

# NATIONAL PARK SERVICE ACT

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### NATIONAL PARK SERVICE ACT

An Act to establish the National Park Service to be responsible for the preservation, enhancement and protection of wild animals and plants and other vegetation in National Parks; and for matters connected therewith.

[1999 No. 46, National Park Service (Amendment) Act, 2006.]

[26th May, 1999]

[Commencement.]

#### PART I

*Establishment of the National Park Service of Nigeria and its  
Governing Board, etc.*

##### 1. Establishment of the National Park Service

(1) There is hereby established a body to be known as the National Park Service (in this Act referred to as "the Service").

(2) The Service-s-

- (a) shall be a body corporate with perpetual succession and a common seal; and
- (b) may sue and be sued in its corporate name.

##### 2. Establishment and composition of the National Park Service Governing Board

(1) There is hereby established for the Service a board to be known as the National Park Service Governing Board (in this Act referred to as "the Board") which shall consist of-

- (a) a chairman, who shall be a person with interest in natural resources conservation;
- (b) the Director of Forestry in the Federal Ministry of Environment;
- (c) the Surveyor-General of the Federation;
- (d) one person to represent the Federal Ministry of Internal Affairs;
- (e) one person to represent the Federal Environmental Protection Agency;
- (f) one person to represent the Nigerian Tourism Development Corporation;
- (g) one person to represent the Nigerian Conservation Foundation;

- (h) one person who possesses recognised qualifications, experience or specialization in matters relevant to conservation, preservation or protection of wildlife and natural resources, to be appointed from a research institution;
- (i) four persons to be appointed from amongst the chairmen of the National Park Management Committees in rotation for two years at a time;
- (j) two persons, one of whom shall represent the business community and the other to represent communities living within the limits of National Parks; and
- (k) the Conservator-General of the National Park Service.

(2) Members of the Board, other than *ex-officio* members, shall be appointed by the President on the recommendation of the Minister.

(3) The provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained therein.

[Schedule.]

### 3. Tenure of office of member

Subject to the provisions of this Act, a member of the Board, other than an *ex officio* member-

- (a) shall hold office for a term of four years on such terms and conditions as may be specified in his letter of appointment; and
- (b) may be reappointed for a further term of four years and no more.

### 4. Removal from office, etc.

(1) Notwithstanding the provisions of section 3 of this Act, a member may at any time be removed from office by the President-

- (a) for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour; or
- (b) if he is satisfied that it is not in the interest of the Service or the public for the member to continue in office.

(2) A member of the Board may resign his membership by notice in writing addressed to the President and the member shall, on the date of the receipt of the notice by the President, cease to be a member.

(3) If a member of the Board ceases to hold office for any reason whatsoever before the expiration of the term for which he is appointed, another person representing the same interest as that member shall be appointed to the Board for the unexpired term.

### 5. Allowances of members

A member of the Board shall be paid such allowances and benefits as the Federal Government may, from time to time, direct.

## PART II

### *Objectives, functions and powers*

#### **6. Objectives of the Service**

The objectives of the Service shall be--

- (a) the conservation of selected and representative examples of wildlife communities in Nigeria;
- (b) the establishment of an ecologically and geographically balanced network of protected areas under the jurisdiction and control of the Federal Government;
- (c) the protection of endangered species of wild plants and animals and their habitats;
- (d) the conservation of wildlife throughout Nigeria so that the abundance and diversity of their species are maintained at the optimum levels commensurate with other forms of land use, in order to ensure the continued existence of wildlife for the purpose of their sustainable utilisation for the benefit of the people of Nigeria;
- (e) the preservation of outstanding scenic, natural, scientific, recreational and other values in the National Parks;
- (f) the protection and maintenance of crucial wetlands and water catchment areas;
- (g) the control of dangerous vertebrate species;
- (h) the implementation of relevant international treaties, agreements or other arrangements regarding, relating to or connected with protected areas and wildlife management to which Nigeria is a party, in so far as the power to implement those international treaties, agreements or arrangements is conferred on the Service by the Federal Government;
- (i) the promotion and provision of education about wildlife and nature conservation; and
- (j) the conservation of biological diversity in Nigeria.

#### **7. Functions of the Service**

The functions of the Service shall be to~

- (a) preserve, enhance, protect, and manage vegetation and wild animals in the National Parks;
- (b) advise the Federal Government on the development and preservation policy of the National Parks, including the financial requirements for the implementation of such policy;
- (c) advise the Federal Government on the declaration of areas which, for the purpose of protecting wildlife species, biotic communities, sites of special interest or of aesthetic value, the Service considers may be declared as National Parks under this Act;
- (d) keep under review all activities relating to the National Parks;

- (e) ensure the implementation of the National Parks Policy of the Federal Government;
- (f) prepare surveys and maintain up-to-date records of all the existing facilities for the growth and protection of the *fauna* and *flora* in the National Parks, for zoological or botanical species, and for wild or domesticated animals and advise the Federal Government and State Governments on their adequacy and efficient utilisation in the interest of the national economy;
- (g) promote, develop and carry out research on the wildlife resources of Nigeria, with a view to promoting optimum utilisation and management of the wildlife;
- (h) encourage general education in the knowledge of wild and domestic animals, *fauna* and *flora* and vegetation by publishing or sponsoring the publication of the results of research, particularly in relation to problems affecting Nigeria;
- (i) encourage the general public to visit the National Parks and the study of nature afforded in the National Parks, thereby popularising them as tourist attractions;
- (j) co-operate with other agencies to promote and develop alternatives to wildlife as a source of protein and income for the rural population;
- (k) implement relevant international conventions and obligations;
- (l) co-ordinate the activities of the various National Parks Management Committees;
- (m) administer and enforce this Act to attain its purpose; and
- (n) carry out such other activities which, in the opinion of the Service, will facilitate the performance of its functions under this Act.

#### 8. Powers of **the** Service

The Service shall have power to--

- (a) acquire or dispose of any property, movable or immovable;
- (b) pay remuneration (including pensions), allowances, expenses and any other benefit to members of the Board and employees of the Service or any other persons, in accordance with such scales as may be determined by the Service with the approval of the Minister; and
- (c) do anything which in its opinion is calculated to facilitate the performance of its functions under this Act.

### PART III

#### *Staff of the Service*

#### 9. Conservator-General of **the National Park** Service

(1) There shall be for the Service a Conservator-General who shall be appointed by the President, on the recommendation of the Minister.

(2) A person shall not be qualified for appointment as a Conservator-General unless he possesses outstanding qualifications and has at least ten years' experience in protected area and wildlife management.

(3) The Conservator-General shall be the chief executive of the Service and be responsible->

- (a) for the execution of the policies of the Service;
- (b) for the day-to-day administration of the Service;
- (c) for co-ordinating the work of the Secretariat of the Service and the Directors of the National Parks;
- (d) subject to the general or special directions of the Board, for carrying out the provisions of this Act; and
- (e) performing such other functions as the Board or Minister may, from time to time, assign to him in relation to this Act.

(4) The Conservator-General shall hold office in the first instance for a term of five years and may be reappointed for such further terms as the President may, from time to time, determine.

(5) Subject to this section, the Conservator-General shall hold office on such terms as to emolument and otherwise as may be specified in his letter of appointment, as approved by the President.

(6) Notwithstanding the provisions of subsection (4) of this section, the Conservator-General may be removed from office by the President-

- (a) for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct; or
- (b) if he is satisfied that it is not in the interest of the Service or the public for him to continue in office.

