

Assented to by me this.....day.....20.....

.....
Senator Abiola Ajimobi
His Excellency, The Executive Governor



OYO STATE OF NIGERIA

No.13

**A LAW TO PROTECT THE RIGHTS OF PROPERTY OWNERS AND
PROHIBIT FORCEFUL ENTRY, ILLEGAL OCCUPATION, VIOLENT
AND FRAUDULENT CONDUCTS IN RELATION TO REAL
PROPERTIES IN OYO STATE AND FOR PURPOSES CONNECTED
THEREWITH**

Date of
Commencement. ()

Enactment: **ENACTED** by the House of Assembly of Oyo
State of Nigeria as follows:

Short title. 1. This Law is cited as the Real Properties
Protection Law, 2016.

Interpretation.

2. In this Law-

“access” means right to enter or make use of any part of a real property;

“agent” includes a person who acts or purports to act on behalf of any party to a real property transaction, whether in respect of a sale, lease, license, mortgage or other dealings or disposal of, or relating to the property and any person engaged for the purpose of forceful entry, take- over or sale of real property;

“construction activities” includes land clearing, foundation laying, roofing, decking, fencing, repairs, restoration or improvement on any real property;

“Court” means High Court or Magistrate Court;

“encroacher” means any person who perpetrates encroachment;

“encroachment” includes entrance upon the domain of another, illegal intrusion, imposition, incursion, infiltration, infraction, injuria, inroad,

interference, interloping, invasion, irruption, obstruction, overlap; overstepping, penetration, prying, raid, real property trespass, transgression, trespass, unlawful invasion, violation, wrongful entry, wrongful ingress and occupation of property by virtue of title, licence or right derived from an encroacher;

“forteiture” means a loss of the total interest in the forfeited real property;

“Government” means Government of Oyo State of Nigeria;

“land grabber” mean any person who carries out the act of land grabbing;

“land grabbing” includes the act of using force to take over real property with the following purposes to-

- (1) demand for fee from the real property owner; or
- (2) facilitate the commission of a felony; or
- (3) inflict bodily injury on or terrorise another person; or
- (4) sell real property; or

(5) stop construction activities.

“occupation” means physical control over real property;

“professional” includes a legal practitioner, estate manager, surveyor or any other person or service provider certified to deal in the selling of property;

“real property” or “property” means a parcel of land or any improvement on a land;

“State” means Oyo State of Nigeria.

Prohibition of land grabbing. 3. As from the commencement of this Law, no person shall use force or self-help to take over any real property or engage in any act inconsistent with the proprietary right of the owner or occupant in the State.

Offence of land grabbing. 4. Any person who engages in land grabbing commits an offence and is liable on conviction to imprisonment for 10 years.

Attempted land grabbing. 5. Any person who attempt to grab land commits an offence and is liable on conviction to imprisonment for 5 years or a fine of #200,000.

Aiding and abetting 6. Any person who aids or abets another to commit the offence of land grabbing commits an offence and is liable on conviction to imprisonment for 2 months or a fine of #200,000.

Prohibition of land grabbing by violence. 7.(1) Any person who, without lawful authority, uses or threatens violence for the purpose of grabbing any real property for himself or for any other person commits an offence and is liable on conviction to imprisonment for 15 years or a fine of #500,000 or both.

(2) The right of any person to possession or occupation of any property shall not for the purpose of subsection (1) of this section constitute lawful authority for the use or threat of violence by him or anyone acting on his behalf for the property.

(3) for the purpose of this section an offence is committed whether or not the violence is-

(a) directed against the person or property; and

(b) intended to secure entry for the purpose of acquiring possession of the property or for any other purpose.

(4) (a) Any person who-

- (i) makes entry with firearms, offensive weapons, fetish objects, any obnoxious or chemical materials; or
- (ii) is in company of any person(s) so armed; or
- (iii) wounds, injures, hurts or uses violence on any person contrary to this Law;

commits the offence of forceful entry.

(b) Any person who commits the offence of forceful entry under this Law is liable on conviction to imprisonment for 10 years.

Illegal occupation land grabber or by virtue of any title of real property derived from a land grabber and fails to deliver possession of the property on being required to do so within one month by or on behalf of the owner of the property commits an offence and is liable on conviction to imprisonment for 5 years or a fine of #500,000.

Encroachment 9.(1) Any person who encroaches on any real property commits an offence and is liable on conviction to imprisonment for 5 years or a fine not exceeding \$500,000.

(2) Any person who is on any property as an encroacher and having with him any firearm, dangerous or offensive weapons commits an offence and is liable on conviction to imprisonment for 5 years.

(3) Any person who is on any property as an encroacher shall not cease to be an encroacher by virtue of being allowed time to leave the property.

Sale of real property 10.(1) Any person who-

without authority, knowing that he has no lawful title to the property or authority of the owner to offer for sale; or

(b) sells a property knowing that he has no lawful title to the property or that the property has been previously sold by him or his privies; or

(c) without lawful authority of the owner sells the property entrusted to him,

commits an offence and is liable on conviction to imprisonment for 5 years and the property shall revert to the lawful owner.

(2) No person shall sell or cause to be sold-

- (a) Government land, property or any part thereof without the consent and authority of the Government; or
- (b) family land, property or any part thereof without the consent or authority of the family head and other principal members of the family.

(3) No person shall sell or offer for sale without a court judgement repudiating the earlier sale, a property previously sold.

(4) Any person that contravenes subsection (2) or (3) of this section commits an offence and is liable on conviction to imprisonment for 5 years.

Professional misconduct.

11 A professional-

- (a) shall not in the conduct of his professional duties facilitate a contractual agreement between a land owning family and any other person knowing that such

agreement will contravene the provisions of this Law.

(b) who is found guilty under this section is liable on conviction to imprisonment for 3 years or a fine of #500,000 or both. He shall be reported to the relevant professional body for misconduct and necessary disciplinary action.

Frivolous petition.

12.(1) No person shall write frivolous and unwarranted petition to any Law Enforcement Agency knowing such claims contained in the petition to be false.

(2) A petition in respect of a property shall be accompanied by a sworn declaration by the petitioner.

(3) Any person who contravenes subsection (1) of this section commits an offence and is liable on conviction to imprisonment for 10 years.

Demand for fee etc.

13(1) No person shall whether for himself or acting as an agent demand for any fee or levy in respect of construction activities unless authorized by law.

(2) No person shall enter any land where construction activities are

taking place for the purpose of stopping, disturbing or otherwise.

(3) Any person who contravenes subsection (1) or (2) of this section commits an offence and is liable on conviction to imprisonment for 10 years or a fine of #500,000.00.

Establishment of Task Force Unit.

14. There shall be established a Task Force Unit in the State which shall be responsible for the enforcement of the provisions of this Law.

Trial of offence. 15. Offences under this Law shall be tried by the High Court or Magistrate Court.

This printed impression has been carefully compared by me with the Law which has been passed by the Oyo State House of Assembly and found by me to be a true and correct printed copy of the Law.

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Paul Ishola Bankole mni
Clerk of the State
House of Assembly

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Rt. Hon. Adesina Michael Adeyemo
Speaker of the State
House of Assembly