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## National Commission For Museums and Monuments Act Chapter 242

Laws of the Federation of Nigeria 1990

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## **National Commission For Museums and Monuments Act**

28<sup>th</sup> September 1979

An Act to provide for the dissolution of both the Antiquities Commission and the Federal Department of Antiquities and to create a Nation Commission for Museums and Monuments there from and other matters ancillary thereto.

### **Part I**

#### *Establishment of the Commission*

1. (1) There us hereby established a body to be known as the National commission for Museums and Monuments (hereinafter in this Act referred to as "the Commission") which shall have the functions assigned to it by this Act.
  - (2) The Commission shall be a body corporate with perpetual succession and a common seal and may use or be sued in its corporate name.
2. (1) The Commission shall consist of a Chairman to be appointed by the National Council of Ministers on the recommendation of the Minister and the following other members, that is—
  - (a) five persons to be appointed by the National Counsel of Ministers on the recommendation of the Minister, being persons who by reason of their ability, experience or specialised knowledge in -
    - (i) education,
    - (ii) culture,
    - (iii) natural history,
    - (iv) science and technology, and
    - (v) science,are capable of making useful contributions to the work of the commission;
  - (b) nine representatives of the States to be appointed in rotation, so however that no State shall have more than one representative at any one time; and
  - (c) the Director-General.

- (2) The Minister may appoint one of the members of the Commission referred to in paragraph (a) of subsection (1) of this section to be the Deputy Chairman of the Commission for such period as the Minister may determine, so however that a Deputy Chairman who ceases to be a member shall also cease to be Deputy Chairman.
  - (3) Subject to subsection (4) of this section, of this section, a person appointed as a member of the commission (not being an ex officio member) shall hold office for three years and shall be eligible for re-appointment for one further period of three years.
  - (4) The appointing authority may terminate the appointment of a member (not being an ex-officio member) on grounds of misbehaviour or inability to discharge the duties of his office by reason of physical or mental incapacity.
  - (5) The supplementary provisions contained in the First Schedule to this Act shall have effect with respect to the proceedings of the Commission and other matters therein mentioned.
3. (1) The functions of the Commission shall be—
  - (a) to administer national museums, antiquities and monuments;
  - (b) to establish and maintain national museums and other outlets for or in connection with, but not restricted only to the following, that is—
    - (i) antiquities,
    - (ii) science and technology,
    - (iii) warfare,
    - (iv) African, Black and other antiquities,
    - (v) Arts and crafts,
    - (vi) Architecture,
    - (vii) Natural history, and
    - (viii) Educational services;
  - (c) to make recommendations to any State Government of other person or authority concerning the establishment and management of museums and the preservation of antiquities and monuments, not being national museums or antiquities and monuments declared to be national antiquities and monuments; and
  - (d) to approve any museum, which is privately established and maintained, for the purposes of this Act and at any time withdraw such approval.
- (2) For the purposes of the proper discharge of its functions under this Act, the commission—
  - (a) shall have power to acquire and dispose of any interests in land or other property; and
  - (b) may by agreement of the owner of any antiquity undertake or make arrangements for the maintenance of any such antiquity on such terms and conditions as may be approved by the Commission.

4. (1) The museums specified in the Second Schedule to this Act are hereby declared to be national museums for purpose of this Act.
- (2) The Minister may, as and when national museums are declared as prescribed by law, amend the Second Schedule to this Act accordingly.

*Staff of the Commission*

5. (1) There shall be an officer of the Commission to be known as the Director-General who shall be appointed by the National Council of Ministers on the nomination of the Commission.
  - (2) The Director-General shall be the chief executive of the Commission and shall hold office on such terms and conditions as may be specified in his letter of appointment or on such other terms and conditions as may be determined from time to time.
6. (1) There shall be appointed by the commission the following officers, that is-
    - (a) an Administrative secretary;
    - (b) a Director of Museums and Monuments; and
    - (c) a Director of Research and Training
  - (2) The Administrative Secretary shall be responsible to the Director-General for the day-to-day administration and for the finances of the Commission.
  - (3) The Director of Museums and Monuments shall be responsible to the Director-General for the upkeep and general maintenance of museums and monuments under the control or management of the Commission, and the collection of stock for such museums and identification of antiquities to be declared as monuments.
  - (4) The Director of Research and Training shall be responsible to the Director-General for co-ordinating research staff and research projects of the Commission and the collection of stock for such museums and identification of antiquities to be declared as monuments.
  - (5) There may be appointed from time to time by the Commission such other staff as may be required for the purposes of the efficient performance of the functions conferred on the Commission under or pursuant to this Act.
7. (1) Notwithstanding the provisions of the Pensions Act, it is hereby declared that service in the Commission shall be approved service for the purposes of that Act and accordingly, the employees of the Commission shall in respect of their service in the Commission be entitled to such pensions, gratuities and other retirement benefits as are enjoyed by Federation, so however that nothing in this section shall prevent the appointment of a person to any office in the Commission on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.
  - (2) For the purpose of the application of the provisions of the Pensions Act in accordance with this section-
    - (a) Section 3(1)(a) and 21 of that Act shall have effect as if references therein to the Minister they were substituted references to the Commission; and

- (b) the power under Sections 3(1)(b) and 4(2) of that Act shall be exercisable by the Commission and not by any other authority.

*Financial Provisions*

- 8. (1) The Commission shall establish and maintain a fund which shall be applied towards the promotion of the objective specified in this Act.
  - (2) There shall be paid and credited to the fund established pursuant to subsection (1) of this section-
    - (a) such sums as may be provided in each financial year to the Commission by the Federal Government;
    - (b) fees charged for services rendered by the Commission; and
    - (c) subject to section 9(2) of this Act, all sums accruing to the Commission by way of gifts testamentary disposition, endowment or contributions from philanthropic persons or organisations or otherwise howsoever.
- 9. (1) The commission may accept gifts of any antiquity, monument or museum or of any land, money, loan, building, work of art or other property connected with its functions under or pursuant to this Act upon such trusts and conditions, if any, as may be specified by the person or organisation making the gift.
  - (2) The Commission shall not accept any gift if the conditions attached by the person or organisation making the gift to the acceptance thereof are inconsistent with the functions of the Commission.
- 10. (1) The Commission may, with the consent of the Minister or in accordance with any general authority given in that behalf by the Federal Government, borrow by way of loan or overdraft from any source any sums required by the Commission for meeting its obligations and discharging its functions under this Act.
  - (2) The Commission may, subject to the provisions of the 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.
  - (3) The Commission may invest any surplus funds of the Commission in such specified as may be approved by the Minister, so however that in respect of any securities specified in the Trustee Investments Act, no such consent shall be necessary.
- 11. (1) The Commission shall cause to be prepared not later than 31<sup>st</sup> December in each year, an estimate of the expenditure and income of the Commission during the next succeeding financial year and when so prepared, it shall be submitted to the Minister for approval.
  - (2) The Commission shall cause to be kept proper accounts of the Commission and proper records in relation thereto and when certified by the proper records in relation thereto and when certified by the Commission such accounts shall be audited as provided in subsection (3) of this section.

