

BENUE STATE OF NIGERIA



A LAW TO PROHIBIT OPEN REARING AND GRAZING OF LIVESTOCK AND PROVIDE FOR THE ESTABLISHMENT OF RANCHES AND LIVESTOCK ADMINISTRATION, REGULATION AND CONTROL AND FOR OTHER MATTERS CONNECTED THEREWITH, 2017

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Date of Commencement.

ENACTED by the House of Assembly of Benue State as follows:

1. This Law may be cited as Open Grazing Prohibition and Ranches Establishment Law, 2017, and shall come into force on the day of2017.

Short title and Commencement.

2. In this law:

Definitions.

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

“Citizen of Nigeria” means any Nigerian citizen with verifiable means of identification such as International Passport, National Identity Card, National Driver’s Licence and Permanent Voters Card;

“Commissioner” means the State Commissioner for Agriculture and Natural Resources or any other Ministry charged with the responsibility of managing livestock in the State;

“Commercial Ranch” means a large farm for breeding and raising cattle, goats, sheep, horses, pigs, poultry etc;

“Committee” means the Local Government Advisory Committee created by this Law to represent the interest of stakeholders at the grassroots level;

“Community” means village, hamlet, farm settlement etc;

“Department” means the Department of Livestock in the Ministry of Agriculture and Natural Resources or any other Ministry charged with the responsibility of administering, regulating, producing and controlling Livestock in the State;

“Governor” means the Governor of Benue State;

“Herding” means the act of bringing individual animals together into a group (herd), maintaining the group, and moving the group from place to place;

“Indigene” means a citizen who is a native of any community within the State by descent;

“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, building, fences, etc;

“Land Grabbing” means any illegal, forceful and violent takeover of traditional or State land in the urban or rural area by an individual, group or association;

“Lease” means to hire out a piece of land for a specified period of time in return for a fee called rent;

“Livestock” means any farm animal, particularly poultry, pigs, cattle, goat, sheep, or horse kept for domestic 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 Owner” means a person who owns the herds of livestock and the ranch;

“Manager” means a person who is in-charge of running and maintaining the affairs of the herds of livestock and the ranch.

“Ministry” means Ministry of Agriculture and Natural Resources or any other Ministry charged with the responsibility of administering, regulating and controlling livestock in the State;

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

“Open Rearing” means the unfettered breeding and raising of animals;

“Personal Ranch” means an enclosed area used by the owner of such area to contain domesticated animals, especially goats, pigs, sheep, cattle etc;

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

“Ranching Permit” means the authority issued by the Department to the rancher for the purpose of setting up and running a ranch;

“Rustling” means the act of stealing or moving away farm animals without the consent of the owner;

“State” means Benue State of Nigeria;

“Task Force” means security outfit constituted for the purpose of enforcing the provisions of this Law.

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| 3. | The main objectives of this Law are to: | Objectives of the Law. |
| | (a) prevent the destruction of crop farms, community ponds, settlements and property by open rearing and grazing of livestock; | |
| | (b) prevent clashes between nomadic livestock herders and crop farmers; | |
| | (c) protect the environment from degradation and pollution caused by open rearing and over grazing of livestock; | |
| | (d) optimise the use of land resources in the face of overstretched land and increasing population; | |
| | (e) prevent, control and manage the spread of diseases as well as ease the implementation of policies that enhance the production of high quality and healthy livestock for local and international markets; | |
| | (f) create a conducive environment for large scale crop production. | |
| 4. | The Livestock Department of the Ministry of Agriculture and Natural Resources (in this Law referred to as “the Department”) is hereby vested with the powers to administer, regulate and control livestock in the State. | Livestock Department as Regulatory body. |
| 5. | The Department shall issue or cause to be issued permits subject to the Governor’s approval to graze livestock on such ranches, to Benue citizens, residents, and other livestock owners as under the Department’s rules and regulations are entitled to set up a ranch, upon the annual payment of a permit fee in each case to be fixed or determined from time to time by the Department. | Ranching permits. |

Provided always that:

- (a) ranching permits shall be issued to citizens of Nigeria only who are authorised 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 interested in livestock business.
 - (b) permits must be for a period of not more than one year with renewal subject to the discretion of the Department.
 - (c) the Department shall however reduce, refund in whole or part, or postpone payment of ranching permit fees in cases of natural emergencies such as drought, flood or epidemics.
- 6(1) The rancher shall, in writing, approach the owner and family head of the land which he requires as ranch whereupon he intends to site his ranch in accordance with the provisions of this Law;
- (2) Upon being approached by the rancher, the owner, and head of the family that owns the land, after consultation with community leaders and with the endorsement of the Kindred Head and the Chairman of the relevant Local Government Traditional Council, may grant his consent in writing for One-year lease of the land and on such terms and conditions as the parties may agree upon;
 - (3) The rancher shall forward a written application for ranching permit to the Department alongside the consent of the owner, the family head and the Kindred Head of the land;
 - (4) The Department shall undertake or cause to be undertaken by professionals an Environmental Impact Assessment of the Land applied for by the rancher;

