Vice-Chancellor or apply any other disciplinary action it may deem fit and notify the Visitor accordingly, provided that, a Vice-Chancellor who is removed from office shall have a right of appeal to the Visitor.

10 (10) There shall be no sole administrator in the University.

11 (11) In any case of a vacancy in the office of the Vice-Chancellor, the
12 Council shall appoint an acting Vice-Chancellor on recommendation of the
13 Senate.

(12) An acting Vice-Chancellor in all circumstances shall not be in office for more than six months.

16 Deputy Vice-Chancellors

17 4.-(1) There shall be for the University such number of Deputy Vice-
18 Chancellors as the Council may deem necessary for the proper administration
19 of the University.

(2) Where a vacancy occurs in the post of Deputy Vice-Chancellor, the Vice-Chancellor shall forward to the Senate a list of two candidates for each post of Deputy Vice-Chancellor that is vacant.

(3) The Senate shall select for each vacant post one candidate from each list forwarded to it under subparagraph (2) and forward the name of the candidate to the Council for confirmation.

26 (4) A Deputy Vice-Chancellor shall-

27 (a) assist the Vice-Chancellor in the performance of his functions;

(b) act in the place of the Vice-Chancellor when the post of the Vice-Chancellor is vacant or if the Vice-Chancellor is, for any reason, absent or unable to perform his functions as Vice-Chancellor; and

1 (c) perform such other functions as the Vice-Chancellor of the
2 Council may assign to him.

3 (5) A Deputy Vice-Chancellor-

4 (a) shall hold office for a term of two years commencing from the
5 date of his appointment and on such terms and conditions as may be
6 specified in his letter of appointment;

7 (b) may be re-appointed for another term of two years and no more;
8 and

9 (c) may be removed from office for good cause by the Council,
10 acting on the recommendation of the Vice-Chancellor and Senate and "good
11 cause" for the purpose of this subparagraph, means gross misconduct or the
12 inability to discharge the function of his office arising from infirmity of the
13 body or mind.

14 *Office of the Registrar*

15 5.-(1) There shall be for the University, a Registrar, who shall be
16 the Chief Administrative Officer of the University and be responsible to the
17 Vice-Chancellor for the administrative work of the University except as
18 regards matters for which the Bursar is responsible in accordance with
19 paragraph 6 (2).

20 (2) The person holding the office of the Registrar shall by virtue of
21 that office be Secretary to the Council, the Senate, Congregation and
22 Convocation.

23 *Other Principal Officers of the University*

24 6. -(1) There shall be for the University other principal officers in
25 addition to the Registrar-

26 (a) the Bursar; and

27 (b) the University Librarian,

28 who shall be appointed by the Council on the recommendation of the
29 Selection Board constituted under paragraph 7.

30 (2) The Bursar shall be the Chief Financial Officer of the

1 University and be responsible to the Vice-Chancellor for the administration
2 and control of the financial affairs of the University.

3 (3) The University Librarian shall be responsible to the Vice-
4 Chancellor for the administration of the university library and the co-
5 ordination of the library services in the University, its campuses, colleges,
6 faculties, schools, departments, institutes and other teaching or research units.

7 (4) Any question as to the scope of the responsibilities of the officers
8 in this paragraph shall be determined by the Vice-Chancellor.

9 *Selection Board for other Principal Officers*

10 7.-(1) There shall be, for the University, a Selection Board for the
11 appointment of principal officers, other than the Vice-Chancellor or Deputy
12 Vice-Chancellor, which shall consist of-

13 (a) the Pro-Chancellor, as Chairman;

14 (b) the Vice-Chancellor;

15 (c) four members of the Council not being members of the Senate; and

16 (d) two members of the Senate.

17 (2) The functions, procedure and other matters relating to the
18 Selection Board constituted under subparagraph (1) shall be as the Council
19 may determine.

20 (3) The Registrar, Bursar and Librarian shall hold office for a single
21 term of five years only commencing from the date of their appointment and on
22 such terms and conditions as may be specified in their letters of appointment.

23 (4) Notwithstanding subparagraph (3), the Council may, upon
24 satisfactory performance, extend the tenure of the Registrar, Bursar or
25 Librarian for a further term of one year only and such principal officer shall
26 relinquish his post and be assigned other duties in the University.