- (3) The accounts of the Commission shall be audited as soon as may be after end of each financial year by auditors appointed by the commission with the approval of the National Council of Ministers and the fees of the auditors and the expenses of the audit generally shall be paid from the funds of the Commission.
- (4) Before appointing auditors as provided in subsection (3) of this section, the commission shall consult the Minister of Finance and Economic Development.

## Part II

### Declaration of Antiquities as National Monuments. Etc.

#### *National Monuments*

- 12. (1) For the purposes of the discharge of its functions under this Act, the Commission may-
    - (a) for the purpose of discovering antiquities in any area, carry out excavation with the knowledge of the State Government concerned;
    - (b) by agreement with the owner of any antiquity (other than a monument) undertake its maintenance or any other measures which the Commission would have power to undertake if such antiquity were a national monument;
    - (c) if the Commission considers it expedient that any antiquity (other than a monument) should be preserved in a museum, and with the knowledge of the State Government concerned, arrange for the purchase or loan of the antiquity and its removal to a national or other approved museum;
    - (d) enter upon any land where archaeological excavations or other operations are being carried on, and inspect same.
  - (2) The powers conferred on the Commission under this section may be exercised on its behalf by any person or authority authorised either generally or specially by the Commission in that behalf.
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- 13. (1) The Commission may if it considers that any antiquity is in need of protection or preservation and ought in the national interest to be protected or preserved publish notices to that effect in the Federal Gazette and in the appropriate State Gazette and cause a copy of the notice to be served on the owner of the antiquity concerned and every such notice shall-
    - (a) specify the antiquity and the place where it is or is believed to be;
    - (b) state that it is intended to make an application to the President to declare the antiquity to be a national monument; and
    - (c) state that any objection to such declaration shall be lodged with the Commission within two months from the date of publication of the notice.
  - (2) The Commission shall in any case in which it is reasonably practicable so to do, cause a copy of any notice published under subsection (1) of this section to be posted in a conspicuous place on or near antiquity to which it relates and additional copies shall be sent to the local government in which the antiquity is located and the Secretary to the local government concerned shall post a copy of such notice in a conspicuous place in the principal office of such local government.

- (3) From the date of publication of a notice under subsection (1) of this section, until the publication of an order by the President under subsection (5) of this section or if no such order is published until the expiry of three months thereafter, it shall be an offence to destroy, deface, alter, remove or excavate or to transfer the possession of the antiquity to which the notice related except with the permission in writing of the Commission:

Provided that nothing in this subsection shall be deemed to prohibit the doing by the holder of a mining title of any act in relation to any antiquity which is within the area to which the mining title relates if such act is authorised by the mining title and the holder has given the Commission at least one month's notice in writing of his intention to do such act.

- (4) The commission shall within one month after the publication of a notice under subsection (1) of this section, submit to the President in such manner as may be prescribed, its application for the declaration as a national monument of the antiquity to which the notice relates.
- (5) An application submitted under subsection (4) of this section shall be considered by the President together with any objections furnished in relation thereto and the President may with the prior approval of the National Council of Ministers by order published in the Federal gazette either declare the antiquity to which the application relates to be a national monument, or notify his refusal to do so:

Provided that no such declaration shall be made after the expiry of three months from the date of publication of the notice under subsection (1) of this section to which the application relates.

- (6) An order made under subsection (5) of this section-
- (a) may at any time be revoked by the President with the like consent where upon the antiquity to which it relates shall cease to be a national monument; and
  - (b) shall, unless and until it is revoked, be conclusive evidence of the fact that the antiquity to which it relates a national monument.
- (7) Any person who contravenes the provisions of subsection (3) of this section shall be guilty of an offence and shall be liable on conviction to a fine of N200 or imprisonment for six months or to both such fine and imprisonment.

14. Where a notice has been published in respect of antiquity under subsection (1) of section 13 of this Act, and the commission considers that it is necessary to take immediate steps for the protection or preservation of an antiquity, the Commission may if so authorised by the Governor of the State where the antiquity is, do all such things as it would have been entitled to do if the antiquity had been declared an national monument:

Provided that the Commission shall not, save with the consent of the owner of the antiquity, exercise the power conferred by this section at any time after the Commission has been informed that the President has refuse to declare the antiquity to be a national monument or, if the Commission has not been so informed, within three months of the publication of the notice aforesaid and the antiquity has not been so declared after the expiry of the said three months.

15. The Commission may with the consent of the owner of a monument, or if it appears to the Commission that the monument is in danger of decay, destruction or removal or damage from neglect or injudicious treatment, maintain such monument and may-
- (a) have access at all reasonable time to the monument for the purpose of inspection it and



doing such acts an may be required for maintenance thereof; and

- (b) where practicable remove the monument or any part of it for the purposes of repair or protection for such period as may be agreed between the owner thereof and the Commission.
16. The public shall have access to a monument to such extent including where applicable the payment of such fees as may be provided in rules made by the Commission with the consent of the Minister.
17. (1) Where an antiquity has been declared to be a national monument as provided in this Act, the owner thereof shall be entitled to compensation for the value at the date of such declaration and thereafter any estate, right, title and interest in and to such antiquity shall be extinguished.
- (2) In case of dispute as to the amount of compensation payable under this section such dispute shall be referred to a court of competent jurisdiction in the area concerned.
18. (1) Any person who, save as it is provided in this Act, wilfully destroys, defaces, alters, removes or excavates any monument, shall be guilty of an offence and shall be liable on conviction to a fine of N1,000 or twice the value of such monument (whichever is higher) or to imprisonment for twelve months or to both such fine and imprisonment.
- (2) Any person who without lawful authority destroys, defaces, alters or removes any notice, mark or sign, denoting any monument or any fence, covering or other thing erected or provided for the maintenance of a monument, shall be guilty of an offence and liable on conviction to fine or N500 or to imprisonment for six months or the both such and imprisonment.
- (3) Nothing in the foregoing provisions of this section shall be construed as prohibiting the doing by the holder of a mining title of any act in relation to a monument or a thing erected or provided for the maintenance of a monument which is within the area to which a mining title relates if-
- (a) such act is authorised by the mining title; and
  - (b) the mining title was granted or become effective before the date on which the monument was so declared; and
  - (c) the holder has given the Commission at least three months' notice in writing of his intention to do such act.

