

ASSENTED to by me this *29<sup>th</sup>* day of *May* 2019



*A*  
.....  
MR. ADEGBOYEGA OYETOLA

*Governor*

No. 6

2019



**STATE OF OSUN  
FORCEFUL ENTRY AND ILLEGAL  
OCCUPATION OF LANDED PROPERTIES  
(PROHIBITION) LAW, 2019.**

**A LAW TO PROHIBIT THE FORCEFUL ENTRY  
AND ILLEGAL OCCUPATION OF LANDED  
PROPERTIES, VIOLENT AND FRAUDULENT  
CONDUCTS IN RELATION TO LANDED  
PROPERTIES IN THE STATE OF OSUN AND  
FOR OTHER CONNECTED PURPOSES.**

BE IT ENACTED by the State of Osun House of Assembly  
in this Legislative Session convened as follows:

*Enactment*

**STATE OF OSUN**  
**FORCEFUL ENTRY AND ILLEGAL**  
**OCCUPATION OF LANDED PROPERTIES**  
**(PROHIBITION) LAW, 2019.**



**ARRANGEMENT OF SECTIONS**

**SECTION:**

1. Citation.
2. Prohibition of forceful land take-over  
(3) Entry by Violence
3. Grounds of Community an Offence.
4. Offences
5. Illegal occupation of land by an encroacher
6. Use of Land Agents
7. Entry by Violence
8. Encroaching with weapon



9. Sale of property without lawful Authority
10. Professional Misconduct
11. Petition & Frivolous petitions
12. Demand for Fee, etc.
13. Establishment of Task Force Unit and Victim Defence Council
14. Power of arrest
  - (2) Victim Defence Council
15. Jurisdiction
16. Interpretation

1. This Law may be cited as State of Osun Forceful Entry and Illegal Occupation of Landed Properties (Prohibition) Law, 2019.

*Citation.*

2. (1) As from the commencement of this Law a person or group of persons shall not use force or self-help to take-over any landed property engage in any act inconsistent with the proprietary right of the owner in or outside the State.

*Prohibition of forceful land take-over.*

(2) A person or group of persons who having used force to take over a landed property in the State before the Commencement of this Law and still remain in possession of the said property



three (3) months after the commencement of this Law commits an offence.

(3) A person who commits an offence under the provisions of sub-sections (1) and (2) above shall on conviction be liable to twenty (20) years imprisonment without option of fine.

*Entry by  
Violence*

(1) A person who, without lawful authority, uses or threatens violence for the purpose of securing entry into any landed property for himself or for any other person commits an Offence.

- (2) A person or a group of person who, without an order from a competent Court uses or threatens violence for the purpose of securing entry into any landed property or take over possession of landed property for himself or for any other person and or uses or threatens violence for the purpose of evicting occupant(s) of landed property that were not accommodated by such person or a group of persons commits an offence.



(3) A person's right to possession or occupation of any property shall not for the purposes of subsections (1) and (2) of this section constitute lawful authority for the use or threat of violence by him or anyone acting on his behalf for the purpose of securing entry into that property.

3. For the purpose of this Law, an offence is committed whether or not:

*Grounds of  
Community an  
Offence.*

(a) the violence is directed against person(s) or against the property, or any property/ materials within the vicinity of the property; and

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

4. Any person who:

*Offences.*

(a) commits the offence of forceful entry under the provisions of this Law shall on conviction be sentenced to twenty (20) years imprisonment without option of fine;

(b) (i) makes forceful entry with firearms, offensive weapons or any obnoxious or chemical materials or any materials/substances that can



(b) Any person who causes physical or psychological trauma either directly or indirectly to the legal owner of the property;

(ii) is in company of any person so armed; and

(iii) wounds or uses violence on any person contrary to this section; commits an offence and is liable on conviction to thirty (30) years imprisonment without option of fine;

(c) causes demise of person(s) during or resulting from the course of forceful entry of the

property conviction to life imprisonment (or death penalty) without option of fine.

5. (1) A person who is occupying a property as an encroacher after having entered as such and fails to leave the property on being told to do so by or on behalf of the owner of the property commits an offence.

*Illegal  
occupation of  
land by an  
encroacher*

- (2) A reference in this Law to property includes a reference to an access to the property, whether or not any such access itself constitutes property, within the meaning of this Law.



