

A BILL FOR A LAW TO MAKE PROVISIONS FOR THE ESTABLISHMENT OF LIVESTOCK PROMOTION, DEVELOPMENT AND REGULATORY AGENCY, 2016 AND FOR PURPOSES CONNECTED THEREWITH.

Date of Commencement

BE IT ENACTED by the House of Assembly of Benue State as follows-

1. This Law may be cited as the LIVESTOCK (PROMOTION, DEVELOPMENT AND REGULATORY) AGENCY LAW, 2016 and shall come into force on theday of 2016

Definition

2. In this law-

"Agency" means the Livestock Promotion, Development and Regulatory Agency set up under this Law;

"Board" means the governing body of the Agency set up under this Law;

"Chairman" means a Chairman of Local Government Area Council in Benue State or any person acting in that capacity;

"Commissioner" means the State Commissioner for Agriculture and Natural Resources;

"Commercial Ranch" means a large farm for breeding and raising cattle, goats, sheep or horses;

"Committee" means the Committee hereby created by this Law;

"Community" means village, hamlet, farm settlement etc;

"General Ranch" means the Public Ranch;

"Governor" means the Governor of Benue State;

"Land" means any ground, soil, or earth whatsoever, as meadows, pastures, woods, etc and everything annexed to it, whether by nature, as trees, water, etc, or by the hand of man, as crops buildings fences, etc.;

"Livestock" means any farm animal, particularly cattle, goat, sheep or horse and camel kept for use or profit, and includes any animal, which the Governor may by notice in the State Gazette declare to be included in the term "Livestock" for the purpose of this Law;

"Livestock Guards" means an officer, volunteer and all the person engaged by the Committee for the enforcement of the provisions of this Law;

"Open grazing" means the act of pasturing livestock to feed on growing grass, shrubs, herbage, farm crops, etc, in open fields without any form of restriction;

"Ranch" means a secured tract or land used as animal nurturing farm, particularly for the grazing and rearing of cattle, sheep, goat or horse and any other animal for the purpose of this Law;

"Ranching" means movement of livestock from one grazing area to another;

"Reserve" means a piece of land exclusively designated reserve for grazing of livestock in any part of Benue State;

"State" means Benue State of Nigeria;

Establishment of the Agency

3(1) There shall be established for the State a body to be known as Livestock Promotion, Development and Regulatory Agency (in this Law referred to as "the Agency")

(a) The Agency shall be a body corporate with perpetual succession and common seal and

(b) May sue and be sued in its corporate name, and

(c) May acquire, hold or dispose of any movable and immovable property for the purpose of its functions under this law.

Objectives of the Agency

4. (1) The main objectives for which the Agency is established are;

(i) The Agency shall establish ranches from any part of the public domain excluding however, State forest reserves, parks and monuments, which are valuable for raising forage crops

(ii) Provide for the protection, administration regulation and improvement of the ranches:

(iii) Adopt regulations and enter into cooperative agreements necessary to accomplish the purpose of this Law;

(iv) Preserve the land and resources from destruction or unnecessary Injury;

- (v) Provide for orderly improvement and development of the ranch;
- (vii) Conduct a continuous study of the erosion and flood control and perform work to protect and rehabilitate areas subject to this Law;
- (vii) Prescribe mechanisms or measures for the acquisition of land for the establishment of ranches.

Ranching Permits.

5. The Agency shall issue or cause to be issued permits to graze~, livestock on such Ranches to bona fide settlers, residents and other stock owners as under the Agency's rules and regulations are entitled to participate in the use of the ranch, upon the annual payment of a fee In each case to be fixed or determined from time to time by the Agency.

Provided always that:

- (i) Ranching permits shall be issued to citizens of Nigeria only and to groups, associations, or corporations authorized to conduct business under the laws of the Federal Republic of Nigeria, Preference shall however be given in issuance of ranching permits to those within or near a district who are landowners engaged in the livestock business, bona fide occupants or settlers;
- (ii) Permits must be for a period of not more than one year with renewal subject to the discretion of the Agency;
- (iii) The Agency shall however remit, reduce, refund in whole or part or postpone payment of ranching fees in cases of natural emergencies such as drought, epidemics etc;
- (iv) Ranching privileges are to be safeguarded but the creation of a ranches or the issuance of a permit pursuant to the provisions of this sub-section shall not create any right, title, interest, or estate in or to the lands.

Temporal Structures, wells, reservoirs and other improvements.

6. Temporal structures and other improvements for the management of permitted livestock may be constructed within the ranches under permits issued, or cooperative agreements approved, by the Agency. However, no permit entitles the committee to use improvements constructed and owned by a prior occupant until the applicant has paid the prior occupant the reasonable value of the improvements, as determined under the Agency's regulations.