#### *Excavations and Discoveries*

19. (1) No person shall by means of excavation or similar operations search for any antiquities unless authorised by permit issued by the Commission and with the consent of the Government of a State in whose territory the search is to carried out.
- (2) The Commission shall before issuing a permit under this section satisfy itself that the applicant is competent by the permit was required and may in its discretion require to or other support of an archaeological or scientific society or institution of good repute.
- (3) A permit issued under this section-
- (a) may be made subject to such conditions as the Commission may think fit to impose;

- (b) may at any time be revoked by the Commission without any reason being assigned;
  - (c) shall not of itself confer any right to enter upon any land without the consent of the holder or occupier of the land or of any other person entitled to grant such consent.
- (4) Notwithstanding the issue of a permit under this section, the person to whom the permit was issued and all persons engaged in any excavation or other operations to which the permit relates shall, if so required by any person duly authorised in writing by the Commission, suspend such operations until notified by the Commission that they may be resumed.
- (5) Any person who contravenes the provisions of subsection (1) or (4) of this section or fails to comply with any conditions of a permit granted to him under this section, shall be guilty of an offence and liable on conviction to a fine of N500 or to imprisonment for six months or to both such fine and imprisonment.
20. (1) Any person who discovers an object of archaeological interest in the course of operations permitted under section 19 of this Act shall, not later than seven days thereafter, give notice thereof to the Commission.
- (2) Any person who discovers an object of archaeological interest otherwise than in the course of operations mentioned in subsection (1) of this section shall, not later than seven days thereafter, give notice thereof together with particulars of the place and the circumstances of the discovery to the Commission and to the Secretary to the local government where such discovery is made or to such other person as may be prescribed.
- (3) Any person who knowingly fails to comply with any of the foregoing provisions of this section shall be guilty of an offence and liable on conviction to a fine of N500 or to imprisonment for six months or to both fine and imprisonment.

### **Part III**

#### **Prohibited Transfers**

21. (1) No person shall-
- (a) buy any antiquity unless he is an accredited agent; or
  - (b) sell any antiquity to any person other than an accredited agent.
- (2) Any person who contravenes the provisions of this section shall be guilty of an offence and on conviction shall be liable to a fine of N2,000 or five times the value of the antiquity, whichever is the greater, or to imprisonment for three years, and the court imposing the fine or the imprisonment shall make an order for the forfeiture of the antiquity connected with the offence to the State.
22. (1) Any police officer may at any time search without warrant any person or the property of any person he reasonably suspects of-
- (a) buying any antiquity while he is not an accredited agent; or
  - (b) selling any antiquity to a person who is not an accredited agent and he may seize anything he reasonably suspects to be an antiquity together with any container in which it is kept.

- (2) Any officer of the Customs, Immigration and Prisons Services Board may at any time search without warrant anything intended to be exported from Nigeria if he reasonably believes that the thing intended to be exported from Nigeria contains any antiquity, and he may seize the thing he reasonably suspects to be an antiquity together with any container in which it is kept.
  - (3) Anything seized under subsection (1) or (2) of this section shall as soon as possible be taken before a magistrate who-
    - (a) in respect of seizure under subsection (1) of this section, shall make an order for the forfeiture of the thing seized together with any container in which it is kept to the State, if it is established that the thing seized is an antiquity and that it has been bought or sold contrary to the provisions of section 21 of this Act;
    - (b) in respect of seizure under subsection (2) of this section, shall make an order for the forfeiture of the thing seized together with any container in which it is kept to the antiquity and that no export permit in respect thereof has been issued by the Commission.
  - (4) A magistrate shall notwithstanding the provisions of any other enactment, have jurisdiction for the summary trial of any matter under this Part of this Act and may impose any fine, any sentence or any other penalty, provided by this Act.
  - (5) Any antiquity forfeited to the State under any of the provisions of this Part of this Act shall be kept in the custody of the Director-general and shall be disposed on in such a manner as the Commission may direct.
  - (6) Any person obstruction a police or an officer of the Customs, Immigration and Prisons Services Board in the performance of his duties under this Act shall be guilty of an offence and liable on conviction to a fine of N1,000 or to imprisonment for three years.
23.
  - (1) Any person who has an antiquity in his possession or under his control either before or after the commencement of this Act shall, if so demanded by an accredited agent, register the antiquity with accredited agent who may call upon him in person between the hours of 8 a.m. and 6 p.m. any day, except on work-free days, for that purpose.
  - (2) Any antiquity not so registered by a person who is in possession or control of it when an accredited agent has called upon him in person for the registration thereof shall be liable to seizure by a police officer, but the antiquity shall not be forfeited except on the order of a magistrate.
24.
  - (1) Where a person is in any doubt as to whether or not an object in his possession is an antiquity, he may apply in person, or in writing, attaching the object in his possession or a photograph of it, to the Director-general, or any person authorised in writing by the Director-General, for the determination of the matter.
  - (2) Where the Director-General or the person authorised in writing by him, is satisfied that object in the possession of the applicant is not an antiquity, he may issue a permit (hereinafter call a "clearance permit") in respect of that object.
  - (3) A Clearance permit issued in respect of an object is not antiquity.
25.
  - (1) Subject to the provisions of subsection (4) of this section and to any exceptions which may be prescribed, no antiquity shall be exported from Nigeria without a permit issued in that behalf

by the Commission.