27 *Resignation and Re-appointment*

28 8.-(1) Any officer mentioned under this Schedule may resign his
29 office-

(a) in the case of the Chancellor or Pro-Chancellor, by notice to the President;

(b) in any other case, by notice to the Council and the Council shall, in the case of the Vice-Chancellor, immediately notify the Visitor.

(2) Subject to subparagraph (1), a person who has ceased to hold office other than by removal for misconduct shall be eligible for re-appointment to that office.

SECOND SCHEDULE

Sections 24 (8) and 27 (3)

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to University

1. Without prejudice to the generality of section 10 (1) of this Act-

(a) the reference in that subsection to property held by the Provisional Council shall include a reference to the right to receive and give a good discharge for any grant or contribution which may have been voted or promised to the Provisional Council;

(b) all debts and liabilities of the Provisional Council outstanding shall become debts or liabilities of the University.

THIRD SCHEDULE

Sections 10 (3), (4) and 24 (7)

FEDERAL UNIVERSITY OF MINING AND TECHNOLOGY, JOS

STATUTE NO. 1

ARRANGEMENT OF ARTICLES

Articles:

1. The Council.
2. The Finance and General Purposes Committee
3. Audit
4. The Senate
5. Congregation
6. Convocation

- 1 7. Division of Colleges
- 2 8. College Boards
- 3 9. Deans of the Colleges
- 4 10. Departmental Board of studies
- 5 11. Selection of Directors of Physical Planning and Development,
- 6 Works and Services and Health
- 7 12. Tenure of Directors
- 8 13. Creation of academic posts
- 9 14. Appointment of administrative and professional staff
- 10 15. Interpretation.
- 11 16. Citation

12 *The Council*

13 1.-(1) The composition of the Council shall be as provided under
14 section 5 of this Act.

15 (2) A member of the Council holding office otherwise than as
16 provided under section 5 (1) (a), (b), (c), or (d) of this Act may, by notice to the
17 Council, resign his office.

(3) A member of the Council holding office otherwise than as provided under section 5 (1) (a), (b), (c), or (d) of this Act shall, unless he previously vacates it, vacate that office on the expiration of the term of four years commencing from 1 August in the year which he was appointed.

(4) Where a member of the Council holding office otherwise than as provided under section 5 (1) (a), (b), (g), or (h) of this Act vacates office before the expiration of the period aforesaid, the body or person by whom he was appointed may appoint a successor to hold office for the residue of the term of his predecessor.

27 (5) A person ceasing to hold office as a member of the Council other
28 than by removal for misconduct shall be eligible for re-appointment for another
29 term of four years and no more.

30 (6) The quorum of the Council shall be five, at least one of whom shall

1 be a member appointed under section 5 (1) (d) or (e) of this Act.

2 (7) If the Pro-Chancellor is not present at a meeting of the Council,
3 other members of the Council present at the meeting may appoint the
4 chairman and subject to section 5 of this Act and the provisions of this
5 article, the Council may regulate its own procedure.

6 (8) Where the Council desires to obtain advice with respect to any
7 particular matter, it may co-opt not more than two persons for that purpose,
8 and the persons co-opted may take part in the deliberations of the Council at
9 any meeting but shall not be entitled to vote.

10 *The Finance and General Purposes Committee*

11 2.-(1) The Finance and General Purposes Committee of the
12 Council shall consist of-

13 (a) the Pro-Chancellor, who shall be the Chairman of the
14 Committee at any meeting at which he is present;

15 (b) the Vice-Chancellor and Deputy Vice-Chancellors;

16 (c) six other members of the Council appointed by the Council, two
17 of whom shall be selected from among the four members of the Council
18 appointed by the Senate and one member appointed to the Council by
19 Congregation;

20 (d) the Permanent Secretary of the Federal Ministry responsible for
21 Education, or his representative; and

22 (e) the Executive Secretary of the Petroleum Technology
23 Development Fund, or his representative.

24 (2) The quorum of the Committee shall be five.

25 (3) Subject to any directions given by the Council, the Committee
26 may regulate its own procedure.

27 *Annual budget and estimates, etc.*

28 (4) The estimates of income and expenditure for a financial year
29 shall be presented by the Vice-Chancellor to the Council and may be
30 approved by the Council before the beginning of that financial year:

1 Provided that the Vice-Chancellor may during any financial year,
2 present the supplementary estimates of income or expenditure.

(5) The annual and supplementary estimates shall be prepared in such form and shall contain such information as the Council may direct.