Cooperation with associations, land officials, and agencies in conservation or propagation of wildlife.

7. The agency shall promote cooperation among those Interested In the use of the ranches, such as local associations of livestock owners, state land officials and other officials of State or Federal and International Agencies engaged in the conservation or propagation of livestock and wildlife.
 - (a) Proceeds or funds accruing from under this law from ranching fees the government and the host community or local government council, as the case may be, where ranch is located at a percentage to be determined by the Agency from time to time;
 - (b) Approve and grant loans to civil and public servants, cooperative and thrift societies, educational institutions, companies and private individuals Interested or Wishing to embark on livestock production or rearing;
 - (c) Create awareness among the general public through seminars. Symposia and advertisement on the commercial viability of livestock production;
 - (d) Develop and maintain a feasible and sustainable livestock production industry in the State;
 - (e) Develop an integrated modern livestock development and production plan and strategy for the State;
 - (f) Develop guidelines for the implementation of an integrated livestock production policy and make appropriate recommendation to the Governor;
 - (g) Initiate, design, co-ordinate, evaluate and monitor all programs aimed at integrating or boosting livestock production, rearing and herding in the State;
 - (h) Organise training and support programs aimed at improving livestock agriculture;
 - (i) Engage or liaise with key stakeholders Local and International in livestock production to increase access to education and training animal husbandly;
 - (j) Perform or implement any other policy initiative as maybe determined by the Board.

Functions of the Agency

8.(1)The Agency shall in order to achieve its mandate and objectives under this law-

- (a) Establish competencies and capabilities in its operations including the following areas:-
 - (i) Policy research and development;
 - (ii) Training and development;
 - (iii) The Benue Livestock Development Fund.
- (b) Establish offices of the Agency at the local government areas and appoint the necessary personnel to those offices;
- (c) Carry out or cause to be carried out any investigation that it deems necessary;
- (d) Consider such recommendations, suggestions and requests concerning the production of livestock, operation of ranches as it may receive from any source;
- (e) Conduct or cause to be conducted such research as it deems necessary;
- (f) All secondary schools in the State shall teach agricultural science and students must register agricultural science for WAEC/SSCE/NECO or as the case may be;
- (g) All schools in the State primary, secondary and tertiary shall have an integrated school farm run on commercial basis that will promote and introduce agriculture to our youth at the earliest possible age;
- (h) Local Government areas of the State having common border with other States shall establish transit ranches and inspection posts which shall accommodate permitted transit livestock for a period not exceeding 14 (fourteen) days from the date of entry;
- (i) To encourage the promotion of livestock holding in every household in the State.

Prohibition of Nomadic livestock herding and ranching in the State

9. (1) No individual or group shall, after the commencement of this law engage in nomadic livestock herding or ranching In the State outside the designated ranches.

(2) Any person or group of persons who contravenes subsection (1) above shall be guilty of an offence and shall, on conviction be liable to three years imprisonment or to a fine of N300,000.00 (Three Hundred Thousand Naira), or both

(a) Where such contravention causes damage to farm, crops or property of any person within the State, the owner of such livestock shall after evaluation by the Agency of the damage pay a monetary compensation of the farm crops or property so damaged to the owner

10. (1) Any livestock found grazing, wandering; herding in an area not designated as a ranch shall be impounded by the Agency or any other person authorized by the Agency in that behalf.

Release of impounded Livestock

11. (1) The Agency or any other person so authorized shall release the impounded livestock to the owner upon showing good cause and after paying the prescribed fees and expenses as the case may be as contemplated under this law

Sale of impounded Livestock

12. Any impounded livestock under this law which is not claimed within 7 (seven) days of such impoundment shall:-

(a) Be sold auction to public; and

(b) The proceeds of such sale shall be deposited in a designated government account as part of Internally Generated Revenue (IGR);

(c) No action shall lie against the Agency or any person or group of persons for effecting such a sale.

Livestock Development Fund

13. The Agency shall establish manage and administer a Livestock Development Fund to finance the execution of the programs of the Agency.

(1) The Fund shall be managed by a Board of Trustee to be headed by person of proven integrity appointed by the Governor; while the membership shall be drawn from the relevant Ministries, agencies, the private sector, educational institutions.

(2) The Agency shall for the purpose of this section and within its available resources amongst others:-

- (a) Provide career guidance services in livestock production;
- (b) Provide access to information regarding products and services of the Livestock Development Fund
- (c) Provide financial assistance to those wishing to embark on livestock agriculture;
- (d) Provide financial assistance to small, micro and medium enterprises and cooperative societies;
- (e) Provide training regarding the concepts and principles of entrepreneurship and business;
- (f) Provide training in livestock production for unemployed youths to enhance their life and professional skills which would enable them to be self-employed and to be integrated into the economy;
- (g) Provide such other services as may be necessary to achieve the aims contemplated by this section.

