

ADMINISTRATION OF ABANDONED PROPERTIES 1969

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ADMINISTRATION OF ABANDONED PROPERTIES 1969

A LAW TO PROVIDE FOR THE ADMINISTRATION OF ABANDONED PROPERTIES IN LAGOS STATE AND FOR CONNECTED PURPOSES

[Commencement]

[20 December 1968]

The Lagos State House of Assembly enacts as follows-

1. Establishment of the Committee

(1) There is established a Committee to administer abandoned in Lagos State (referred to in this Law as “the Committee”) which shall exercise powers as are conferred on it by this Law.

(2) The Committee is a body corporate-

- (a) with perpetual succession and a common seal;
- (b) may sue or be sued in its corporate name; and
- (c) may purchase, acquire, hold and dispose any movable and immovable properties in the discharge of its function under this Law.

2. Transfer of Abandoned Property to the State

Abandoned properties (movable or immovable) situated in the State or anywhere within it shall by virtue of this Section vest in the State and held by the State on trust for the true owners of such properties.

3. Members of the Committee

The Committee shall compose of eight (8) members including the Chairman who is to be appointed by the Governor.

4. Secretary to the Committee

The Secretary shall-

- (a) keep records and conduct the affairs of the Committee; and
- (b) perform such other duties as may be designated by the Committee.

5. Functions of the Committee

(1) Subject to the provisions of this Law, the Committee shall have the general duty of management of any abandoned property and shall perform any other function conferred on it by this Law.

(2) Without prejudice to the generality of the provisions of subsection (1) above, the Committee may-

- (a) take possession of any abandoned property;
- (b) lease, let or may give on hire any abandoned property on such terms as it may be determine;
- (c) carry out any repairs or improvements to any such property;
- (d) dispose of any property for the purpose of preventing it from further deterioration or disrepair provided that the Committee shall not dispose of any immovable property without an order of the High Court of the State; and
- (e) institute legal proceedings for the recovery of possession of any abandoned property or of any rents, hire charges or other fees due and payable for occupation or use.

6. Sub-committees

The Committee may, if it thinks fit, appoint sub-committees for the effective performance of its functions and may delegate all or any of its powers to such sub-committees.

7. Officers and Agents of the Committee

- (1) Subject to the provisions of this Law, the Committee may appoint such officers, servants, or agents as the Committee may deem necessary and expedient for the proper discharge of its functions under this Law and it shall pay to them such salaries or remunerations as the Committee may determine.
- (2) Without prejudice to the generality of subsection (1) of this Section, the Committee may appoint rent collectors to assist it in the collection of rents from tenants or other occupants of any immovable abandoned property; and the duties of any rent collector so appointed shall be to-
 - (a) collect the rents fixed by the Committee on any such abandoned property;
 - (b) issue the official receipts of the Committee to the tenants or lessees of any such abandoned property;
 - (c) pay the rents collected as stated above not later than 24 hours from the receipt to the Treasurer, Lagos City Council or any Divisional Treasury in the State or such other places designated by the Committee for the receipt of such rents.
 - (d) serve any notices of which service is necessary on lessees, tenants or occupiers of abandoned properties;
 - (e) submit to the Committee, not later than the 10th day of each month, a statement of the account of all abandoned properties under his care; and
 - (f) perform such other duties as the Committee may from time to time, stipulate.
- (3) The appointment and remuneration of rent collectors shall be on such terms and conditions as may be prescribed by the Committee.

8. Proceedings of the Committee

Subject to the provisions of this Law, the Committee may make standing orders regulating its proceedings.

9. Meetings of the Committee

The Chairman shall convene a meeting of the Committee. The Committee shall meet at such times and places as the Committee may determine the transaction of its business.

- (2) The Chairman shall preside at every meeting of the Committee at which he is present and in his absence the Deputy Chairman shall preside at that meeting.
- (3) The Chairman or the Deputy Chairman presiding at any meeting shall have a deliberative vote, and where there is an equality of votes cast at any meeting, the person presiding at the meeting shall have a casting vote.