- (2) An application for a permit under this section shall be made in such manner as may be prescribed.
  - (3) Before issuing a permit under this section in respect of an antiquity the Commission may cause the antiquity to be inspected and to be sealed.
  - (4) A permit under this section shall not be required for the export of an antiquity which has been lawfully imported into Nigeria, but if in any legal proceedings against any person in respect of a contravention of this section any question shall arise whether an antiquity has been lawfully imported into Nigeria the onus of proof thereof shall lie upon that person.
- 26. (1)** Where any person has applied to the Commission for a permit to export any antiquity from Nigeria and the permit is refused, the Commission acting through an accredited agent may for a fair and reasonable local price compulsorily buy the antiquity from the applicant.
- (2) Any person who is dissatisfied with the local price offered or paid for his antiquity by an accredited agent may, within thirty days of the offer or the payment, apply to the High Court having jurisdiction in the place where the offer or the payment was made to determine a fair and reasonable local price for his antiquity.
  - (3) Any application under subsection (2) of this section, shall be by summons and as in the Form set out in the Fourth Schedule to this Act.
  - (4) Any applicant for a permit under subsection (1) of this section, who intentionally destroys or damages the antiquity for which a permit to export from Nigeria has been refused, shall be guilty of an offence and on conviction shall be liable to a fine of N200 or to imprisonment for six months.

**27.** In this Part of this Act-

"export permit" means the permit issued under section 25 of this Act;

"the State" means the Government of the Federation;

"value" means the price for which an antiquity would be sold if it were offered for sale in an international art market.

#### **Part IV** **Miscellaneous and Supplementary**

- 28.** The Commission shall, not later than 30<sup>th</sup> June in each year, submit to the National Council of Ministers through the Minister a report on the activities of the Commission and its administration during the immediately preceding year and shall include in such report the audited accounts of the Commission.
- 29. (1)** Subject to the provisions of this Act, the Commission may make staff regulations relating generally to the conditions of service of the employees of the Commission and, without prejudice to the generality of the foregoing, such regulations may provide for-
- (a) the appointment, promotion and disciplinary control (including dismissal) of employees

of the Commission; and

(b) appeals by such employees against dismissal or other disciplinary measures, and until such regulations are made, any instruments relating to the conditions of officers in the public service of the Federation shall, with such modifications as may be necessary, be applicable to the employees of the commission.

(2) Staff regulations made under subsection (1) of this section shall not have effect until approved by the Minister; and when so approved they may not be published in the *Federal Gazette* but the Commission shall cause them to be brought to the notice of all affected persons in such manner as it may, from time to time, determine.

30. Subject to the other provisions of this Act, the Minister with the approval of the National Council of Ministers, may make regulations generally for the purposes of this Act and the due administration thereof.

31. (1) The Antiquities Act and the Antiquities (Prohibited Transfers) Act are hereby repealed and the Antiquities (Amendment) Act is hereby consequentially repealed.

(2) The Antiquities Commission established under the aforementioned Act is hereby dissolved and notwithstanding the provisions of this section, the transitional and savings provisions in Part A of the Third Schedule to this Act shall have effect in relation to the assets and liabilities of the dissolved Commission and the other matters mentioned in the said Schedule.

(3) As from the date of commencement of this Act, the department of the Federal Department of Antiquities shall cease to exist and the transitional and savings provisions in Part B of the Third Schedule to this Act shall have effect in relation to the public officers in the dissolved Department, the assets and liabilities held by or on behalf of the Federal Government for any purpose in respect of which the said Schedule.

32. In this Act, unless the context otherwise requires-

"accredited agent" means the Director-General or any employee of the Commission authorised in writing by the Commission or any person or body in any State authorised in writing by the Minister to act for the Commission in the State concerned;

"antiquity" means-

(a) any object of archaeological interest or land in which any such object was discovered or is believed to exist; or

(b) any relic of early human settlement or colonisation; or

(c) any work of art or craft work, including any statue; model, clay figure, figure cast or rust metal, carving, house post, door, ancestral figure, religious mask, staff, drum, bolt, ornament, utensil, weapon, armour, or craft work is of indigenous origin and -

(i) was made or fashioned before the year 1918; or

(ii) is of historical, artistic or scientific interest and is or has been used at any time in the performance and for purposes of any traditional ceremony,

and in the case of any object or relic mentioned in paragraph (a) or (b) of this section includes for the

purposes of this Act any land adjacent thereto which in the opinion of the Commission, a State Government or, as for the purpose of maintaining the same or the amenities thereof or for providing or facilitating access thereto, or for the exercise of proper control or management with respect thereto;

" approved museum" means a museum approved by the Commission under section 3 of this Act;

"the Commission" means the National Commission for Museums and Monuments established under section 1 of this Act;

"local government" means any local government council established by law in any State of the Federation;

"maintenance" in relation to an antiquity, includes the fencing, repairing and covering of any antiquity and the doing of any other act or thing which may be required for the purpose of repairing the antiquity or protecting it from decay or injury, and "maintain" shall be construed accordingly;

"the Minister" means the Minister charged with responsibility for antiquities, museums and national monuments;

"mining title" means any licence, right or lease granted under the provisions of the Minerals Act, the Quarries Act and the Petroleum Act or under the provisions of any other enactment regulating or authorising the winning of solid or other minerals;

"monument" or "national monument" means any antiquity declared to be such under section 13 of this Act;

"object" of archaeological interest" means-

- (a) any fossil remains man or of animals found in association with man; or
- (b) any side trace or ruin of an ancient habitation, working place, midden or scared place; or
- (c) any cave or other natural shelter or engraving, drawing, painting, or inscription on rock or elsewhere; or
- (d) any stone object or implement believed to have been used or produced by early man; or
- (e) any ancient structure, erection, memorial, causeway, bridge, cairn, tumulus, grave, shrine, excavation, well, water tank, artificial hole, monolith, grove of stores, earthwork, wall, gateway or fortification; or
- (f) any antique tool or object of metal, wood, stone, clay, leather, textile, basket wear of other material, which is (or are) of archaeological interest;

which is (or are) of archaeological interest;

"owner" includes a joint owner invested with powers of management in respect of an antiquity on behalf of himself and other joint owners and any agent or trustee exercising such powers and the attorney of any such person.