- (5) A copy of the report of the Environmental Impact Assessment shall be forwarded to the Department, the owner, the family head and the Kindred Head of the land, within which the land is situated for their various and separate considerations and they shall make their views known at a joint meeting convened for that purpose by the Department within 90 days;
- (6) If, upon due consideration, the report of the Environmental Impact Assessment is found suitable and in accordance with this Law, the owner of the land, the family head, the Kindred Head and the community within which the land is situated, shall recommend to the Department to issue ranching permit to the rancher.
- 7(1) The Commissioner shall, upon the receipt of the recommendations of the Department, the owner of the land, the family head and the Kindred Head and the community within which the Land is situated, forward a report thereon to the Governor who may, if satisfied that the best interest of the State will be served, approve the issuance of a ranching permit to the rancher. Commissioner to liaise with Governor.
- (2) Upon approval by the Governor, the Department shall, within thirty (30) days, issue a ranching permit to the rancher alongside regulations for fencing and other activities in accordance with this Law.
8. Whenever any Land has been approved for use as ranch, the rancher shall pay for lease of the land to the owner of the land, the family head and the Kindred Head and the community whose interest in the land has been affected. Rancher to pay for leasehold.
- 9(1) Having issued the ranching Permit to the rancher, the Department shall give notice of the permit and cause it to be published in the official Gazette of Benue State Government, specifying as clearly as possible the location and limits of the Notice of Permit to be Gazetted.

land, the privileges conceded in respect of the Land and any special conditions intended to govern the ranch.

- (2) The Department shall cause the particulars of the land upon which ranching permit is issued to be made known in the community in which the land is located by causing a notice thereof to be read and interpreted in the local language of the community and also cause a notice in writing to the communities or persons residing on or claiming interest in such Land.
10. Any indigene of Benue State who wishes to set up a personal ranch on his own land shall be exempted from the provisions of Section 5, 6, 7, 8 and 9. Exemption of indigenes
- 11(1) The lease and permission granted under this Law is a privilege and shall not create any right, title, interest or estate to the land. The land shall remain vested in the Governor in accordance with the Land Use Act. Status and revocation of lease and ranching permit.
- (2) The permit may be revoked by the Department at any time subject to the approval of the Governor without the payment of compensation to the rancher for:
- (a) breach of State Security;
 - (b) interest of peace;
 - (c) breach of any term or condition of the leasehold; or
 - (d) overriding public interest as stipulated by the Land Use Act.
12. The Sale of any leased land to the rancher or his agent for the purpose of ranching, residence and other related purposes is hereby prohibited. Prohibition of Sale of Leased Land.
13. The Department shall, from time to time, determine the eligibility of persons to be allowed to enter the ranches. Eligibility to enter on ranches.

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| 14. Every ranch shall have a fence as shall be prescribed by the Department. | Ranches to have fences. |
| 15(1) Apart from the rancher and his staff, no person other than a Government official on duty to inspect shall enter into any ranch, unless he is authorised to do so by this Law or regulations there under. | Prohibition of unauthorised entry into ranches. |
| (2) No person shall alienate any right affecting land in a ranch, which has been established in accordance with this Law, by sale, transfer, mortgage, etc unless in accordance with provisions of the Land Use Act requiring the prior consent of the Governor. | |
| 16. If any livestock strays into any other person's land other than a ranch and causes destruction to agricultural crops and/or contaminates any source of water supply, the owner or manager of such livestock shall be liable to pay damages or compensation to the owner or community with proprietary interest in the land or source of water as may be determined by a proper valuation ordered to be done by the Department. | Liability of owner of trespassing livestock. |
| 17. Temporary 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 Department. However, no permit entitles the rancher 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 may be determined under the Department's regulations. | Temporary structures, wells, reservoirs and other improvements |
| 18. The Department shall: | Functions of the department. |

- (a) promote cooperation among those interested in the use of the ranches, such as livestock owners, state land officials and other officials of State, Federal and International Agencies engaged in the conservation or propagation of livestock and wildlife.
- (b) create awareness among the general public through seminars, symposia and advertisement on the commercial viability of livestock production;
- (c) develop and maintain a feasible and sustainable livestock production industry in the State;
- (d) develop an integrated modern livestock development and production plan and strategy for the State;
- (e) develop guidelines for the implementation of an integrated livestock production policy and make appropriate recommendations to the Governor;
- (f) initiate, design, co-ordinate, evaluate and monitor all programs aimed at integrating or boosting livestock production and rearing in the State;
- (g) organise training and support programmes aimed at improving livestock agriculture;
- (h) engage or liaise with key stakeholders Local and International in livestock production to increase access to education and training in animal husbandry;
- (i) perform or implement any other policy initiative as may be determined by the Governor;
- (j) liaise with the Livestock Department at the Local Government Areas;
- (k) carry out or cause to be carried out any investigation

that it deems necessary;