5 *Gifts and donations*

(6) The Council may on behalf of the University accept by way of grant, gift, testamentary disposition or otherwise, property and money in aid of the finances of the University on such conditions as it may approve.

9 (7) Registers shall be kept of all donations to the University including
10 the names of donors and any special conditions under which any donation may
11 have been given:

12 Provided that the University shall not be obliged to accept a donation
13 for a particular purpose unless it approves of the terms and conditions attaching
14 to such donation.

(8) All property, money or funds donated for any specific purposes shall be applied and administered in accordance with the purposes for which they are donated and shall be accounted for separately.

18 *Payment into bank*

(9) All sums of money received on account of the University shall be paid into such bank as may be approved by the Council for the credit of the University's general, current or deposit account:

22 Provided that the Council may invest, as it deems fit, any money not
23 required for immediate use other than donations of money referred to in
24 subarticle (7).

25 *Audit*

26 3.-(1) The Council shall cause the accounts of the University to be
27 audited by auditors appointed by the Council immediately after the end of each
28 financial year or for any such other period as the Council may require.

29 (2) The appointment and other matters related to the auditors, their
30 continuance in office and functions, as the case may be, shall, subject to the

1 provisions of this article, be prescribed by statute.

2 *The Senate*

3 4.-(1) The Senate shall consist of-

4 (a) the Vice-Chancellor;

5 (b) Deputy Vice-Chancellors;

6 (c) the Deans of respective Colleges;

7 (d) the Professors in the University;

8 (e) heads of academic Departments and Units;

9 (f) the University Librarian;

10 (g) one elected representative of each College;

11 (h) two members of Academic Staff elected by Congregation;

12 (i) one elected representative of each department;

13 (j) two members representing a variety of interests of the

14 professional bodies outside the University appointed by the Senate on the

15 recommendation of the Vice-Chancellor; and

16 (k) the Registrar who shall be the Secretary.

17 (2) The procedure for election of members of Senate to the

18 Council shall be prescribed by Regulations.

19 (3) The Vice-Chancellor shall be the Chairman at all meetings of

20 the Senate when he is present, and in his absence any of the Deputy Vice-

21 Chancellors present at the meeting as the Senate may appoint for that

22 meeting shall be the Chairman at the meeting.

23 (4) The quorum of the Senate shall be one quarter or the nearest

24 whole number less than one quarter, and subject to subarticle (3), the Senate

25 may regulate its own procedure.

26 (5) An elected member may, by notice to the Senate, resign his

27 office.

28 (6) Subject to subarticle (8), there shall be elections for the

29 selection of elected members which shall be held in the prescribed manner

1 on a day in the month of May or June in each year as the Vice-Chancellor may
2 determine.

3 (7) An elected member shall hold office for a term of two years
4 commencing from 1 August in the year of his election, and may be a candidate
5 at any election held under subarticle (6) in the year in which his term of office
6 expires, but no person shall be such a candidate if at the end of his current
7 period of office he has held office as an elected member for a continuous period
8 of six years or would have so held office if he had not resigned.

9 (8) No election shall be held under this article in any year if the
10 number specified in the certificate given under subarticle (11) does not exceed
11 by more than one the figure which is thrice the number of those elected
12 members holding office on the date of the certificate who do not vacate office
13 during that year under subarticle (7).

14 (9) No person shall be precluded from continuing in or taking office as
15 an elected member by reason only of reduction in the number of non-elected
16 members occurring on or after 30 April in any year in which he is to continue in
17 or take office as an elected member.

18 (10) If so requested in writing by any 15 members of the Senate, the
19 Vice-Chancellor or in his absence any of the Deputy Vice-Chancellors duly
20 appointed by him, shall convene a meeting of the Senate to be held not later
21 than the 10th day after the request was received.

22 (11) In this article "total of non-elected members" means, in respect of
23 any year, such number as may be certified by the Vice-chancellor on 30 April of
24 that year to be the number of persons holding office as members of the Senate
25 on that day otherwise than as elected members.

26 *Congregation*

27 5.-(1) Congregation shall consist of-

28 (a) Vice-Chancellor;

29 (b) the Deputy Vice-Chancellors;

30 (c) the full-time members of the academic staff;

1 (d) the Registrar;
2 (e) the Librarian; and
3 (f) every member of the administrative staff who holds a degree,
4 other than honorary degree, of any University recognised for the purposes of
5 this statute by the Vice-Chancellor.