**33.** This Act may be cited as the National Commission for Museums and Monuments Act.

## **Schedules**

### **First Schedule**

### **Supplementary Provisions Relating To The Commission Proceedings**

1. Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding to have a second or casting vote), the Commission may make standing orders regulation the proceedings of the Commission or any committee thereof.
2. Every meeting of the Commission shall be presided over by the Chairman or in his absence by any Deputy Chairman appointed pursuant to section 2(2) of this Act but in the absence of both the members present at the meeting shall elect one of their number to preside at the meeting.
3. The quorum at a meeting of the Commission shall consist of the Chairman (or in an appropriate case the person presiding at the meeting pursuant to paragraph (2) of this Schedule) and eight other members of whom at least two shall be members appointed pursuant to paragraph (a) of section 2(1) of this Act.
4. Where upon any special occasion the Commission desires to obtain the advice of any person on any particular matter, the Commission may co-opt that person to be a member for as many meetings as may be necessary, and that person while so co-opted shall have all the rights and privileges of a member except that he shall not be entitled to vote.

#### *Committees*

5. (1) Subject to its standing order, the Commission may appoint such number or standing and ad hoc committees as it thinks fit to consider and report on any matter with which the Commission is concerned.  
(2) Every committee appointed under the foregoing provisions of this paragraph shall be presided over by a member of the Commission and shall be made up of such number of other person, not necessarily members of the Commission, as the Commission may determine in each case  
(3) The quorum of any committee set up by the Commission shall be as may be determined by the Commission.
6. Where standing orders made pursuant to paragraph 1 of this Schedule provide for a committee of the Commission to consist of or co-opt persons who are not members of the Commission may advise the Commission on any matter referred to it by the commission.

#### *Miscellaneous*

7. The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman or of the Director-General of the Commission.
8. Any contract or instrument which, if made 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 Commission by the Director-General or by any other person generally or specially authorised to act for that purpose by the Commission.

9. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Commission shall be received in evidence and shall, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.
10. The validity of any proceedings of the Commission or of a committee thereof shall not be affected-
  - (a) by any vacancy in the membership of the Commission or of a committee thereof; or
  - (b) by any defect in the appointment of a member of the Commission or any committee thereof.
11. Any member of the Commission or a committee thereof who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Commission or committee thereof shall forthwith disclose his interest to the Commission or the committee and shall not vote on any question relating to the contract or arrangement.
12. No member of the Commission shall be personally liable for any act or omission done or made in good faith while engaged on the business of the Commission.

### **Second Schedule**

#### National Museums

1. National Museum, Lagos
2. National Museum, Jos
3. National Museum, Kaduna
4. National Museum, Oron
5. National Museum, Benin
6. National Museum, Owo
7. Ife Museum, Ile-Ife
8. Esie Museum, Esie
9. Kano Museum, (Gidan Makama), Kano.

### **Third Schedule**

#### **Transitional and Savings Provisions**

##### **Part A.**

##### *Provisions relating to the dissolved Antiquities Commission*

1. By virtue of this Act. There shall be vested in the National Commission for Museums and Monuments (in this Part of this Schedule hereafter referred to as "the new Commission") on the appointed day and without further assurance all assets, funds, resources and other movable and immovable property which immediately before the appointed day were vested in the Antiquities Commission dissolved by this Act (in this Part of this Schedule hereafter referred to as "the old Commission")
2. As from the appointed day –



- (a) the rights, interests, obligations and liabilities of the old Commission existing immediately before the appointed day under any contract or instrument, or at law or in equity apart from any contract or instrument, shall be virtue of this Act be assigned to the vested in the new Commission;
  - (b) any such contract or instrument as is mentioned in paragraph (a) of this Schedule shall be of the same force and effect against or in favour of the new Commission and shall be enforceable as fully and effectively as if instead of the old Commission, the new Commission had been named therein or had been a party thereto; and
  - (c) the new Commission shall be subject to all the obligations and liabilities to which the old Commission was subject immediately before the appointed day, and all other persons shall as from the appointed day have the same rights, powers and remedies against the new Commission as they had against the old Commission immediately before the appointed day.
3. Any proceeding or cause of action pending or existing immediately before the appointed day by or against the old Commission in respect of any right, interest, obligation or liability of the old Commission may be commended continued or enforced by or against the new Commission as if this Act had not been made.
4. Notwithstanding the dissolution of the old Commission by this Act, any person who immediately before the appointed day held office as a member of the old Commission shall as from the appointed day, continue to hold such office as a member of the new Commission as if appointed pursuant to section 2 of this Act and until such time as new appointments are made there under

## **Part B**

### *Provision Relating to the Dissolved Federal Department of Antiquities.*

5. Notwithstanding the dissolution of the Federal Department of Antiquities by this Act but subject as hereinafter provided, any person who immediately before the appointed day held office in the said Department shall, on the appointed day, be deemed to have been deployed to the Commission by the Federal Civil Service Commission.
6. (1) The Commission shall, not later than three months after the appointed day, by notice in writing, offer, to every person remaining deployed to its service at that time, employed by that person immediately before his deployment.
- (2) For the purposes of this Schedule, the terms and conditions comprised in any offer shall not be construed as being less favourable merely because they are not in all respects identical with or superior to the terms and conditions enjoyed by the person immediately before the deployment, if the first-mentioned terms and conditions taken as a whole offer substantially equivalent or granter benefits.
7. (1) Any person to whom an offer of employment is made pursuant to paragraph 6 of this Schedule and who fails within thirty days thereafter to give the Commission and acceptance in writing of the offer shall be deemed to have refused the offer.
- (2) If a person refuses an offer of employment made to him pursuant to the said paragraph 6 (either as provided in sub-paragraph (1) of this paragraph or otherwise howsoever), the

obligation imposed on the Commission to employ that person shall thereupon determine:

Provided that nothing herein shall be construed as extinguishing the right of any such person to be re-absorbed in the public service of the Federation if, immediately before the appointed day, he was a member of that public service.