- (l) consider such recommendations, suggestions and requests concerning the production of livestock, operation of ranches as it may receive from any source;
- (m) conduct or cause to be conducted such research as it deems necessary;
- (n) liaise with Local Government Areas of the State having common border with other States to establish inspection posts to ensure entry of healthy livestock into the State;
- (o) encourage the promotion of livestock holding in every household in the State;
- (p) after consultation with the Commissioner, make regulations regarding any ancillary or incidental administrative or procedural matter that is necessary to prescribe for the proper implementation and administration of this Law, subject to the approval of the Governor.

19(1) No individual or group shall, after the commencement of this law, engage in open nomadic livestock herding or grazing in the State outside the permitted ranches.

Prohibition of open nomadic livestock rearing and grazing in the State.

(2) Any person or group of persons who contravenes sub-section (1) above shall be guilty of an offence and shall, on conviction, be liable to five years imprisonment or one million Naira (₦1,000,000.00) fine or both.

Offences and penalties.

(3) Where such contravention causes:

- (a) damage to farm, crops or property of any person the owner or Manager of such livestock shall after evaluation by the Department of the damage, pay the prevailing value of monetary compensation of the farm, crops or property so damaged, to the owner;
 - (b) injury to any person within the State, the owner or Manager of such livestock shall be guilty of an offence and upon conviction be liable to 2 years imprisonment in addition to footing the medical bill of the victim and paying relevant compensation as the Court may determine;
 - (c) Where such contravention causes the death of any person within the State, the owner or Manager of such livestock shall be guilty of an offence of culpable homicide punishable under the Penal Code Law.
- (4) Movement of Livestock on foot from one destination to another in the State is hereby prohibited. Such movement shall only be by rail wagon, truck or pick-up wagon. Prohibition of movement of Livestock on foot.
- (5) Any person(s) found moving livestock on foot within or across urban centres, rural settlements or any part of the State commits an offence and is liable to:
- (a) for the first offender, Five Hundred Thousand Naira (₦500,000.00) fine or one year imprisonment or both;
 - (b) for the second offender, One Million Naira (₦1,000,000.00) fine or three years imprisonment or both.
- (6) Livestock owners, Managers and ranchers shall not possess fire arms licensed or unlicensed on the ranch or outside the ranch.

- (7) Any livestock owner, rancher or his agent who possesses or owns fire arms or arms shall be prosecuted under the Robbery and Firearms (Special Provision) Act.
- (8) Any person who grabs land for the purposes of residence, grazing or ranching or other purposes connected thereto shall be guilty of an offence:
- (a) where there was loss of life, the land grabber shall be arrested and prosecuted for culpable homicide as stipulated under the Penal Code.
 - (b) where no life was lost but grievous injury caused, the grabber shall be prosecuted, and if convicted shall be sentenced to prison for a term of not less than ten (10)years without an option of fine.
 - (c) where the dependants of the land grabber are found on such land, they shall be evicted.
- (9) All ranch operators may engage the services of registered security guards for the protection of their ranches.
20. (1) Any person(s) who rustles cattle, or other animals from any ranch commits an offence and shall be liable on conviction for imprisonment for a term of not less than three(3) years or One Hundred Thousand Naira (₦100,000.00) per animal or both.
- (2) Where a rustler:
- (a) injures, or maims any person while carrying out his activities he shall on conviction be liable to five (5) years imprisonment or a fine of Five Hundred Thousand Naira (₦500,000.00) only or both;

Prohibition of
animal rustling

- (b) causes death, he shall be guilty of an offence of culpable homicide punishable under the provision of the penal code;
 - (3) a person convicted of cattle rustling may, in addition pay compensation to the victim or owner as the court may direct.
21. Any livestock found grazing, wandering, herding in an area not designated as a ranch shall be impounded by the Department or any other person authorized by the Department in that behalf. Impoundment of livestock.
 22. The Department or any other person so authorised may release the livestock impounded to the owner or Manager upon showing good cause and after paying the prescribed fine and expenses as may be determined by the Department. Release of impounded livestock.
 23. Any livestock impounded under this law which is not claimed within seven (7) days of such impoundment shall- Sale of impounded livestock.
 - (a) be sold on auction to the public; and
 - (b) the proceeds of such sale shall be deposited in the Consolidated Revenue Account of the State.
 24. There shall be established a Special Livestock Open Grazing prohibition Task Force for the State with units in each Local Government Area of the State. Establishment of Livestock Special Task Force.
 25. The Livestock Special Task Force shall enforce the provisions of this law and the guidelines and regulations of the Department regulating and controlling livestock in the State. Enforcement.
 26. The Livestock Special Task Force shall comprise the following: Composition of the Livestock Special Task Force.
 - (a) the Special Adviser to the Governor on Security – Chairman;