10. Quorum

The quorum at any meeting of the Committee shall be five (5) members.

11. Validity of Proceedings

The validity of proceedings of the Committee shall not be affected by any vacancy in the membership of the Committee or by reason that a person not entitled took part in the proceedings.

12. Disclosure of Interest

Any member of the Committee who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Committee shall forthwith disclose his interest to the Committee and the member shall not take part in any deliberation of the Committee with respect to that contract or arrangement.

13. Power of Entry

Any member of the Committee or any officer, servant or agent of the Committee, duly authorised by it in that behalf, may during daylight and on production by that person, if so required, of a duly authenticated document showing his authority enter into or upon any

immovable abandoned property, for the purpose of inspection, measurement, survey or other inquiry touching on the ownership or occupation of any abandoned property.

14. Power of Committee to call for documents and other information

- (1) Where the Committee has reason to believe that any person has in his possession any document relating to an abandoned property or that he is able to give useful information in relation to any abandoned property the Committee may by notice in writing served on the person, require him to attend before it, at such time and on such date as may be specified in the notice, to produce the document or give the information; and it shall be an offence under this Law for any person to refuse or neglect to comply with the requirement of such notice.
- (2) Any notice to be given under this Section may be signed by the Chairman to the Committee or by any other person authorised by the Committee in that behalf.

15. Accounts.

- (1) The Committee shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause it to be audited within six (6) months after the end of each year by Auditors appointed from the list supplied by the Auditor-General of the State and in accordance with the State Audit Law.
- (2) The auditors shall on completion of the audits of the accounts of the Committee for each financial year prepare and submit to the Committee a general report of their audit.
- (3) At the end of each financial year, the Committee shall prepare a general report of its proceedings during that year and transmit it to the Military Governor who shall consider it and present the report to the Executive Council of the State.
- (4) The Committee's report shall have attached to it the statement of accounts for the year and a copy of the auditor's report mentioned in subsection (2) of this Section, and the Committee's report shall also include such information relating to the future plans, and past and present activities, of the Committee, and the financial position of the Committee, as the Military Governor may from time to time direct.

16. Furnishing of information

Without prejudice to the provisions of Section 15(1) of this Law, the Committee shall, in such manner and at such time as the Military Governor may direct, afford the Military Governor or any person authorised by him in writing facilities for obtaining information with respect to abandoned properties under its control and management and with respect to its activities and the Committee shall furnish the Military Governor or that person with returns, copies of minutes, accounts and other information relating to it and shall afford the Military Governor or that person, as the case may be, facilities for the verification of information so furnished.

17. Recovery of expenses and set-off

- (1) Any expenses reasonably incurred by the Committee under Section 5 of this Law in carrying out any repairs, improvement or otherwise in respect of an abandoned property, shall be recoverable by the Committee from the true owner of the abandoned property or any person claiming under him; and the said expenses may be set-off against rents or other sums due from the Committee to that person.
- (2) The amount of any expenses due to the Committee under Section 5 of this Law shall be a charge on the abandoned property in respect of which the expenses were incurred.

18. Limitation of suits against the Committee

Notwithstanding anything in any other enactment or no suit against the Committee or any servant of the Committee for any act done in pursuance or execution or intended execution of any enactment or , or of any public duties or authority, or in respect of any alleged neglect or default in the execution of such enactment or , duties or authority, shall lie or be instituted in any court unless it is commenced within twelve (12) months next after the act, neglect or default complained of or, in the case of a continuance of damage or injury, within twelve (12) months

next after the ceasing of such damage or injury.

19. Service of document

Any summons, notice or other document required or authorised to be served upon the Committee may be served by delivering the same to the Chairman or Secretary of the Committee, or by sending it by registered post addressed to the Secretary of the Committee at the office of the Committee.

20. Representation of Corporation at hearing of action or suit

Save where the Legal Practitioners Act or Rules of the General Council of the Bar otherwise provide, the Committee may in any action or suit appear in court or be represented at any stage of the proceedings by any servant of the Committee duly authorised in that behalf.