8. When a person accepts an offer of employment made pursuant to paragraph 6 of this Schedule, such person shall be deemed to have been transferred to the Commission and his previous service in the Department shall be deemed to be service in the Commission for pensions purposes.
9. (1) The provisions of this paragraph shall apply to all contracts or other or other instruments subsisting immediately before the appointed day and entered into by or on behalf of the Federal Government for any purpose in respect of which the dissolved Department had responsibility and which are not excluded by that Government from the operation of the provisions of this paragraph.
  - (2) By virtue of this Act, there shall be vested in the commission as from the appointed day and without further resources and other movable or immovable property which immediately before the appointed day were vested by the Government from the operation of the provisions of this paragraph.
  - (3) As from the appointed day -
    - (a) the rights, interests, obligations and liabilities of the Government existing immediately before the appointed day under any aforementioned contract or instrument, or at law or in equity apart from any contract or instrument, shall be virtue of this Act vest in the Commission;
    - (b) any such contract or instrument as is mentioned in sub-paragraph (a) of this paragraph shall be of the same force and effect against or in favour of the Commission and shall be enforced as fully and effectively as if instead of the Government, the Commission had been named therein or had been a party thereto; and
    - (c) any proceeding or cause of action pending or existing, or which could have been taken by or against the Government immediately before the appointed day in respect of any right, interest, obligation or liability of the Government may be commenced, continued or enforced or taken by or against the Commission as if this Act had not been made.
  - (4) For the avoidance of doubt, it is hereby declared that the provisions of this paragraph or the relevant provisions of the Constitution of the Federal Republic of Nigeria.

### **Part C**

#### *Supplementary*

10. Within the twelve months next after the making of this Act the Minister, if he thinks fit, may by order in the Federal *Gazette* make additional transitional or saving provisions for the better carrying out of the objectives of this Schedule.
11. In this Schedule, the "appointed day" means the date of coming into force of this Act.

## Fourth Schedule

National Commission for Museums and Monuments Act

**In the High Court of** .....

Determination of reasonable price for antiquity

Let all parties attend at ..... on the ..... day of ..... 20 at ..... o'clock  
in the ..... noon on the hearing of an application on the part of ..... for the  
determination of the following questions

What should be a fair and reasonable local price for the antiquity for which –

(a) ..... demands a price of

.....

(b) the National Commission for Museums and Monuments has paid/offered to pay

.....

and any other questions connected with the local price of the antiquity.

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## CHAPTER 242

### Subsidiary Legislation

#### *List of subsidiary Legislation*

1. National Monument (Old Secretariat Building) Declaration Order
2. National Commission for Museums and Monuments (Monuments) Notice 1956
3. National Commission for Museums and Monuments (Export Permits) Regulations
4. National Commission for Museums and Monuments (Monuments) Declaration Notice 1959
5. National Commission for Museums and Monuments (Monuments) Declaration (No.2) Notice 1959
6. National Commission for Museums and Monuments (Monuments) Declaration (No.3) Notice 1959
7. National Commission for Museums and Monuments (Monuments) Declaration (No.5) Notice 1959
8. Lagos (Control and Preservation of Antiquities) Bye-Laws
9. National Commission for Museums and Monuments (Monuments) Declaration Notice 1963
10. National Commission for Museums and Monuments (Monuments) Declaration Notice 1964
11. National Commission for Museums and Monuments (Monuments) Declaration (No.2) Notice 1964
12. National Commission for Museums and Monuments (Monuments) Declaration Notice

#### **National Monument (Old Secretariat Building ) Declaration Order**

*Under section 13 (1)*

6<sup>th</sup> August 1982

1. The Old Secretariat Building further described in the Schedule to this Order is hereby declared to be

a National Monument for the purposes of Nation Commission for Museums and Monuments Act.

2. This Order may be cited as the National Monument (Old Secretariat Building) Declaration Order.

### **Schedule**

The building known and referred to as the Old Secretarial Building, and all its appurtenances access to which is gained via the Marina, Lagos and bounded by the Marina, Brook Street and Broad Street on three sides and by a building on Oil Mill Street.

### **Nation Commission for Museums and Monuments (Monuments) Declaration Notice 1956**

#### *under section 13*

1. This Notice may be cited as the National Commission for Museums and Monuments (Monuments) Declaration Notice 1956.
2. The antiquities set forth in the Schedule to this notice are declared to be monuments.
  - (1) The stone built causeway at Forof, near Bokkos in Plateau Province, together with an area of land including the stream within a radius of three hundred feet of the centre of the causeway.
  - (2) The stone-built causeway at Tading, near Bokkos in Plateau Province, together with an area of land including the stream within a radius of three hundred feet of the centre of the causeway.
  - (3) The stone-built causeway at Batura, near Bokkos in Plateau Province, together with an area of land including the stream within a radius of three hundred feet of the centre of the causeway.
  - (4) The cairn of stones at the foot of Panshanu Pass near mile 31 on the Jos-Bauchi road, known as Kwandon Kaya which was set up by the army of the Emir of Bauchi, Yakubu 1, to commemorate the submission of the pagan tribes of the Panshanu hills, and the surrounding land within three hundred feet of the centre of the cairn.
  - (5) The house and compound at Keffin Madaki, 28 miles north of the Bauchi, known as Gidan Madakin Bauchi which was built in 1860 by the celebrated master-builder, Babban Gwani of Zaria.
  - (6) The rock shelter containing polychrome cave paintings in the hill known as Dutsen Mesa at Bimin Kudu in Kano Province, and the land within a radius of three hundred feet of the rock shelter.
  - (7) The first mining beacon to be erected in Nigeria, which was set up at Tilden Fulani, at mile 14 of the Jos-Bauchi road, by the late Lt.-Col. Henry William Laws, C.M.G., D.S.O., on 19<sup>th</sup> September, 1905, together with the land within a radius of one hundred feet.
  - (8) The steel footbridge originally erected by the late Lord Lugard at Zungeru in 1904, and re-erected in 1954 in the Kaduna Gardens.
  - (9) The building known as "Ilojo Bar", Nos. 6 Alli Street and 2 Gbamgbose Street, Lagos, and the compound in which it is situated.
  - (10) The hills known as Kugena near Zaria and an area of farmland within three hundred feet of

the foot of the hills.

- (11) The building in Katsina known as the "Gobirau Minaret".
- (12) The relics of the steamer Dayspring at Jebba Station.