#### **10. Secretary and other staff**

(1) The Board shall appoint a secretary to the Board who shall not be a member of the Board and shall-

- (a) be a legal practitioner;
- (b) be subject to the control and supervision of the Board and the Conservator-General; and
- (c) keep the books and records and conduct the correspondence of the Board and perform such other duties as the Board or the Conservator-General may, from time to time, direct and without prejudice to the generality of the foregoing, the secretary shall be responsible for the following, that is---
  - (i) making arrangement for meetings of the Board;
  - (ii) preparing the agenda and minutes of meetings of the Board;
  - (iii) conveying the decisions of the Board; and
  - (iv) such other functions as may be assigned to him by the Board and the Conservator-General.

(2) Notwithstanding the provisions of subsection (I) of this section, the Board shall have power to appoint for the Service either directly or on secondment from any public or civil service of the Federation such number of employees as may, in the opinion of the Board, be required to assist the Service in the discharge of any of its functions under this

(3) The terms and conditions of service and remuneration of the secretary and other employees of the Service shall be determined by the Service after consultation with the Minister.

(4) Any person who immediately before the coming into force of this Act is the holder of any office either by employment, transfer of service, secondment or posting to the Yankaru National Park under the Principal Act shall have the option of transferring his or her service to the Bauchi State Public Service or remain in the Federal Public Service.

[National Park Service (Amendment) Act, 2006.]

(4) All issues related to the welfare, conditions of service, staff regulations and pensions amongst others of the staff transferring to the Bauchi State Public Service shall at the commencement of this Act be transferred to the Bauchi State Government.

[National Park Service (Amendment) Act, 2006.]

## **11. Application of the Pensions Act**

(I) It is hereby declared that service in the employment of the Service shall be pensionable under the Pensions Act, and accordingly, employees of the Service shall, in respect of their services, be entitled to pensions, gratuities and other retirement benefits as are prescribed thereunder.

[Cap. P4.]

(2) Notwithstanding the provisions of subsection (I) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension and gratuity in respect of that office.

(3) For the purposes of the application of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Federal Government (not being the power to make regulations under section 23 thereof) is hereby vested in and shall be exercisable by the Service and not by any other person or authority.

(4) Subject to subsection (2) of this section, the Pensions Act shall, in its application by virtue of subsection (3) of this section to any office, have effect as if the office were in the civil service of the Federation.

## **12. Fund of the Service**

(I) The Service shall establish and maintain a fund from which shall be defrayed all expenditures incurred by the Service.

(2) There shall be paid and credited to the fund established in pursuance of subsection (I) of this section-

- (a) such sums as may be granted to the Service by the Federal Government;
- (b) such sums as may be raised for the general purposes of the Service;
- (c) all moneys accruing to the Service by any means, including grants-in-aid, endowments and donations;
- (d) all charges, dues, fees or other amounts collected by the Service;
- (e) all interests on moneys invested by the Service;
- (f) such other moneys as may, from time to time, accrue to the Service.

## **13. Accounts, audit and estimate**

(I) The Service shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause to be prepared in each year-

- (a) a statement showing the income and expenditure of the Service for the immediate preceding year; and
- (b) a statement of all the assets and liabilities of the Service as at the last day of the immediate preceding year.

(2) The Service shall cause every statement prepared under this section to be audited within six months after the end of the year to which the statement relates, by auditors appointed from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation.

(3) The Service shall submit to the Minister, not later than 31 October in each year,

an estimate of its expenditure and income during the next succeeding year.

#### **14. Annual report**

(1) The Service shall prepare and submit to the Minister, not later than six months after the end of the year a report, in such form as the Minister may direct, on the activities of the Service during the immediate preceding year and shall include in the report a copy of the audited accounts of the Service for that year and the auditor's report thereon.

(2) The Minister shall cause a copy of each report made to him under this section to be laid before the President.

#### **15. Power to borrow**

(1) The Service may, with the consent of the Minister or in accordance with the general guideline approved by the Minister, borrow by way of loan or overdraft from any authorised source any moneys required by the Service for meeting its obligations and discharging its functions under this Act.

(2) The Service may, without the consent or authority referred to in subsection (1) of this section, borrow by way of loan or overdraft, where the sum or the aggregate of the sums involved at anyone time does not exceed N5,000,000.

#### **16. Power to invest**

(1) The Service may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds with the like consent or general authority referred to in subsection (I) of section 15 of this Act.

(2) The Service may invest any of its surplus funds in such securities as may be permitted by law.

#### **17. Power to accept gifts**

(1) The Service may accept gifts of land, money or other property or things within and outside Nigeria, upon such terms and conditions, if any, as may be specified by the person or organisation making the gifts.

(2) The Service shall not accept any gift if the terms and conditions attached by the person or organisation making the gift are inconsistent with its functions under this Act.

## PART IV

### *Establishment, Management, etc., of National Parks*

#### 18. Establishment of National Parks

(I) Subject to this Act, the President with the concurrence of the National Assembly, may by order published in the *Gazette*-

[National Park Service (Amendment) Act, 2006.]

- (a) declare such areas in the Federation as he may deem fit as National Parks which shall be subject to the provisions of this Act; or
- (b) alter the boundaries of an existing National Park.

(2) An order made under subsection (I) of this section shall---

- (a) set out the situation and limits of each National Park;
- (b) specify the interim management policy for the National Park; and
- (c) specify the classification of the National Park.

#### 19. Procedure for establishing or altering the boundaries of National Parks

(I) A proposal to establish or alter the boundaries of a National Park shall be accompanied by-

- (a) a positive environmental impact assessment report;
- (b) a recommendation based on the report of a comprehensive study of the matter by or under the direction of the Service, approved by the Minister;
- (c) the consent to the proposed establishment or alteration--

(i) of the Governor, where the National Park falls within the territory of one State;

(ii) of a majority of the Governors of the States within whose territories the National Park is located, where the National Park falls within the territories of two or more States.

(2) If the conditions listed in subsection (I) of this section are complied with and the President is satisfied that the establishment or alteration is desirable in the circumstances he shall by order published in the *Gazette*--

- (a) establish the National Park; or
- (b) effect the proposed alteration or such alteration falling short of the proposed alteration as may best seem fit to him in the circumstances.

#### 20. Ownership of **wild** animals.

(I) The ownership of every wild animal and wild plant existing in its natural habitat in a National Park and anything whatsoever, whether of biological, geomorphological or historical origin or otherwise, existing or found in a National Park is hereby vested in the Federal Government and subject to the control and management by the Federal Government for the benefit of Nigeria and mankind generally.

(2) Where the wild animal, wild plant or other thing is lawfully taken pursuant to a licence issued under this Act, the ownership of the animal, plant or thing shall, subject to the provisions of this Act, vest or continue to be vested in the licensee.

(3) Except with authority under a licence, nothing in this section shall be deemed to transfer to any person the ownership of a wild animal found dead or dying, or of a wild plant that has been cut down.

(4) If a person takes a wild animal or wild plant in contravention of this Act, the ownership of that animal or plant shall not be transferred to that person.

(5) A wild animal found outside a National Park shall not by reason only of its being found near the National Park be deemed to be the property of the Federal Government, unless it is shown to be in the course of a recognised natural migratory route or pattern to or from the National Park.

(6) Nothing in this Act shall be deemed to confer any right to damages or compensation on a person who alleges that he has suffered injury from or due to the activities of a wild animal or wild plant shown to be the property of the Federal Government otherwise than as provided in this Act.