(3) Anyone who enters or is in occupation of any property by virtue of any:

(a) title derived from an encroacher; or

(b) license or right given by an encroacher, shall himself be treated as an encroacher for the purpose of this Law and references in this Law to a person entering, being on or occupying any property as an encroacher shall be construed as such.

(4) Anyone 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.

- (5) A person who commits an offence under the provision of this section shall, on conviction be liable to a fine of not less than two million naira (₦2,000,000.00) or five (5) years imprisonment or both.

6. (1) From the commencement of this Law, a person shall not cause to be placed on any land or landed property, any land agent(s) for the purpose(s) of forceful takeover of the said land.

*Use of Land Agents.*

(2) Anyone that violates sub-section (1) of this clause commits an offence that is liable on conviction to punishments prescribed in other relevant sections and sub-sections of this law in addition to a fine of not less than One Million Naira (₦1,000,000.00) or one year imprisonment or both.

(3) Any land agent who allows himself or herself to be used in violation of sub-section (1) of this section equally commits an offence that is liable on conviction to punishments prescribed in other relevant sections and sub-sections of this law in addition to a fine of not



less than One Million Naira (₦1,000,000.00) or one year imprisonment or both.

7. (1) No Law Enforcement Agent, *Entry by Violence.*  
Vigilante group, ethnic, cultural/traditional militia shall execute the judgment of a Court in respect of any landed property except as may be provided for under the Sheriff and Civil Process Act or any other Law.
- (2) Any registered and Legally recognized Law enforcement agent who violates sub-section (1) of this section commits an offence and is liable on conviction to a fine of not less

than One Million Naira (₦1,000,000.00) or one year imprisonment or both in addition to being reported to the agency he or she is employed with for additional sanctions.

- (3) Anyone that poses to be a Law Enforcement Agent under false pretense and violates sub-section (1) of this section commits an offence with similar punishment as prescribed in sub-section (2) of this section in addition to being prosecuted separately for impersonation.

8. A person who is on any property as an encroacher, after having entered as such having with him on the property

*Encroaching  
with weapon*

any firearm dangerous/offensive weapon(s) commits an offence and is liable on conviction to thirty (30) years imprisonment without option of fine.

9. (1) Any person who:

- (a) offers for sale any property knowing that he has no Lawful title to the property or authority of the owner to offer for sale commits an offence and liable on conviction to a fine of a minimum of Five Hundred Thousand Naira (₦500,000.00) or Five Hundred percent (500%) of the gross sales price of the property- whichever one is higher or between six (6)

*Sale of  
property  
without lawful  
Authority*



months to Fifteen (15)  
years imprisonment or  
both;

(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; and

(c) without lawful authority of  
the owner, sells the  
property entrusted to  
him, commits an offence  
and is liable on conviction  
to a fine of Five Hundred  
percent (500%) of the  
gross sales price of the  
property or to  
imprisonment for

between six (6) months to Fifteen (15) years or both, and the property shall be restored back to the lawful owner immediately with the cost of such restoration. If any, refunded to that owner by the person or group of person that commits the offence.

(2) A person shall not sell or cause to be sold:

(a) family land, property of any part thereof without the consent or authority of the family head and other accredited member(s) of the family; and

- (b) government land, property or any part of it without the consent or authority of the State.
- (3) A person or group of persons shall not sell or offer for sale any land that has been previously sold without a Court Judgment repudiating the earlier sale.
- (4) A person or group of persons that contravenes the provisions of sub-sections (2) and or (3) above commits an offence and is liable on conviction to Twenty-One years imprisonment per offence.



10. A professional:

- (1) 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 contractual Agreement will contravene the provisions of the Law or any other Law;
- (2) who executes a judgment of Court without following due process as provided for in the Sheriff and Civil Process Act or any other Law commits an offence;
- (3) who contravenes the provision of sub-section (1) above commits the offence of aiding

and abetting the commission of such offence;

(4) found guilty under the provisions of this law shall be reported to the relevant professional body for misconduct and necessary actions and, upon conviction, shall be liable to four (4) years imprisonment or a fine of Five Hundred present (500%) of the gross sales price of the property or both.