**Nation Commission for Museums and Monuments (Export Permits) Regulations**  
*under section 30*

1. These Regulations may be cited as the National Commission for Museums and Monuments (Export Permits) Regulations.
2.
  - (1) an application for the issue by the commission of a permit for the export of an antiquity from Nigeria shall be made in writing to the Chairman of the Commission through the Director of Museums and Monuments at the Nigerian Museum, Lagos.
  - (2) Unless some reasonable grounds for urgency are stated or unless the commission in its discretion accepts a lesser period such applications shall be made at least three months before the proposed date of export.
3.
  - (1) the application shall contain -
    - (a) the name of the object;
    - (b) its function
    - (c) a full description with dimensions;
    - (d) its local cost or an estimate of its value;
    - (e) when, where and from whom it was obtained,and unless the Director waives the necessity shall be accompanied by an adequate photograph or photographs.
  - (2) Unless the antiquity is delivered to the Director and left in his charge, the application shall state its location, and, if it is to be moved, its expected location during the period until the proposed export is to take place.
4.
  - (1) The applicant shall permit and facilitate such access to and inspection of the antiquity as may be required by the Director or a member of the Commission and shall permit to be affixed or applied thereto any seal or identification mark that may be so required.
  - (2) The Director, if in his judgment the subject of the application is not an antiquity within the meaning of the Act, may give a certificate that the object is not subject to the Act.
5.
  - (1) A permit may be issued subject to such terms and conditions, which may include the surrender to the Government of the Federal Republic of Nigeria of a portion of a reproduction of the antiquity, as the Commission may think fit, and the Commission may, without assigning the reason, refuse to issue a permit.
  - (2) Where under paragraph (1) of this regulation, any portion or reproduction of an antiquity has been surrendered to the Government of the Federal Republic of Nigeria, the Commission may deposit such portion or reproduction in any museum or similar institution in Nigeria.
6.
  - (1) No permit shall authorise the removal from Nigeria on an antiquity except through a place

appointed to be a port or airport for the purposes of the customs laws.

- (2) Upon the presentation of an antiquity for export the permit shall be surrendered to a Senior Customs Officer. Until a permit is surrendered, a Senior Customs Officer shall, detain any antiquity presented for export.
  - (3) An antiquity may be disposed of as the Commission may direct if such permit is not produced and surrendered within a reasonable period of time.
7. (1) A permit to export shall be in the form set out in the Schedule to these Regulations and be signed on behalf of the Commission by either the Chairman of the Commission or the Director, after consultation in either case with not less than two members of the Commission:

Provided that if in the judgment of any such member the antiquity is of more than ordinary importance the application shall be referred to the full commission.

- (2) Signature thereof by the Chairman or Director shall be adequate evidence that the permit has been granted by the Commission.

### Schedule

#### Permit to Export an Antiquity

Subject to any terms and conditions endorsed on the reverse hereof,  
..... of .....

Is authorised under section 25 of the Nation Commission for Museums And Monuments Act to remove from Nigeria by air/sea through the Airport/port of

.....

To ..... during the period of .....

From the date hereof the following antiquity .....

(bearing the following identification marks .....

**Dated** the                    20 .....

*Chairman of the National Commission  
(or Director of Museums  
and Monuments )  
Lagos*

#### **National Commission For Museums and Monuments (Monuments) Declaration Notice 1959**

*Under section 13*

*[20<sup>th</sup> February, 1959]*

- 1. This Notice may be cited as the National Commission for Museums and Monuments) Declaration Notice 1959.
- 2. The antiquity set forth in the Schedule to this notice is declared to be a monuments.

### Schedule

A strip of land, on the eastern side of the Ife-Ilesha Road at the place on the edge of Ife Town known as Ita Yemoo, measuring approximately 1,585 feet by 400 feet, and following the building line of the Ife-Ilesha Road from beacon No, 2156 in a southerly direction to the point where the inner wall meets the Ife-Ilesha Road.

**National Commission For Museums and Monuments (Monuments) Declaration  
(No.2) Notice 1959**

*Under section 13*

*23rd April, 1959*

1. This Notice may be cited as the National commission for Museums and Monuments (Monuments) Declaration (No. 2) Notice 1959.
2. The antiquities set forth in the Schedule to this notice are declared to be monuments.

**Schedule**

- (1) The old West African Frontier Force fort situated at Okuta and the area within three hundred feet of the perimeter wall of the fort;
- (2) the old West African Fronties Force fort situated at Yaskikera and the area within three hundred feet of the fort;
- (3) the rock paintings at Dutsen Damisa, near Gumulel in Zenger District of Bauchi Province, and the area within a radius of six hundred feet thereof;
- (4) the rock paintings at Dutsen Zane, near Geji in Jema's District of Bauchi Province, and the area lying within six hundred feet thereof;
- (5) the three large and two snall tumuli at Durbi Takusheyi in Mani District of Katsina Province, together with the ancient baobab trees known as "Kuka Katsi" and the site of the former tree known as "Kuka Kumayo";
- (6) the house and compoind in Kano known as Makama's house (Gidan Makama);
- (7) the house and compound in Dikwa, Bornu Province, known as RabeH's House.

**National Commission For Museums and Monuments (Monuments) Declaration  
(No.3) Notice 1959**

*Under section 13*

*[26<sup>th</sup> May, 1959]*

1. This Notice may be cited as the National Commission for Museums and Monuments (Monuments) Declaration (No. 3) Notice 1959.
2. The antiquities set forth in the Schedule to this notice is declared to be a monument.

### **Schedule**

The house and compound in Benin known as chief Ogiamien's House.

### **National Commission For Museums and Monuments (Monuments) Declaration (No.5)Notice 1959**

*Under section 13*

*14<sup>th</sup> August, 1959*

1. This Notice may be cited as the National Commission for Museums and Monuments (Monuments) Declaration (No. 5) Notice 1959.
2. The antiquities set forth in the Schedule to this notice are declared to be monuments.

### **Schedule**

- (1) The state in Opobo representing King Jaja and the land lying within a radius of one hundred feet thereof,
- (2) the house and compound in Calabar known as the "Old Residency" together with the contents thereof,
- (3) the house and compound in Calabar known as the "Old Consultate",
- (4) the house and compound at No. 19 Boko Street, Calabar, known as Chief Ekpo Bassey's House.