6 (2) Subject to section 5 of this Act, the Vice-Chancellor shall be the
7 Chairman at all meetings of Congregation when he is present, and in his
8 absence any of the Deputy Vice-Chancellors present at the meeting as
9 Congregation may appoint for that meeting, shall be the Chairman at the
10 meeting.

11 (3) The quorum of Congregation shall be one-third or the whole
12 number nearest to one-third of the total number of members of Congregation
13 of 50, whichever is less.

14 (4) A certificate signed by the Vice-Chancellor specifying the-

15 (a) total number of members of Congregation for the purpose of
16 any particular meeting or meetings of Congregation; or

17 (b) names of the persons who are members of Congregation during
18 a particular period, shall be conclusive evidence of that number or of the
19 names of those persons.

20 (5) The procedure for election of members of Congregation to the
21 Council and the Senate shall be prescribed by Regulations.

22 (6) Subject to this article, Congregation may regulate its own
23 procedure.

24 (7) Congregation is entitled to express, by resolutions, its opinion
25 on all matters affecting the interest and welfare of the University and shall
26 have other functions, in addition to the function of electing a member of the
27 Council, as may be provided by statute or regulations.

28 *Convocation*

29 6. -(1) Convocation shall consist of-

1 (a) the officers of the University mentioned in the First Schedule to
2 this Act;

3 (b) all teachers within the meaning of this Act; and

4 (c) all other persons whose names are registered in accordance with
5 subarticle (2).

6 (2) A person shall be entitled to have his name registered as a member
7 of Convocation if he-

8 (a) is either a graduate of a University or a person satisfying such
9 requirements as may be prescribed for the purpose of this article; and

10 (b) applies for the registration of his name in the prescribed manner
11 and pays the prescribed fees.

12 (3) Regulations shall provide for the establishment and maintenance
13 of a register for the purpose of this article and subject to subarticle (4) may
14 provide for the payment of fees by persons whose names are on the register and
15 for the removal from the register of the name of any person who fails to pay
16 those fees.

17 (4) The person responsible for maintaining the register shall, without
18 the payment of any fees, ensure that the names of all persons who are for the
19 time being members of Convocation by virtue of subarticle (2) (a) or (b) are
20 entered and retained on the register.

21 (5) A person who reasonably claims that he is entitled to have his
22 name on the register is entitled on demand to inspect the register or a copy of
23 the register at the principal office of the University at all reasonable times.

24 (6) The register shall, unless the contrary is proved, be sufficient
25 evidence that any person named or not named in it is not a member of
26 Convocation, but for the purpose of ascertaining whether a particular person
27 was such a member on a particular date, any entries in and deletions from the
28 register made on or after that date shall be disregarded.

29 (7) The quorum of Convocation shall be 50, one-third, the whole

1 number nearest to one-third or the whole number of members of
2 Convocation, whichever is less.

3 (8) Subject to section 4 of the Act, the Chancellor shall be chairman
4 at all meetings of Convocation when he is present, and in his absence the
5 Vice-Chancellor shall be the chairman at the meeting.

6 (9) Convocation shall have other functions, in addition to the
7 function of appointing a member of the Council, as may be provided by
8 statutes or regulations.

9 *Division of Colleges*

10 7. Each College shall be divided into such number of branches as
11 may be prescribed.

12 *College Boards*

13 8.-(1) There is established in respect of each College, a Board of
14 Studies which, subject to the provisions of this Statute, and the directions of
15 the Vice-Chancellor, shall-

16 (a) regulate the teaching, study and the conduct of examinations
17 connected with the subjects assigned to the college;

18 (b) deal with any other matter assigned to it by Statute, the Vice-
19 Chancellor or Senate; and

20 (c) advise the Vice-Chancellor or Senate on any matter referred to
21 it by the Vice-Chancellor or the Senate.

22 (2) Each College Board of Studies shall consist of-

23 (a) the Vice-Chancellor;

24 (b) the Dean;

25 (c) the persons severally in charge of the branches of the school;

26 (d) the College Examination Officer;

27 (e) such number of teachers assigned to the College and having the
28 prescribed qualifications as the Board may determine; and

29 (f) such persons, whether or not members of the University, as the
30 Board may determine with the general or special approval of the Senate.

(3) The quorum of the Board shall be eight members or one quarter, whichever is greater, of the members for the time being of the Board, and subject to the provisions of this Statute and to any provision made by regulations in that behalf, the Board may regulate its own procedure.