*Establishment, composition, etc., of National Parks Management Committee, etc.*

## **21. Establishment of National Park Management Committees**

(1) There is hereby established for each National Park a committee to be known as the National Park Management Committee (in this Act referred to as "the Management Committee") which shall consist of-

- (a) a chairman who shall have a good knowledge of the National Park, to be appointed by the Minister, on the recommendation of the Governor of the State in which the National Park is located;
- (b) the Director of Forestry of the State concerned;
- (c) one person to represent the Ministry charged with responsibility for matters relating to land in the State concerned;
- (d) one person to represent the Conservator-General of National Parks;
- (e) one person to represent the zonal office of the Nigerian Tourism Development Corporation;
- (j) one person, with recognised qualifications, experience or specialisation in matters relevant to conservation, preservation or protection of wildlife and natural resources to represent the academic or research institutions located in the State concerned;
- (g) one person to represent conservation non-governmental organisations in the State concerned;
- (h) one person to represent the State Tourism Board;
- (i) two persons to represent public interest in the State concerned;
- (j) the Director of the National Park.

(2) A member of the Management Committee, other than an *ex officio* member-

- (a) shall be appointed by the Minister, on the recommendation of the Governor of the State concerned

- (b) shall hold office for a term of four years on such terms and conditions as may be specified in his letter of appointment;
- (c) may be reappointed for a further term of four years.

(3) Where a National Park is located within the territories of two or more States--

- (a) the Minister shall apportion the seats on the Management Committee between those States in such proportion as may appear to him best in the circumstances; and
- (b) the Governor of a State shall make the nomination in respect of a seat apportioned to that State pursuant to paragraph (a) of this subsection.

(4) The quorum of a meeting of the Management Committee shall be six.

(S) Subject to subsection (4) of this section, the Management Committee shall have power to regulate its own procedure and the conduct of its own meetings.

## 22. Functions of the Management Committees

Subject to such directions as may be given from time to time, by the Board, each Management Committee shall assist in implementing the policies of the Service and, in particular, shall-

- (a) ensure that the National Park is set aside exclusively for the propagation, protection and management of the vegetation and wild animals in the National Park;
- (b) ensure that hunting, destruction or collection of animals and plants are prohibited in the National Park except-
  - (i) for scientific or management purposes; or
  - (ii) in the case of fish, for sporting purposes; and
  - (iii) in either case, on the direction and control of the Director;
- (c) ensure that an undertaking involving any of the following activities, that is--
  - (i) forestry, agriculture, grazing, mining, excavation or prospecting; or
  - (ii) flight over the National Park at altitudes lower than 200 metres; or
  - (iii) any drilling or levelling of the ground or construction; or
  - (iv) any work which could alter the configuration of the soil or the character of the vegetation; or
  - (v) any water pollution; or
  - (vi) any act likely to harm or disturb the *fauna* and *flora*, including the introduction of zoological or botanical species, whether indigenous or imported, wild or domesticated,

is prohibited except in so far as the activity is necessary for the implementation of the provisions of paragraph (d) of this section or for enabling members of the public to visit the National Park; and

- (d) perform such other functions as the Board may, from time to time, assign to it

### 23. Powers of Management Committees

Each Management Committee shall, with the approval of the Board, have power to--

- (a) regulate access to and use of the National Park by members of the public; and
- (b) do anything which in its opinion is calculated to facilitate the performance of its functions under this Act.

### 24. Directors of National Parks

(1) The Service shall appoint for each National Park a director who shall have requisite qualification in wildlife management and a minimum of seven years' experience in protected area management.

(2) The director shall--

- (a) be responsible for the day-to-day administration of the National Park;
- (b) act as secretary to the Management Committee; and
- (c) carry out such other functions as the Management Committee or Board may, from time to time, assign to him.

## PART V

### *Management principles, etc., of National Parks*

### 25. Management of National Parks to be based on prescribed management principles

(1) Each National Park shall be managed in accordance with--

- (a) the management principles prescribed by or under this Act for the class of protected area; and
- (b) the interim management policy for the National Park until a management plan is approved for the National Park in accordance with this Act.

(2) The interim management policy for a National Park shall be as specified in the order declaring an area to be a National Park.

(3) The interim management policy for a National Park shall contain a statement of--

- (a) the significant cultural and natural resources and values of the National Park;
- (b) the proposed management policy for the National Park; and
- (c) the proposed use of the National Park.

(4) A National Park may be divided into zones for the purpose of applying in each zone a different management principle that may best ensure the overall management objective for the National Park.

### 26. Management principles of the National Park

Subject to the establishment of different classes of National Parks and the different management principles specified for their management, a National Park shall be managed so as to--

(a) provide for the permanent preservation, to the greatest possible extent, of its natural condition;

(b) protect and preserve its cultural and natural resources and values; and

(c) ensure that its use shall be nature-based and ecologically sustainable.

## 27. Management **plan** for the National Park

(1) The Management Committee shall, not later than two years after-

(a) the enactment of this Act, in the case of an existing National Park; or

(b) the establishment of a new National Park,

prepare and publish a comprehensive management plan in accordance with internationally accepted standards.

(2) Each management plan shall include--

(a) a map of the National Park indicating proposed facilities;

(b) an inventory of the wildlife, cultural and related natural resources in the National Park;

(c) an assessment of wildlife population trends in the National Park;

(d) an assessment of wildlife interference and plans for controlling it;

(e) a description of proposed research activities;

(j) a description of proposed infrastructural development, including the construction of facilities for visitors to the National Park;

(g) a description of proposed activities for the management of wildlife resources, including restoration of depleted populations;

(h) plans for the administration of the National Park, including financial and staffing projections;

(i) plans for the development of national and international tourism, where applicable;

(j) plans for the creation of buffer zones around the National Park;

(k) plans for public participation in the activities of the National Park;

(l) plans for the participation of the local communities in the management of the National Park;

(m) plans for promoting and assisting in ensuring environmentally sound and sustainable development in the areas surrounding the National Park, other than the buffer zones, with a view to furthering protection of those areas.

(3) The Management Committee shall, in preparing a management plan, invite, accept and consider all appropriate submissions from interested groups, local authorities and committees and members of the public.

(4) The draft management plan shall be submitted to the Board for its consideration and approval, with or without modifications, not later than three months after its submission.

(5) A management plan shall be reviewed at intervals of not more than ten years and the procedure for submission and approval by the Board shall be the same as for the management plan.

(6) A copy of the management plan or reviewed management plan shall be available to members of the public on payment of the prescribed fee.

(7) A management plan shall replace an interim management policy as soon as it is approved by the Board.

## **28. System plan**

(1) The Service shall cause to be prepared for the National Parks a system plan which shall include-

- (a) the objectives of the network of National Parks;
- (b) an outline of what each National Park contributes to achieving those objectives;
- (c) identified areas of lapses in the National Parks and proposals for preventing future lapses;
- (d) detailed plans for managing each National Park as an integral unit of the network of National Parks; and
- (e) such other information as may be required for or as may be practicable in this type of system plan.

(2) The Service shall give notice to members of the public that it proposes to prepare a draft system plan for the National Parks and invite submissions from relevant interest groups, local authorities and communities and members of the public.

(3) The draft system plan shall not become effective until it is approved by the Board and published in the *Gazette*.

(4) An approved system plan or a reserved system plan, as the case may be, shall remain in operation for at least seven years before review.