Fund of the Agency

14. The Fund of the Agency shall consist of:
- (i) Initial take-off grant for the Agency;
 - (ii) Monies lawfully received from any other source and which must be disclosed not later than 90 days after receipt;
 - (iii) Any other lawful sources not mentioned above;
 - (iv) Annual budgetary allocations appropriated by the State House of Assembly;
 - (v) Interest on loans granted by the Agency for livestock production.

Annual Report

15. The Agency shall cause to be submitted to the House of Assembly annually;
- (a) A statement of income and expenditure of the Agency during the previous year;
 - (b) A statement of assets and liabilities of the Agency;
 - (c) The financial status of the Agency;
 - (d) Any other matter relating to livestock development production or improvement.

(e) Progress on the implementation of this Law.

Powers of the Agency

16. For the purpose of carrying out its functions specified under this Law the Agency shall:-

- (a) Invent or adopt the latest technology relevant for the production, rearing and ranching of livestock in the State;
- (b) Obtain or secure loans, advances and other banking facilities for the development and enhancement of livestock in the state.

Control and Management of the Agency

17 The affairs of the Agency shall be managed by a Board, which shall:-

- (a) Determine the operational policy and direction of the Agency; and
- (b) Exercise control generally over the exercise of its powers and execution of its functions.

Composition, appointment and conditions of Service of the Board

18. (1) There shall be constituted for the Agency, a Management Board (In this Law referred to as "the Board"), which shall give guidelines for the management of the affairs of the Agency.

(2) The Board shall consist of:-

- (i) Chairman who shall be the Governor of the State or his representative;
- (ii) Executive Secretary/Chief Executive Officer of the Agency who shall be appointed by the Governor;
- (iii) A representative of the Organized Civil Society;
- (iv) A representative of the Farmers Association;
- (v) A representative of University of Agriculture, Makurdi;
- (vi) The Rector, Akperan Orshi Polytechnic of Agriculture Yandev;
- (vii) The Managing Director, Benue Investment and Property Company Limited;

- (viii) The Chairman, Benue Chamber of Commerce; Industries, Mines and Agriculture;
 - (ix) The Surveyor-General of the State;
 - (x) Representatives of Traditional Institutions in Tiv and Idoma areas of the State;
 - (xi) Representatives of Christian Association of Nigeria/Muslim in the State;
 - (xii) A representative of ANCOPS Benue State;
 - (xiii) Representative of the Ministry of Finance;
 - (xiv) A representative of the Commissioner of Police;
 - (xvi) The Executive Secretary of the Agency as Member/Secretary
- (3) Members of the Board who are non-permanent members shall be appointed by their parent MDAs:-
- (4) Members must be appointed in a manner ensuring transparency and openness; and
- (5) Members must reflect the demographics and geographical spread of the State;
- (6) Members hold office at the pleasure of the Governor;
- (7) A member appointed to fill a vacancy holds office for the unexpired portion of the term of the member he or she replaces
- (8) The conditions of service, salary and allowances of the Chairman and other members shall be such as may be prescribed in their letters of appointment
- (9) Members who are employed by an organ of State are not entitled to remuneration, or any allowance, but must be reimbursed for out-of-pocket expenses by the Board

Disqualification, removal from office and resignation of members

19. (1) The Chairman or any other permanent member may resign his office by giving notice thereof in writing to the Governor and on such resignation being accepted, the Chairman or the member shall be deemed to have vacated his office.

- (2) A non-permanent member may vacate his office upon the service on the Chairman of a letter of withdrawal by the appointing authority or his parent body, or if he has-
- (a) Been adjudged as insolvent; or
 - (b) Been convicted of an offence, which in the opinion of the Governor involves moral turpitude, or any conviction that is grave enough to warrant a removal or non-appointment;
 - (c) Become physically or mentally incapable of acting as a member; or
 - (d) Acquired such financial or other interest as is likely to affect prejudicially his functions as a member, or
 - (e) So abused his office as to render his continuance in office prejudicial to the public interest; provided that a person shall not be removed from office as Chairman or other member under the section unless he has been given a reasonable opportunity of being heard in the matter.

Appointment of Executive Secretary and other employees of the Agency

20. (1) The Governor, upon the recommendation of the Board, shall appoint a suitably qualified person as the Executive Secretary, who shall have not less than ten (10) years' experience in Agriculture or livestock management
- (2) The Executive Secretary shall be an employee of the Agency and shall be accountable to the Board.
- (3) The Executive Secretary shall:-
- (a) Ensure that the functions of the Agency in terms of this Law are performed;
 - (b) Report to the Board on the proper functioning of the Agency; and
 - (c) Complete a report on the activities of the Agency for each financial year and submit same to the Board for approval.
- (4) The Executive Secretary holds office for a term of five (5) years only
- (5) The Agency may also determine the number, nature and categories of other officers and employees required to assist the Agency in the discharge of its functions.