21. Protection of member and agent of the Committee

No matter or thing done by any member, servant or agent, of the Committee shall, if it is done bona fide for the purposes of this or any other enactment or , subject that member, servant or agent or any person acting by his direction, to any civil liability whatsoever.

22. Seal of the Committee

(1) The fixing of the seal of the Committee shall be authenticated by the signature of the Chairman or any other member of the Committee authorised by it to act in his stead in that behalf and of the Secretary to the Committee or any other officer authorised by the Committee to act in his stead in that behalf.

(2) Any contract or instrument which if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Committee by any person generally or specially authorised to act for that purpose.

(3) Any document purporting to be a document executed under the seal of the Committee authenticated as aforesaid shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.

23. Offences

If-

- (a) a person being legally bound to comply with any lawful order or with the requisition contained in any notice served under this Law refuses or neglects to comply; or
- (b) a person who gives any information for the purposes of this Law, makes any statement which he knows to be false or recklessly makes any statement which is false; or
- (c) a person who unlawfully obstructs or molests any member, servant or agent of the Committee in the performance or execution of his function under this Law;

that person shall be liable on conviction to imprisonment for a term not exceeding two (2) years or to a fine of One Hundred Thousand Naira (N100,000.00) or both.

24. Release of abandoned property to persons entitled

(1) Where-

- (a) the true owner of any abandoned property returns to the state (whether before or after cessation of hostilities) he may; or
- (b) the true owner of any abandoned property is dead, any person claiming under him may, by notice in writing served on the Committee, require the Committee to transfer to him the abandoned property.

(2) Any notice under subsection (1) of this Section shall have attached to it the following, that is-

- (a) a document of identity of the claimant;

- (b) if the claimant is not the true owner of the abandoned property, a list of the names of the dependants of the true owner; and particulars of their whereabouts (if known); and
 - (c) evidence of title or of right to the abandoned property.
- (3) Upon receipt of any claim under this section, the Committee shall consider the same and may call for such further information as it may consider necessary.
- (4) Where the Committee has reached a decision on such claim it shall prepare a report and submit the claim and its report to the Military Governor who may, on such conditions direct the Committee to deliver, or re-vest the abandoned property in the claimant or such other person as may be named in the direction.
- (5) It shall be the duty of the Committee to comply with any directive given under subsection (4) of this Section and upon such compliance a notice of the delivery, or re-vesting, of the abandoned property shall be published by the Committee in the *State Gazette*; and the property shall cease to be an abandoned property and the provisions of this Law shall, without prejudice to any rights or liabilities already accrued, cease to apply to the property.

25. Funds of the Committee

- (1) The Committee shall establish and maintain a fund from which shall be defrayed all the expenses of the Committee.
- (2) There shall be paid or credited to the fund-
- (a) such sums out of money provided to the Committee by the Government of the State or as may be determined by the Government;
 - (b) gifts of money made to the Committee by any person or body;
 - (c) money borrowed by the Committee with the approval of the Executive Council of the State; and
 - (d) all other assets accruing to the Committee.

26. Interpretation

In this , unless the context otherwise requires-

“**abandoned property**” means any property movable or immovable, situate or found in Lagos State and which belongs to any of the following persons, that is-

- (a) any person who fled from his home in any part of Nigeria to a place in some other part of Nigeria or a place outside Nigeria; or
- (b) any person who was removed against his will by the rebels from his home in any part of Nigeria to any such other place as aforesaid in Nigeria, but the expression does not include the property of any such person if that person is in Lagos State and has control and management of the property.

“**Military Governor**” means the Military Governor of the Lagos State;

“**State**” means the Lagos State of Nigeria;

“**Member**” means a member of the Committee appointed under this and it includes the Chairman.

20. Citation and Commencement

This may be cited as the Administration of Abandoned Properties 1969 and shall be deemed to have come into force on 20th December 1968.