## **PART VI**

### *Offences and penalties*

## **29. Restriction on entry into National Parks, etc.**

(1) A person who, except in accordance with the provisions of this Act, enters into, resides, erects a building or camp in a National Park is guilty of an offence.

(2) The provisions of subsection (1) of this section shall not apply to--

- (a) a member of the Board;
- (b) an employee of the Service;
- (c) a police officer or public officer on specified duty requiring his presence in the National Park;
- (d) a person travelling through the National Park along a public road within the confines of the road reserve;

(e) a person in possession of a permit, issued by the Conservator-General or any other employee of the Service duly authorised in writing by the Conservator-General in that behalf, allowing the person to enter, reside, erect a building or camp in a National Park; and

(f) a person who enters or is admitted pursuant to a regulation made under section 51 of this Act, so however that the member, employee or other person, as the case may be, shall be subject to any relevant regulations made under section 51 of this Act, where appropriate, and shall, except if he is exempted, pay any charge or fee relating to the entering, residing, erecting or camping, as the case may be.

### 30. Restriction on hunting, etc., in the National Parks

(I) A person who, unless authorised to do so under this Act or the regulations made under this Act'--

- (a) hunts or captures an animal; or
- (b) destroys or collects an animal; or
- (c) uproots, burns, strips off the bark or leaves from or otherwise damages a tree or plant; or
- (d) sets fire to any grass or herbage or kindles a fire; or
- (e) digs, cuts, turns or cultivates the soil or makes a farm or plantation; or
- (f) constructs a dam or weir across a river or stream or otherwise obstructs the channel of a river or stream; or
- (g) introduces a chemical or otherwise causes any form of pollution; or
- (h) removes from or damages the nest of a bird or reptile; or
- (i) fishes or attempts to kill any fish; or
- (j) is in possession of a wild animal, bird or reptile, dead or alive; or
- (k) is in possession of, uses, or sets a snare, net trap or any other instrument for the purpose of capturing or killing an animal; or
- (l) drives, stampedes or in any way disturbs unnecessarily any animal; or
- (m) carries out an undertaking connected with forestry, agriculture, grazing or excavation; or
- (n) does any levelling of the ground or construction or any act tending to alter the configuration of the soil or the character of the vegetation; or
- (o) does an act likely to harm or disturb the *fauna* or *flora*; or
- (p) engages in drilling, mining, prospecting or exploration of any kind of natural resources; or
- (q) uses any bait, decoy, hide, blind or any calling device whatsoever to bring animals closer for the purpose of hunting them; or
- (r) uses or is in possession of a motor vehicle's dazzling or artificial light or radio communication; or

(s) damages or removes a material that is of geological, prehistoric, archaeological, historical or scientific interest, in a National Park, is guilty of an offence under this Act.

(2) A person who flies any kind of aircraft at an altitude lower than 200 metres over a National Park is guilty of an offence under the Act.

(3) The Conservator-General or any other employee of the Service, duly authorised by the Conservator-General in that behalf, may issue a permit to a person to fish in a National Park.

(4) The Conservator-General may issue a permit to a person authorising the person, under the direction of the Conservator-General, to hunt wild animals in a National Park-

- (a) if the Conservator-General is satisfied that--
  - (i) a wild animal ought to be hunted for the better preservation of other animal life in the National Park; or
  - (ii) a wounded animal ought to be destroyed; or
- (b) in order to ensure that the population of a particular species does not exceed the carrying capacity of the National Park.

(5) A permit issued pursuant to subsection (4) of this section shall specify the species and number of wild animals which may be hunted under the permit.

(6) The Conservator-General may at any time, in his absolute discretion, revoke or cancel a permit issued pursuant to subsection (3) or (4) of this section.

(7) This section shall not apply to an employee of the Service or any other public officer or police officer acting in the performance of his duties under this Act or any other written law.

### 31. Restriction on weapons, etc., in the National Parks

- (1) A person in a National Park who-
  - (a) without a permit issued under this section; or
  - (b) in breach of any express condition of a permit issued under this Act; or
  - (c) in breach of a regulation made pursuant to this Act,

conveys into a National Park or, being within the confines of the National Park, is in possession of, carries or uses for any purpose, any firearm, spear, bow, arrow or other weapon, explosive, snare, net trap or poison, or sets out any snare, net trap or other instrument for the purpose of capturing or killing an animal, is guilty of an offence under this Act.

(2) The Conservator-General or any other employee of the Service duly authorised in that behalf by the Conservator-General may, subject to such conditions as he may deem fit, issue a permit to a person--

- (a) to convey into a National Park; or
- (b) within the confines of the National Park, to possess, carry or use,

for a purpose expressly stated in the permit, any firearm, spear, bow, arrow or other weapon or any explosive, snare, net, trap or poison, as the case may be.

(3) A permit issued under subsection (2) of this section shall be valid for the period specified in the permit.

(4) In a charge for a contravention of this section, the onus of proving that the conveyance into or possession, carriage or use in a National Park of any firearm, spear, bow, arrow or other weapon or of any explosive, snare, net, trap or poison, as the case may be, was lawful, shall be on the person charged.

(5) The provisions of subsections (1), (2) and (4) of this section shall not apply to an employee of the Service or any other public officer or police officer acting in the performance of his duties under this Act or any other written law.

### 32. Prohibition of introduction of wild animals into National Park

(1) A person who, without the consent of the Conservator-General, conveys, drives or introduces a wild animal, whether indigenous or imported, into a National Park is guilty of an offence under this Act.

(2) If an employee of the Service finds, in a National Park, a wild animal which was driven, conveyed or introduced into the National Park in contravention of subsection (1) of this section, he may destroy the animal or order it to be destroyed without compensation.

### 33. Prohibition of domestic animals in National Park

(1) A person, being the owner or the person in charge or control of a domestic animal who, without the consent of the Conservator-General--

- (a) conveys, drives or introduces the domestic animal into a National Park or causes or permits the domestic animal to be so conveyed, driven or introduced;  
or
- (b) permits or causes the domestic animal to stray into a National Park; or
- (c) permits or causes the domestic animal to worry, harass or otherwise interfere with a wild animal within the confines of a National Park,

is guilty of an offence under this Act.

(2) On the conviction of a person of an offence under this section, the court may, in addition to any other penalty imposed, order the domestic animal to be forfeited or destroyed without compensation.

### 34. Prohibition of introduction of plants into National Park

(1) A person who, without the consent of the Conservator-General, brings or introduces a plant or any other vegetation, whether indigenous or imported, into a National Park, is guilty of an offence under this Act.

(2) If an employee of the Service finds, within the confines of a National Park, a plant which was brought or introduced into the National Park in contravention of subsection (1) of this section, he may destroy the plant or order it to be destroyed without compensation.

### 35. Restriction on prospecting for genetic materials in National Park

(1) No person shall prospect for a genetic material or remove or attempt to remove any biological material from a National Park for the purpose of exploiting its genetic material except with the written prior informed consent of the Minister on the recommendation of the Service.

(2) Subject to the provisions of subsection (1) of this section, no transfer of a genetic material or indigenous knowledge relating to a genetic material owned or in the possession or custody of a Nigerian citizen, group or association shall be made, except with the written prior consent of that citizen, group or association, which may be given subject to arrangements being made to share research opportunities and benefits derived from the genetic material or indigenous knowledge relating to the genetic material.

(3) The consent to prospect for genetic resources shall be vitiated by fraud, deceit, or the wilful or negligent failure to supply information that is reasonably available to the applicant and contained in the application for the required consent.