### **Lagos (Control and Preservation of Antiquities) Bye-Laws**

*under section 30*

*[27<sup>th</sup> July, 1961]*

1. These Bye-Laws may be cited as the Lagos (Control and Preservation of Antiquities) Bye-Laws.
2. In these Bye-Laws:  
  
"the commission" means the National Commission for Museums and Monuments.;  
  
"the Council" means the Lagos Town Council established by section 10 of the Lagos Local Government Ordinance, 1959;  
  
"museum" means a museum approved by the Commission established under section 3 of this Act.  
  
"object" shall include movable and immovable property.
3. The objects specified in the Schedule to these Bye-laws shall, with the approval of the Commission,



be preserved as scheduled antiquities and no person shall sell, lend, remove, excavate, alter or in any way deal with the objects without the permission of the Commission.

4. (1) The Commission may appoint a committee to advise it upon matters relating to antiquities.
- (2) The committee so appointed may -
  - (a) at any reasonable time inspect any schedule antiquity specified in the Schedule to these Bye-laws;
  - (b) with the consent of the owner and with the approval of the commission, remove any such scheduled antiquity for the purpose of repair or for safe custody in a museum;
  - (c) with the approval of the Commission, take any such other steps as may be deemed necessary for the preservation of any such scheduled antiquity.

#### **Schedule**

1. 214 Broad Street, known as Elephant House.
2. 12 Kakawa Street, known as Water House.

#### **National Commission for Museums and Monuments (Monuments) Declaration Notice**

*Under section 13*

*19<sup>th</sup> March, 1963*

1. This Notice may be cited as the National Commission for Museums and Monuments (Monuments) Declaration Notice 1963.
2. The antiquities set forth in the Schedule to this notice are declared to be monuments.

#### **Schedule**

Carved Stone Figures of Maghabe.

Carved Stone Figures of Alok.

Chief Okoroji's House, Arochuku.

Igbara Oke Petroglphs.

Shadawanka Rock Paintings.

Stone figures of Ofaro.

Stone figures of Ofaro.

Obu House, Elu Ohafia.

Chief Ochu Kkalu's House, Ndi Okereke Aba, near Bende.

Omo Ukwu of the Ndi Ezera Clan, Ohafia.

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**National Commission for Museums and Monuments (Monuments) Declaration  
Notice 1964**

*28<sup>th</sup> May, 1964*

1. This Notice may be cited as the National Commission for Museums and Monuments (Monuments) Declaration Notice 1964.
2. The antiquities set forth in the Schedule to this notice are declared to be monuments.
3. The antiquities (Monuments) Declaration Notice, is hereby revoked.

**Schedule**

1. The carved stone figures between Maghabe and Alok villages in Ogoja Province of Imo State.
2. The house and compound of Chief Okoroji situated in Arochuku Calabar Province of Cross River State.
3. The Petroglyphs in Igbara Oke, 17 miles from Akure in Ondo State.
4. The cave containing rock paintings at Shadawanka near Bauchi, Bauchi State, and the land within a radius of one thousand feet of the paintings.
5. The rock of the stone figures containing carvings of two shelled stones at Ofaro in Ilorin Province of Kwara State.
6. The house and compound known as Obu's House at Elu Ohafia in Bende Division, Eastern Nigeria.
7. The rock at Ochu Kalu, Ndi Okereke Abam in Bende Division of Eastern Nigeria.
8. The building of the Ndi Ezera Clan known as "Omo Ukwu" at Ohafia in the Bende Division of Eastern Nigeria.

**National Commission for Museums and Monuments (Monuments) Declaration  
(No. 2) Nnotice 1964**

*Under section 13*

*15<sup>th</sup> December, 1964*

1. This Notice may be cited as the National Commission for Museums and Monuments (Monuments) Declaration Notice 1964.

2. The antiquities set forth in the Schedule to this notice are declared to be monuments.

### **Schedule**

- (i) Habe Mosque at Maigana, Kaduna State.
- (ii) The Old Iga Building in Iga Idunganran, Lagos.
- (iii) Ate Ogu Tumulus near the Palace of Ata of Idah, Kabba Province, Northern Nigeria.
- (iv) Tsoebe's Tomb at Gwagwade, Northern Nigeria.
- (v) Oshun Strine at Afin Ataoja, Oshogbo, Oyo State.
- (vi) Sungbo's Shrine in Ijebu-Ode, Ogun State.
- (vii) Chief Nwokolo's House at Ukehe, Eastern Nigeria.
- (viii) Rock Shelters called Dutsen Murufu and Dutsen Sango at Birininkudu, Kano State.
- (ix) Habe Mosque at Bebeji, Kano State.

### **National Commission for Museums and Monuments (Monuments) Declaration Notice 1964**

*Under section 13*

*5<sup>th</sup> August, 1965*

1. This Notice may be cited as the National Commission for Museums and Monuments (Monuments) Declaration Notice 1965.
2. The antiquities set forth in the Schedule to this notice are declared to be monuments.

### **Schedule**

1. The rock Paintings of Dutsen Habude at Brinin Kudu in Kano State, Northern Nigeria, consist of two rock shelters and have many paintings of long-horned humpless cattle.
2. The river-side shrine and sacred grove of Oshun at Oshogbo, Oyo State together with the shrine, its grove, the surrounding land within a radius of 400 feet from the Northernmost corner of the shrine building.
3. The shrine of Oshun, in the King's market of Oshogbo, Oyo State together with the surrounding land to a distance of 25 feet.
4. Fine caved stone figure situated at Igbajo in Oshun Division, Oyo State. It is 24 inches high, mounted on a base embedded in the ground in the ground dedicated to Esu which stands by the roadside in the centre of the town.

5. Shira Rock Paintings found in the Shira Town in Azare Division of Bauch State, Northern Nigeria. It is within a radius of three miles of the town and the land covering a radius of 300 feet of the Centre of each site. There are ten different sites containing rock paintings.
6. Ijara Stone Figures situated at Ijara in Kwara State, Northern Nigeria, and made up of a group of eight stone figures which are related artistically to those of Esie.
7. The Ancient City of Surame in Sokoto state, Northern Nigeria. Although abandoned about 260 years ago, the walls still stand to a height of 15 to 20 feet. It includes the line of the main roads of the area lying within a distance of 300 feet on the crest of the walls.