5 *Deans of the Colleges*

9.-(1) The Board of each College shall, at a meeting in the last term of any academic year which the term of office of the Dean expires, nominate one of its members, being one of the Professors assigned to that teaching unit, for appointment by the Senate as Dean of the College.

(2) The person appointed under subarticle (1) shall act as Dean of the College and Chairman of all meetings of the College Board when he is present and shall be a member of all committees and other boards appointed by the College.

(3) The Dean shall hold office for two years and shall be eligible for re-appointment for a further term of two years, and shall not be eligible for re-appointment until two years have elapsed.

(4) The Dean of a College shall exercise general superintendence over the academic and administrative affairs of the College.

(5) The Dean shall present to Convocation for the conferment of degrees to persons who have qualified for degrees of the University at examination held in the branches of learning for which responsibility is allocated to that College.

(6) There shall be a Committee of Deans consisting of all the Deans of the several Colleges and the Committee shall advise the Vice-Chancellor on all academic matters and or particular matters referred to the University by the Senate.

(7) The Dean of a College may be removed from office for good cause by the College Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of a Dean, an acting Dean may be appointed by the Vice-Chancellor:

1 Provided that at the next College Board meeting an election shall
2 be held for a new Dean.

3 (8) In this article "good cause" has the same meaning as in section
4 15 (3) of the Act.

5 *Departmental Board of Studies*

6 10.-(1) There shall be a Departmental Board of Studies whose
7 membership shall be made up of all academic staff of the Department.

8 (2) The Departmental Board of Studies shall be headed by a
9 Professor who shall be appointed by the Vice-Chancellor and in the absence
10 of a Professor, a senior academic staff shall be appointed in acting capacity.

11 (3) Where the head of the Departmental Board of Studies is a
12 Professor, he shall head for a term of three years while a senior academic
13 staff on acting capacity is to head for one year.

14 (4) The Board shall handle all disciplinary matters in the
15 Department and make recommendations to the College where necessary.

16 (5) Allocation of courses in the department shall be done by the
17 Departmental Board on recommendation of the Head of Department.

18 *Selection of Directors of Physical Planning and Development,*

19 *Works and Services and Health*

20 11.-(1) Where a vacancy occurs in the office of the Directors of
21 Physical Planning and Development, Works and Services and Health, a
22 Selection Board shall be constituted by the Council which shall consist of-

23 (a) the Pro-Chancellor;

24 (b) the Vice-Chancellor;

25 (c) two members appointed by the Council, not being members of
26 the Senate;

27 (d) Two members appointed by the Senate.

28 (2) The Selection Board after making such inquiries as it deems fit,
29 shall recommend a candidate to the Council for appointment to the vacant
30 office, and after considering the recommendation of the Selection Board, the

1 Council may make an appointment to that office.

2 *Tenure of Directors*

3 12. A Director shall hold office on such terms and conditions as may
4 be specified in his letter of appointment subject to the extant Regulations.

5 *Creation of Academic Posts*

6 13. Recommendations for the creation of academic posts other than
7 principal officers shall be made by the Senate to the Council through the
8 Finance and General Purposes Committee.

9 *Appointment of Administrative and Professional Staff*

10 14.-(1) The administrative and professional staff of the University
11 other than principal officers shall be appointed by the Council or on its behalf
12 by the Vice-Chancellor in accordance with delegation of powers made by the
13 Council on its behalf.

14 (2) A Selection Board, with power to appoint, shall consist of-

15 (a) Vice-Chancellor;

16 (b) Deputy Vice-Chancellor;

17 (c) Registrar;

18 (d) Bursar;

19 (e) University Librarian;

20 (f) The Head of Department concerned; and

21 (g) Establishment and Human Resources Officer who shall serve as
22 Secretary.

23 (3) The Selection Board quorum shall be three including the
24 Chairman.

25 *Interpretation*

26 15. In this Statute, the expression "the Act" means the Federal
27 University of Mining and Technology, Jos, Act and any word or expression
28 defined in the Act has the same meaning in this Statute.

1 *Citation*

2 16. This Statute may be cited as the Federal University of Mining
3 and Technology, Jos, Statute No.1.

EXPLANATORY MEMORANDUM

This Bill seeks to repeal the Nigerian Institute of Mining and Geosciences, Jos (Establishment) Act, 2018 and enact the Federal University of Mining and Technology, Jos, as a training institution for the development of Mining and Technology and makes comprehensive provision for the management and administration of the University.