11. (1) A person or group of persons may report to the Law Enforcement Agency and Victim Defence Council in their community of any action

*Petition &  
Frivolous  
petitions*

witnessed that contravenes any of the provisions of this Law and such report may either be made in written or oral and it must be acted upon within twenty four (24) hours of receiving such by the Law Enforcement Agency and the Victim Defence Council.

(2) A person(s) shall not write frivolous or unwarranted petitions to any Law Enforcement Agency or Victim Defence Council knowing full well such claims contained in the petition to be false.

(3) A written petition in respect of a landed property shall be accompanied by sworn declaration by a petitioner.



12. (1) A person shall not, whether for himself or acting as an agent demand for any fee or levy in respect of construction activities on any property, disrupt or obstruct construction work provided that the provision of this section shall not be interpreted to preclude the right of the seller(s) from collecting uncompleted balance for the purchase of such property that has written proof of such unsettled balance, or ratification fee pursuant to judgment of a Court of competent jurisdiction.

*Demand for  
Fee, etc.*

(2) Any person who contravenes the provision of sub-section (1) above commits an offence and shall on conviction be liable to a

fine of One Million Naira (₦1,000,000.00) or five hundred percent (500%) of damages attributable to such offence whichever one is higher or ten (10) years imprisonment or both.

13. There is hereby established a Task Force Unit in the State which shall be responsible for the enforcement of the provisions of this Law, there is also established a Victim Defence Council in the State which shall work with and complement the functions of the Task Force Unit, both may have branches across the State.

*Establishment  
of Task Force  
Unit and Victim  
Defence  
Council.*

14. (1) The power to arrest under this Law shall be vested in the Task Force Unit established under

*Power of  
arrest.*

this Law, and any other enforcement Unit/Agency in the State.

- (2) The Victim Defence Council, which shall comprise community members, lawyers, professionals, community representative, journalist, community vigilante group etc. shall work with the Task Force Unit to arrest and hand over anyone or group of persons that violates any of the provisions of this law to the appropriate authority.

*Victim Defence  
Council*

- (3) The Victim Defence Council is hereby conferred with power to liaise with all relevant Security



Agencies, the Task Force Unit, any Court of competent jurisdiction, Community Leaders, Community stakeholders any individual and or group to facilitate justice to protect the interests and advocate for the victim(s) of any of the provision of this Law.

15. The Special Offences Court or any other Court shall have jurisdiction to try any person for any offence specified in this Law.

*Jurisdiction*

16. In this Law unless the context otherwise requires:

*Interpretation.*

**“Agent”** means 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 including any person engaged for the purpose of forceful take over or sale of a landed property;

**“Access”** means any part of any site or building within which those properties are situated which constitute an ordinary means of access to that property (whether or not that is its sole or primary use);

**“Construction Activities”** include roofing, repairs, decking, fencing and other building works, restoration or improvement on any property;

***“Encroachment”*** means entry into another's property without right or permission; trespass, violation, intrusion and usurpation;

***“Landed property”*** means a property, a parcel of land, an improvement, a building, any land ancillary to a building, a site comprising of any building(s) with any land ancillary to it.

***“State”*** means Osun State of Nigeria.

***“Victim”*** means a person forcefully deprived of his property.

***“Victim Defence Council”*** means a team of legal and non-legal

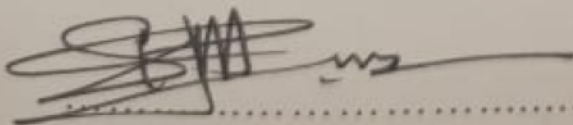


personnel and or experts and or persons designated by the State, or any other authority and or group to represent and advocate for citizens that this law is intended to protect that may become victims under the provisions of this Law.

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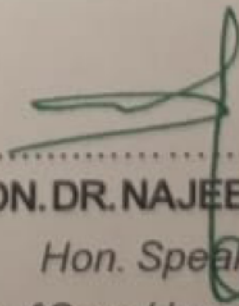
This printed impression has been carefully compared with the Law that has been passed by the State of Osun House of Assembly and it is hereby certified to be a true and correct copy of the Bill.



**MR. SIMEON A. AMUSAN**

*Clerk of the House*

*State of Osun House of Assembly*



**RT. HON. DR. NAJEE M. F. SALAAM**

*Hon. Speaker*

*State of Osun House of Assembly*