- (a) The salary and allowances payable to and other terms and conditions of service of the officers and employees shall be such as are applicable to similar service in the public service of the State;
- (b) The Agency may appoint consultants required to assist in the discharge of its functions on such terms and conditions as may be determined by the Board.

Duties of the Executive Secretary

21. (1) The Executive Secretary shall be responsible for, amongst

Others:-

- (a) Exercising all appropriate level of leadership for the organization;
- (b) Effectively communicating a vision, management philosophy, and business strategy to the Agency's employees;
- (c) The general and effective management of the business affairs of the Agency;
- (d) The general supervision and direction of all other officials of the Agency;
- (e) Developing and recommending to the Board a sound long-term strategy for the Agency that meets the needs of the Agency, government communities, employees, and other stakeholders;
- (f) Ensuring that the strategies of the Agency are effectively implemented with timely progress towards strategic objectives;
- (g) Obtaining and allocating resources consistent with strategic objectives and making timely adjustments in strategies when market conditions and other forces demand a change;
- (h) Carrying out a comprehensive budgeting process and monitoring the Agency's financial performance against the budget;
- (i) Submitting annual reports, financial statements and financial position of the Agency to the Board; and
- (j) Developing an annual strategic plan and budget.

Local Government Advisory Committee

22. (1) In order that the Agency may have the benefit of the fullest information and advice concerning the physical, economic, and other local

conditions in the several ranches in the State, there shall be an advisory board of local stockmen in each ranch to be known as ranch advisers.

- (a) Each of ranch advisory board shall consist of not less than five (5) members;
- (b) Each ranch advisory board shall meet at least once annually, at a time to be fixed by Agency, and at such times as it may be expedient;
- (c) Offer advice and make recommendations provided that in no case shall any ranch adviser participate in any advice or recommendation concerning a permit, or an application thereof, in which he is directly or indirectly interested;
- (d) Offer advice or make recommendations concerning rules and regulations for the administration of this Law, the establishment of ranches and the modification of the boundaries thereof; and
- (e) Any other matter affecting the administration of this Law within the area.

Composition of Local Government Committee

23. The Local Advisory Committee shall comprise:-

- (i) The Chairman of the Local Government Council as Chairman;
- (ii) The Chairman of the Local Government Traditional Council or his representative.
- (iii) Representative of the Clergy;
- (iv) Representative of herdsmen;
- (v) Representative of the Nigeria Union of Local Government Employees (NULGE)
- (vi) Divisional Police Officer or his representatives;
- (vii) Representative of the host Community.

Delegation and Assignment

24. (1) The Board may delegate any of its powers or assign any of its duties to the Executive Secretary or any employee of the Agency

(2) The Executive Secretary may delegate any power or assign any duty conferred or imposed upon him under this Law to a Director or:-

- (a) Any other employee of the Agency with appropriate knowledge and experience: or

- (b) Any other person, after consulting the Board.
- (3) A delegation or assignment under subsections (1) and (2) above must be in writing and:-
 - (a) May be subject to any conditions determined by the Board or the Executive Secretary;
 - (b) Does not prevent the exercise-of that power or the performance of that duty by the Board or the Executive Secretary; and
 - (c) May be withdrawn or amended by the Board or the Executive Secretary.

Power to accept gifts

- 25 (1) The Agency may accept gifts of land money or other property on terms and conditions as may be prescribed by the person or organization making the gift,
- (2) The Agency shall not accept any gift if the conditions attached by the person or organization making the gift are Inconsistent or will compromise the Agency in the discharge of its functions under this Law.

Power to invest funds

- 26. The Agency may with the prior approval of the Board invest In any manner authorized by law, such of its funds as is not immediately required for its use

Regulations

- 27. The Governor may, after consultation with tile Board, make regulations regarding:-
 - (a) Any matter which in terms of this Law may or must be prescribed
 - (b) Any action in order to promote compliance with this Law and
 - (c) Any ancillary or incidental administrative or procedural matter that is necessary to prescribe for the proper implementation or administration of this Law.

Repeal of CAP 72 BNSL, 2004.

- 28. (1) The Grazing Reserves Law Cap 72, Laws of Benue State, 2004 is hereby repealed.
- (2) All instruments made there under that affect grazing of Livestock shall be modified in line with the provisions of this Law.

I Assent/Withhold Assent theday of2016.

SAMUEL ORTOM
EXECUTIVE GOVERNOR
BENUE STATE OF NIGERIA