(4) The consent to prospect for genetic resources shall not be granted to a person unless he undertakes to--

- (a) secure research collaboration with Nigerian scientists;
- (b) make periodic reports concerning the subsequent use of the genetic resources; and
- (c) share the benefits derived from the resources with the Government and people of Nigeria, and this undertaking shall be a continuing obligation relating to the genetic resources in whatever form they may be synthesised or manipulated and irrespective of their transfer to other parties.

(5) A person who--

- (a) prospects for a genetic material in a National Park;
- (b) removes or attempts to remove a biological material from a National Park;
- (c) transfers a genetic material or indigenous knowledge relating to a genetic material, without the consent required under subsections (1) and (2) of this section, is guilty of an offence.

### 36. Aiding and abetting of offences, etc.

A person who aids, abets, procures or conspires with another person or attempts to commit any of the offences specified in this Act or regulations made under this Act is guilty of an offence as if he himself had committed the offence and shall be punished accordingly.

### 37. Penalties

(1) A person who is guilty of an offence under section 29 of this Act, shall be liable on conviction to a fine not exceeding *H20,000* or imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) A person who is guilty of an offence under section 29 of this Act is liable on conviction--

- (a) where the offence is that of hunting, wounding, killing or capturing of a mother of a young animal, large mammal or any endangered, protected or prohibited species, to imprisonment for a term of not less than three months but not exceeding five years without the option of a fine;
- (b) where the offence is that specified in paragraph (g), (m), (n), or (o) of that section, to imprisonment for a term of not less than six months but not exceeding ten years without the option of a fine;
- (c) in the case of any other offence, to a fine of not less than N I 0,000 but not exceeding N50,000 or imprisonment for a term of not less than one year but not exceeding five years or to both such fine and imprisonment;
- (d) where the offence is committed by a body corporate, to a fine of not less than N I 00,000 but not exceeding N I ,000,000.

(3) A person who is guilty of an offence under section 31 of this Act is liable on conviction to a fine of not less than N5,000 but not exceeding N25,000 or imprisonment for a term of not less than six months but not exceeding five years or to both such fine and imprisonment.

(4) A person who is guilty of an offence under section 32 of this Act is liable on conviction to a fine of not less than N I 0,000 but not exceeding N50,000 or imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(5) A person who is guilty of an offence under section 33 of this Act is liable on conviction to imprisonment for a term of not less than three months but not exceeding five years without the option of a fine.

(6) A person who is guilty of an offence under section 34 of this Act is liable on conviction to a fine of not less than N I 0,000 but not more than N50,000 or imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(7) A person who is guilty of an offence under section 35 of this Act is liable on conviction to imprisonment for a term of not less than six months but not exceeding five years without option of a fine.

(8) A person who aids, abets, procures or conspires with another person or attempts to commit any of the offences under this Act or regulations made under this Act, is liable on conviction to the penalty which the person who committed the offence is subject to under this Act or the regulations.

### **38. Offences by bodies corporate**

Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any of those capacities, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

### **39. Forfeiture and compensation**

(1) In a judicial proceeding under this Act it shall be lawful for the court before which the proceeding is brought to make an order that any equipment, instrument and any other thing of the like nature used by the offender in committing the offence be forfeited to the National Park.

(2) Where by or under this Act a fine or imprisonment is imposed on a person, the court may order that compensation for the conservation value of a wild plant, wild animal or the ecosystem, where applicable, as stipulated in regulations made under section 51 of this Act, be paid by the person to the National Park.

### **40. Conduct of proceedings**

(1) Subject to the provisions of section 174 of the Constitution of the Federal Republic of Nigeria 1999, (which relates to the power of the Attorney-General of the Federation to institute, continue or discontinue criminal proceedings against any person in any court of law), any officer of the Service may, with the consent of the Attorney-General of the Federation, conduct criminal proceedings in respect of offences under this Act or regulations made under this Act.

[Cap. C23.]

(2) In a judicial proceeding for an offence under this Act or any regulations made under this Act, the provisions of the Criminal Procedure Act or, depending on the venue, the Criminal Procedure Code, shall with such modifications as the circumstance may require apply in respect of such matter to the same extent as they apply to the trial of offences generally.

[Cap. C41.]

### **41. Power to compound offences**

(1) The Service may, without prejudice to the provisions of section 174 of the Constitution of the Federal Republic of Nigeria 1999, (which relates to the power of the Attorney-General of the Federation to institute, continue or discontinue criminal proceedings against any person in any court of law), and subject to such directions, whether general or specific, as may be given by the Attorney-General of the Federation, stay or compound any proceeding for an offence or for the condemnation of anything as being forfeited under this Act.

[Cap. C23.]

(2) Where a person is reasonably suspected of having committed an offence under this Act, the compounding officer designated by virtue of regulations made under section 51 of this Act, may, if the suspected person so agrees, receive from the person a sum of money stipulated as penalty under this Act instead of initiating proceedings against the suspected person in a court of law.

(3) On payment being made pursuant to subsection (2) of this section, the suspected person shall be released from custody and no further proceedings shall be taken against the person in respect of the offence and, if an action is pending in a court in respect of the same person on the same facts, the action shall be withdrawn.

(4) The compounding officer shall in no case receive cash but shall ensure that any sum of money required to be paid is paid into an account operated by the National Park and shall give the suspected person a receipt for the sum of money paid.

## PART VII

### *Miscellaneous*

#### 42. Possession of arms by officers of the Service

(I) Notwithstanding anything in any other enactment, it shall be lawful for an officer of the Service not below the rank of Chief Park Officer to have a firearm and ammunition in his possession or under his control on such occasions as may be specified by regulations.

(2) Provision shall be made by regulations for the safe custody of firearms and ammunition provided in pursuance of subsection (I) of this section.

(3) The authorisation to possess and control arms and ammunition given under subsection (I) of this section to officers of the Service not below the rank of Chief Park Officer shall extend to officers of the Service not below the rank of Park Officer when they are acting under the personal supervision of an officer not below the rank of Chief Park Officer.

#### 43. Restriction on construction of building within National Parks

(I) Subject to the management principle of a National Park, the location and construction of administrative, housing and other facilities of a National Park shall be outside the boundaries of the National Park.

(2) Where-

- (a) it is proposed to locate or construct a building or other facility inside a National Park; or
- (b) in the case of an existing National Park, buildings or other facilities are already located within the National Park,

an environmental impact audit shall be conducted and where necessary an appropriate mitigation or remedial programme shall be instituted and carried out.

#### 44. Request for environmental impact assessment

(I) If a person has good and sufficient reason to believe that a proposed or existing process or activity of government or any other organisation or person may have an adverse effect on a wildlife species or community, that person may request the Service to ensure that an environmental impact assessment is undertaken by the Federal Environmental Protection Agency.

(2) The provisions of the Environmental Impact Assessment Act shall apply to an environmental impact assessment undertaken under subsection (I) of this section.

[Cap. EI2.]

(4) The compounding officer shall in no case receive cash but shall ensure that any sum of money required to be paid is paid into an account operated by the National Park and shall give the suspected person a receipt for the sum of money paid.

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(2) Provision shall be made by regulations for the safe custody of firearms and ammunition provided in pursuance of subsection (I) of this section.

(3) The authorisation to possess and control arms and ammunition given under subsection (1) of this section to officers of the Service not below the rank of Chief Park Officer shall extend to officers of the Service not below the rank of Park Officer when they are acting under the personal supervision of an officer not below the rank of Chief Park Officer.

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an environmental impact audit shall be conducted and where necessary an appropriate mitigation or remedial programme shall be instituted and carried out.