- (b) the State Chairman of the Benue State Community Volunteer Guards;
- (c) a representative of the Commissioner of Police;
- (d) a representative of the Nigerian Security and Civil Defence Corps;
- (e) a representative of the State Director of Department of State Security Services (DSS);
- (f) a representative of the State Chairman of Nigerian Legion of Ex-Service men;
- (g) a representative of Tiv and Idoma Traditional Councils;
- (h) a representative of Commissioner for Agriculture not below the rank of Deputy Director – Secretary.

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| 27. | The Department shall make regulations and guidelines for the structure, command, control and operations as well as payment of stipends to the Task Force. | Regulations and guidelines. |
| 28. | The Task Force shall be paid a stipend from contributions from the State and Local Governments as the Governor may determine and from donations from public spirited individuals and organizations. | Payment of stipend. |
| 29(1) | It shall be lawful for the Task Force with or without the assistance of the security agencies to arrest and detain any person or group of persons engaged in open grazing and other acts prohibited by the provisions of this law. Such person(s) shall be handed over to the police or other security Agencies immediately. | Power to arrest and detain. |

- (2) The period of detention by the Task Force and the security Agencies of such arrested person(s) shall not be more than forty-eight (48) hours.
30. No member of the Department and the Livestock Special Task Force shall be liable to legal action, liability or demand on account of anything done, or omitted to be done in good faith and in accordance with the provisions of this law. Indemnity of Officials
31. The Commissioner shall cause to be submitted to the House of Assembly annually: Annual Report.
- (a) a statement of income and expenditure of the Department during the previous year;
- (b) a statement of Assets and liabilities of the Department;
- (c) the financial status of the Department;
- (d) any other matter relating to livestock administration, regulation and control;
- (e) progress report on the implementation of this Law.
- 32(1) In order that the Department may have the benefit of the full information and advice concerning the physical, economic, and other local conditions in ranches in the State, there shall be a Local Government Advisory Committee for each Local Government Area. Local Government Advisory Committee.
- (2) Each Committee shall consist of not less than eight (8) members and shall meet at least twice annually, at a time to be fixed by the Department, and at such times as it may be expedient.
- (3) The Committee shall offer advice and make recommendations; provided that in no case shall any Committee Member participate in any advice or recommendation concerning a

permit, or an application thereof, in which he is directly or indirectly interested.

(4) The Committee shall offer advice or make recommendations concerning rules and regulations for the administration of this Law, the establishment of ranches, the modification of the boundaries thereof and any other matter affecting the administration of this Law within the area.

33. The Local Government Advisory Committee shall comprise-

- (a) the Chairman of the Local Government Council as Chairman;
- (b) the Chairman of the Local Government Traditional Council or his representative;
- (c) a representative of farmers at the Local Government level;
- (d) a representative of Livestock Owners at the Local Government level;
- (e) a representative of the Benue State Community Volunteer Guards at the Local Government level;
- (f) the Divisional Police Officer or his representative;
- (g) a representative of the Nigerian Bar Association at the Local Government level;
- (h) the head of Personnel Administration of the Local Government as Secretary.

Composition of the Committee.

34. The Department shall not accept any aid, grant or assistance if the conditions attached by the person or organization giving the aid, grant or assistance are inconsistent or will compromise the Department in the discharge of its functions under this Law.

Power to accept aids, grants or assistance.

35(1) The Magistrate and Upper Area Courts shall have jurisdiction to try offences under this Law except provisions where the courts have no jurisdiction; the High Court shall try such offences.

Court of jurisdiction.

(2) All appeals from the Magistrate and Upper Area Courts shall be to the High Court as of right.

36. The Grazing Reserves Law Cap. 72, Laws of Benue State, 2004 is hereby repealed and all instruments made there-under that affect grazing of livestock shall be modified in line with the provisions of this Law.

Repeal of Cap 72
BNSL, 2004.

This printed impression has been carefully compared by me with the Bill which was passed by the State Legislature and is a true and correctly printed copy of the said Bill.

TORESE AGENA, Ph.D.

Clerk of the House

This impression is hereby endorsed by me as correct.

RT. HON. TERKIMBI IKYANGE

Speaker

I Assent/Withhold Assent This Day Of2017

SAMUEL ORTOM

*Governor
Benue State*