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(2) The provisions of the Environmental Impact Assessment Act shall apply to an environmental impact assessment undertaken under subsection (1) of this section.

[Cap. E12.]

#### 45. Scientific investigation of activities relating to the National Parks

(1) For a better achievement of the objectives specified in this Act, every person responsible for the administration of this Act shall ensure that any measure taken or instituted under this Act is based on the result of scientific investigation, including the monitoring of the status and habitat conditions of the species.

(2) The Service may appoint suitable persons, organisations, committee of scientists, academicians or such other persons as it may think fit, to assist in undertaking surveys, scientific researches and other studies of a scientific and professional nature relating to its functions under this Act.

#### 46. Declaration of buffer zones around the National Parks

(1) The Service may, in consultation with the local community, declare the area surrounding a National Park as a multiple-use area to protect the boundaries of the National Park from disturbance.

(2) The area referred to in subsection (1) of this section shall be as wide as may be practicable and the Service shall reach agreement with the local community on measures to be taken to control activities which threaten the objectives and the resources of the National Park in the area.

#### 47. Delineation of boundaries of National Parks

Within three years of the declaration of a National Park, and two years from the date of the commencement of this Act, in the case of an existing National Park, the Service shall clearly mark the boundaries between each of the National Parks and the surrounding land.

#### 48. Participation of local communities in the management of National Park

(1) The Board and Management Committees shall consult with and take into account the views of local communities in the administration and management of the National Parks and may, in each case, establish Local Advisory Committees consisting of local residents to assist in the management of a National Park.

(2) For the purpose of achieving a more effective partnership with the local communities and to return benefits to them, a Management Committee may organise, co-operate with or encourage the organisation of or co-operation with guilds, associations and networks of local communities in respect of any particular endeavour, activity, trade or profession.

#### 49. Directives by the Minister

The Minister may give directives of a general or special character, not inconsistent with the provisions of this Act, to the Service in relation to the performance by the Service of its functions under this Act and it shall be the duty of the Service to comply and give effect to the directives.

#### 50. Repeals, savings and transfer of assets and liabilities, etc.

(1) The National Parks Act (in this section referred to as "the repealed Act") is hereby repealed but the Board established under the repealed Act shall, subject to this Act,

perform the functions of the Board established under this Act until the Board established under this Act is duly constituted, and shall then stand dissolved.

[1991 No. 36.]

(2) Accordingly and subject to the provisions of this Act, all property, rights, liabilities and obligations which, immediately before the commencement of this Act were property, rights, liabilities and obligations of any of the bodies comprised in-

- (a) the Chad Basin National Park;
- (b) the Cross River National Park;
- (c) the Gashaka-Gumti National Park;
- (d) the Kainji Lake National Park;
- (e) the Old Oyo National Park;
- (f) Kamuku National Park; and  
[National Park Service (Amendment) Act, 2006.]
- (g) Okomu National Park,  
[National Park Service (Amendment) Act, 2006.]

(in this Act referred to as "the respective bodies"), established by or under the repealed Act, shall, as from the commencement of this Act, without further assurance, vest or be deemed to have vested in the Service.

(3) For the avoidance of doubt, the National Parks listed in subsection (2) of this section shall continue to exist as National Parks within their respective existing boundaries until new orders are made under this Act, and shall be subject to the provisions of this Act.

(4) Subject to this Act, the Management Committee appointed under the repealed Act shall continue in office until the Management Committee established under this Act is duly constituted, and shall then stand dissolved.

(5) The Director of the National Parks Board and a General Manager of a National Park appointed under the repealed Act shall, unless the relevant authority otherwise determines in writing, continue in office until a Conservator-General or a Director, as the case may be, is appointed under this Act.

(6) There shall by virtue of this Act be vested in the Service all assets, funds, resources, and other movable or immovable property which immediately before this Act were vested in the Board established under the repealed Act.

(7) The rights, interests, obligations and liabilities of the Board established under the repealed Act existing before this Act under any contract or instrument, or in law or in equity apart from any contract or instrument, shall by virtue of this Act be assigned to and vested in the Service.

(7A) The statutory functions, rights, interests, obligations and liabilities of the Yankari National Park in the Principal Act under any instrument or contract shall at the commencement of this Act be assigned and vested in the Bauchi State Government.

[National Park Service (Amendment) Act, 2006.]

(8) A contract or an instrument as is mentioned in subsection (7) of this section shall be of the same force and effect against or in favour of the Service and shall be enforceable as fully and effectively as if the Service had been named in the contract or instrument or had been a party to it.

(9) The Service shall be subject to all obligations and liabilities to which the Board established under the repealed Act was subject before the commencement of this Act and all other persons shall have the same rights, powers and remedies against the Service as they had against the Board established under the repealed Act immediately before the commencement of this Act.

(10) A proceeding or cause of action pending or existing immediately before the commencement of this Act by or against the Board established under the repealed Act in respect of any right, interest, obligation or liability of the Board established under the repealed Act may be continued or, as the case may be, commenced, and any determination of a court of law, tribunal or other authority or person may be enforced by or against the Service to the same extent that such proceeding, cause of action or determination might have been continued, commenced or enforced by or against the Board established under the repealed Act if this Act has not been made.

(II) All assets, funds, resources and other movable or immovable property which immediately before the commencement of this Act were vested in the Board established under the repealed Act shall by virtue of this Act and without further assurance be vested in the Service.

(II A) The assets, funds, resources and any other movable or immovable property which immediately before the commencement of this Act were vested in the Board responsible for the administration and maintenance of the Yankaru National Park in the Principal Act shall be vested in the Bauchi State Government.

(National Park Service (Amendment) Act, 2006.]

(12) Notwithstanding the repeal of the enactment referred to in this section, if the Service thinks it expedient that any vacancy in the Service shall be filled by a person holding office at the commencement of this Act in the Board established under the repealed Act, it may employ the person by way of transfer to the Service and the previous service in the Board established under the repealed Act by that person shall count as service for the purpose of any pension subsequently payable by the Service.

(13) The Minister, if he thinks fit, may, within the twelve months after the commencement of this Act, by order published in the *Gazette*, make additional transitional or savings provisions for the better carrying out of the objectives of this section.

(14) The Yankari Game Reserve listed among the National Parks in the Second Schedule of the Privatisation and Commercialisation Act for partial privatisation and commercialisation is consequently deleted from the said list and ceases to be a national park.

(National Park Service (Amendment) Act, 2006.]

## **51. Regulations**

(1) The Service may, with the approval of the Minister, by regulations, make provisions for-

- (a) management principles, other than those specified in section 27 of this Act, for National Parks of a different class other than those contemplated under that section;

- (b) the conditions under which any person, vehicle, boat, or animal may enter into, travel through, reside, camp or be kept, as the case may be, in a National Park or any part of a National Park;
- (c) the conditions under which a person travelling through or in a National Park on a public road may have in his possession or under his control any firearm or other weapon, ammunition, explosive, trap or poison;
- (d) the conditions under which any game animal or species of game animal may be photographed in a National Park;
- (e) the regulation or prohibition of lighting of fires in a National Park;
- (f) the conditions under which a domestic or wild animal may be brought into or maintained or prohibited in a National Park, and the regulations may prescribe the fees to be charged for the bringing of any domestic or wild animal into the National Park;
- (g) the prohibition or control of the introduction into, the cutting or damaging, or the removal from a National Park of any plant or other vegetation, whether alive or dead;
- (h) the prohibition or control of the destruction, defacing, damaging or removal of anything, whether animate or inanimate, in or from a National Park;
- (i) the fees to be paid for fishing and the conditions under which a person may fish in a National Park;
- (j) the rules of conduct and behaviour of persons while in a National Park;
- (k) the regulation of traffic on roads, other than public roads, in a National Park;
- (l) the carriage of passengers and goods in a National Park, whether for hire or otherwise;
- (m) the point at which persons and vehicles may enter or leave and the routes by which they may pass through or over in a National Park on roads, other than public roads;
- (n) without prejudice to any other written law, the prohibition, control or regulation of any trade or business carried on in a National Park;
- (o) the killing, capturing or impounding of any animal in a National Park and the disposal of the animal;
- (p) the conditions under which permission may be granted to members of the public to enter a National Park and the periods during which the National Park shall be open to the public;
- (q) the burning and cutting of vegetation, *fauna* or *flora* in a National Park;
- (r) the control of traffic within and through a National Park;
- (s) the fees to be paid by members of the public to enter, reside, camp, take photographs or for the enjoyment of the facilities, provided in a National Park;
- (t) the conditions, procedure and eligible officers for the purpose of compounding offences;
- (u) the conditions and modalities for prospecting for genetic resources;

(v) the efficient control and management of National Parks, generally.

(2) Regulations made under this section may prescribe a penalty of a fine of not less than N 1,000 but not exceeding N50,000 for the breach of their provisions.

(3) Regulations made pursuant to this section may make different provisions for-

(a) each National Park, as the circumstances of that National Park may require;  
and

(b) different persons or class of persons or circumstances.

## **52. Interpretation**

In this Act, unless the context otherwise requires--

"adverse effect" means any effect that is capable of threatening the survival of a National Park, wildlife, buffer zone, wildlife habitat or affecting the capacity of a National Park, wildlife, buffer zone, or wildlife habitat to sustain natural processes;

"aircraft" includes all flying machines, gliders, balloons and any other aircraft of any other kind designed to be lighter than air and whether or not navigable or free, or controlled by a human being or not;

"animal" means any vertebrate animal and includes any mammal, bird, reptile, and amphibian and the egg of any bird or reptile but does not include a fish or a human being;

"ammunition" has the same meaning assigned to it in the Firearms Act;  
[Cap. F28.)

"biological diversity" means the variability among living organisms from all sources, including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part, and includes diversity within species and between the species of the ecosystem;

"biological material" includes genetic material, organisms or part thereof, population or any other biotic component of the ecosystem;

"Board" means the National Park Service Governing Board established pursuant to section 2 of this Act;

"buffer zone" means an area created pursuant to section 46 of this Act;

"capture" includes to take egg or nest;

"conservation" means the protection and maintenance of nature while allowing for its ecologically sustainable use;

"conservation value" means a monetary sum of the national, international and inter-generational value of any wildlife, including the cost of remedying ecosystem disturbance occasioned by any unlawful interference with, damage to or destruction of any wildlife as determined, from time to time, by the Service;

"Conservator-General" means the Conservator-General of the National Park Service appointed pursuant to section 9 of this Act;

"court" includes a magistrate's court;

"Director" means the Director of a National Park appointed pursuant to section 24 of this Act;

"ecosystem" means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;

"environmental impact assessment" means an assessment carried out pursuant to the provisions of the Environmental Impact Assessment Act;

[Cap. E12.]

"existing National Parks" means the National Parks established by or under the National Parks Act;

[1991 No. 36.]

"firearms" has the same meaning assigned to it in the Firearms Act;

[Cap. F28.]

"genetic material" means any material of plant, animal or microbial or other origin containing functional units of heredity;

"genetic resources" means genetic materials of actual or potential value;

"habitat" means the place or type of site where an organism or population naturally occurs;

"Minister" means the Minister charged with the responsibility for matters relating to forestry, and "Ministry" shall be construed accordingly;

"National Park" means a defined area of land set aside, managed and controlled by the Federal Government for the protection, preservation and conservation of its *flora* and *fauna* and their habitat, outstanding aesthetic, geomorphological, cultural and historical features for conservation of bio-diversity, recreational, educational and scientific purposes;

"prescribed fee" in relation to any licence or permit issued under this Act, means, in the case of any game licence or permit so issued, the fee prescribed by regulations made under the provisions of this Act;

"protected area" means the area covered by a National Park;

"prior informed consent" means consent based on prior information on how and by whom the genetic resources or knowledge relating to the genetic resources would be subsequently used and the scientific and financial value of the genetic resources based on the most current and advanced state of knowledge and technology available worldwide;

"public road" has the meaning assigned to it by the Road Traffic Law of the State concerned;

"regulations" means regulations made under section 51 of this Act;

"road" means any public or other way capable of being used by vehicular traffic and to which the public has access and includes a bridge over which a road passes;

"Service" means the National Park Service established under section I of this Act;

"vegetation" includes any form of vegetable matter, dead or alive;

"wild animal" means any animal *ferae naturae* and includes any game animal but does not include a domestic animal;

"wild life" means wild animals or birds of species which are found in Nigeria in a wild state and vegetation which is indigenous to Nigeria and grows naturally without cultivation;

"wild plant" means a plant or any other vegetation which is indigenous to Nigeria and grows naturally without cultivation.

### 53. Short title

This Act may be cited as the National Park Service Act.

## SCHEDULE [Section 2 (3).]

### *Supplementary provisions relating to the Board, etc.*

#### *Proceedings of the Board*

1. (1) Subject to this Act and section 27 of the Interpretation Act, the Board may make standing orders regulating its proceedings or those of any of its committees.

[Cap. 123.]

(2) The quorum of the Board shall be the chairman or the person presiding at the meeting and seven other members of the Board, and the quorum of any committee of the Board shall be as determined by the Board.

2. (1) The Board shall meet not less than four times in each year and subject thereto, the Board shall meet whenever it is summoned by the chairman, and if the chairman is required to do so by notice given to him by not less than seven other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Board, the chairman shall preside but if he is absent, the members present at the meeting shall appoint one of their number to preside at the meeting.

(3) Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board for such period as it deems fit, but a person who is in attendance by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

#### *Committees*

3. (1) The Board may appoint one or more committees to carry out, on behalf of the Board, such of its functions as the Board may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons as may be determined by the Board, and a person shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

*Miscellaneous*

**4. (I)** The fixing of the seal of the Service shall be authenticated by the signatures of the chairman or any person generally or specifically authorised by the Board to act for that purpose and the Conservator-General.

(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 Service by the Conservator-General or any person generally or specifically authorised by the Board to act for that purpose.

(3) A document purporting to be a document duly executed under the seal of the Service shall be received in evidence and shall, unless and until the contrary is proved, be presumed to be so executed.

**5.** The validity of any proceeding of the Board or of a committee shall not be adversely affected by-

- (a) a vacancy in the membership of the Board or committee; or
- (b) a defect in the appointment of a member of the Board or committee; or
- (c) reason that a person not entitled to do so took part in the proceeding of the Board or committee.

**SUBSIDIARY LEGISLATION**

*List of Subsidiary Legislation*

1. Yankari National Park Order.

**YANKARI NATIONAL PARK ORDER**

[S.1. 17 of 1993.]

under section 18

*[22nd August, 1991]*

[Commencement

1. (1) The area formerly known as the Yankari Game Reserve is hereby declared to be a National Park to be known as the Yankari National Park.

(2) Accordingly, the provisions of the National Parks Service Act in this Order ("the Act") shall apply to the Yankari National Park as if it were a National Park established under the Act.

[Cap. N65.]

2. The Yankari National Park comprises the area in the former Fali and Duguri Districts of the Bauchi Emirate of the former Bauchi Province constitute by the Bauchi Local Authority Yankari Forest Reserve Order 1957, as amended by the Bauchi Local Authority Yankari Forest Reserve (Amendment) Order 1971, the situation and limits thereof are set out in the Schedule to this order.

[Schedule.]

3. (1) Subject to the provisions of the Act and of this order, all the property, rights, liabilities and obligations which, immediately before the commencement of this order were the property, rights, liabilities and obligations of the body responsible for the management of the Yankari Game Reserve shall, as from the commencement of this order, without further assurance, vest or be deemed to have vested in the National Parks Management Board (in this order referred to as "the Board") established under the Act.

(2) Subject to the provisions of the Act and of this order, an agreement to which subsection (1) of this section relates shall, unless its terms or subject-matter make it important that it should have effect as modified in the manner provided by this section, have effect as from the commencement of this order, as if-

- (a) the Board had been a party to the agreement;
- (b) for any reference (however worded and whether express or implied) to the body referred to in subsection (1) of this section, there were substituted, as respects anything falling to be done on or after the commencement of this order, a reference to the Board.

#### 4. Citation and commencement

This order may be cited as the Yankari National Park Order and shall be deemed to have come into force on 22nd August 1991.

#### SCHEDULE

[Section 2.]

##### *Area of the Yankari National Park*

All that piece of land containing eight hundred and two decimal nought four square miles or thereabout situated in the former Fali and Duguri Districts of the Bauchi Emirate of the former Bauchi Province and bounded as follows-

Starting from a point distant 4 miles 4,700 feet on a bearing of 7 degrees from Trig. point 452 (Nigeria Survey map 1 :500,000 sheet 7 dated 1949 and marked by Beacon No.1, by a straight line cut on a bearing of 289<sup>4</sup>/<sub>12</sub> degrees for a distance of 4 miles 800 feet to Beacon No.2 thence by a straight line cut on bearing of 214 degrees for a distance of 7 miles 1,000

feet to Beacon No.3; thence by a straight line cut on a bearing of 164°22' degrees for a distance of 3,770 feet to Beacon No.4 on the right hand side of the 1956 part from Yankari to Rimi; thence by the right hand side of the 1856 path from Yankari to Rimi in a South-Westerly and then Westerly direction for a distance of 8 miles 2,000 feet to Beacon NO.5 on the right hand side of the 1956 path from Yankari to Rimi; thence by a straight line cut on a bearing of 315°22'

degrees for a distance 3,600 feet to Beacon No.6; thence by a straight line cut on a bearing of 274°22' degrees for a distance of 3 miles 150 feet to Beacon No.7 on the left bank of the River Gaji; thence by a straight line cut on a bearing of 275 degrees for a distance of 1,300 feet to Beacon No.8 on the right bank of the River Gaji; hence by a straight line cut on a bearing of 270 degrees for a distance of 1,300 feet to Beacon No.9 on the right hand side of the 1956 path from Rimi to Dogan Ruwa; thence by the right hand side of the 1956 path from Rimi to Dogan Ruwa in a North-Westerly direction for a distance of 6 miles 2,450 feet to Beacon No. 10 on the right hand side of the 1956 path from Rimi to Dogan Ruwa and at the point where the right hand side of the 1956 path from Rimi to Dogan Ruwa meets the right bank of the River Yuli; thence by the right bank of the River Yuli upstream in a North-Westerly direction for a distance of 4,180 feet to Beacon No. 11 on the right bank of the River Yuli thence by a straight line cut on a bearing of 8 degrees for a distance of 1,000 feet to Beacon No. 12 on the left bank of the River Yuli and at the point where the right bank of the Munya stream meets the left bank of the River Yuli; thence by the right bank of the Munya Stream upstream in a general Northerly direction for a distance of 1 mile 2,000 feet to Beacon No. 13 on the right bank of the Munya stream; thence by a straight line cut on a bearing of 279 degrees for a distance of 3 miles 700 feet to Beacon No. 14 on the left bank of the River Yuli; thence by the left bank of the River Yuli upstream in a North western direction for a distance of 1 mile 4,700 feet to Beacon No. 15 on the left hand of the River, Yuli; hence by a straight line cut on a bearing of 303°22' degrees for a distance of 5 miles 5,100 feet to Beacon No. 16 on the right hand side of the 1956 dry season motor road from Maina Maji to Yuli; thence by a straight line cut on a bearing of 270 degrees for a distance of 5 miles 650 feet to Beacon No 17; thence by a straight line cut on a bearing of 321 degrees for a distance 1,410 feet to Beacon No. 18; thence by a straight line cut on a bearing of 47 degrees for a distance of 3,340 feet to Beacon No. 19; thence by a straight line cut on a bearing of 330 degrees for a distance of 3,320 feet to Beacon No. 20; thence by a straight line cut on a bearing of 264 degrees for a distance of 2,540 feet to Beacon No. 21 on the left Bank of the Galambi stream; thence by the left bank of the Galambi stream upstream in a general northerly direction for a distance of 8 miles 4,720 feet to Beacon No. 22 on the left bank of the Galambi stream; thence by a straight line cut on a bearing of 360 degrees for a distance of 5 miles 900 feet to Beacon No. 23; thence by a straight line cut on a bearing of 90 degrees for a distance of 5 miles 3,830 feet to Beacon No. 24 on the right hand side of the 1956 dry season motor road from Yuli to Maina Maji; in a general Northerly direction for a distance of 6 miles to Beacon No. 25 on the right hand side of the 1956 dry season motor road from Yuli to Maina Maji; thence by a straight line cut on a bearing of 85 degrees for a distance of 8 miles 250 feet to Beacon No. 26 on the right bank of the River Yashi; thence by the right bank of the River Yashi downstream in a South Easterly direction for a distance of 3 miles 3,700 feet to Beacon No. 27 on the right bank of the River Yashi; thence by a straight line cut on a bearing of 208 degrees for a distance of 4,180 feet to Beacon No. 28; thence by a straight line cut on a bearing of 105 degrees for a distance of 19 miles 2,000 feet to Beacon Number 29; thence by a straight line cut on a bearing of 18 degrees for a distance of 2 miles 570 feet to Beacon No. 30 on the right hand side of the 1956 path from Panguru to Futuk; thence by the right hand side of the 1956 path from Panguru to Futuk in a South-Easterly direction for a distance of 3 miles 750 feet to Beacon No. 31 on the right hand side of the 1956 path from Panguru to Futuk and at the point where the right hand side of the 1956 path from Panguru to Futuk is met by the right hand side of the 1956 path from Jada to Yalo; thence by the right hand side of the 1956 path from Jada to Yalo in a South Easterly direction for a distance of 12 miles 1,300 feet to Beacon No. 32 on the right hand side of the 1956 path from Jada to Yalo; thence by a straight line cut on a bearing of 220 degrees for a distance of 5 miles 4,800 feet to the starting point.

Note.-All distance and bearings are approximate only, distances being those actually measured along the ground and not reduced to the horizontal. All bearings are referred to the True North and adjusted from magnetic bearing observed during the month of February 1968. All beacons are cement pillars with the exception of beacons 6, 17, 19 and 20 which are cairns. All measurements are stated in the Imperial system of measurement and may be covered to the metric system of measurement if so required.

