

CHAPTER 114
MARKET AUTHORITIES (ESTABLISHMENT) LAW
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CHAPTER 114

MARKET AUTHORITIES (ESTABLISHMENT) LAW

A Law to provide the establishment of Market Authorities in the State and for matters connected therewith.

[27th August, 1991}

Short title and applications

1. (1) This Law may be cited as the Market Authorities (Establishments) Law,

(2) In Law shall apply to the areas specified in the First Schedule hereto (hereinafter called the “Scheduled areas”)

Interpretation

2. In this Law —
"Governor” means Governor of the State;
“market” means —
(a) market place or spot of ground set apart by custom or by any person or

authority for the buying and selling of goods generally or of any class or classes of goods:

- (b) the gathering of persons in a market place during market hours for the purpose of buying and selling goods:

“Market Authority” or "Authority” means Market Authority established by section 3 of this Law;

"motor park" means a spot of ground set apart by any person or authority for use public transporters with or without payment of fees for the purpose of loading and discharging passengers or goods, together with any conveniences, food stalls, drinking houses or other establishments constructed therein for the use of passengers or other persons using the motor park,

"scheduled area" means a town or place mentioned in the First Schedule hereto in respect of which a Market Authority is established under this Law.

Establishment
of market
Authority

(3) (1) There is hereby established for each scheduled area a body to be called Market Authority which shall perform with respect to that area the functions specified in this Law,

(2) A Market Authority is a body corporate with a common seal and with power to purchase, lease, or otherwise acquire and hold or dispose of land and all property

(2) A Market Authority shall be known and distinguished by the name of the place in which it is situated as, for example. Enugu Market Authority.

(3) The area of authority of a Market Authority is the extent of the

territory covered by the scheduled area for which the Authority is established.

(4) The provisions of the Second Schedule shall have effect in relation to a Market Authority with respect to the several matters contained therein.

Composition
of the market
authority

4 (1) A Market Authority consists of—

- (a) a full-time executive Chairman;
 - (b) a part-time deputy Chairman;
 - (c) not more than six other part-time members;
 - (d) (d) secretary to the Local Government of the area as officio member
- (2) The Chairman and all other members of a Market Authority shall be appointed by the Governor.
- (3) Whenever the Chairman is temporarily absent from Nigeria or is otherwise incapacitated from performing the functions of his office the deputy chairman may perform all or any of the functions of the Chairman.
- (4) The validity of any proceedings of a Market Authority shall not be affected by any vacancy in the membership of the Authority or by any defect in the appointment of a member.

Secretary

5 (1) Subject to this section the Governor may appoint a person to be the Secretary to it Market Authority upon such terms as to salary as the Governor may determine.

(2) A person who may be appointed Secretary under subsection (1) shall be other—

(a) a legal practitioner with not less than three years' experience from the date of his qualification; or

(a) a Chartered Secretary (A.C.I.S.) with at least five years' experience from the date of his qualification; or

(b) any other person who in the opinion of the Governor is suitably qualified and capable of performing the functions of the Secretary under this Law.

(3) The Secretary shall—

- (a) upon the direction of the Chairman, summon all meetings of the Market Authority;
- (b) record and keep in a book, provided for the purpose, the proceedings of any meetings of the Market Authority;
- (c) if a legal practitioner, give legal advice to, and do other legal work of, the Market Authority;
- (d) subject to the executive control and direction of the Chairman, conduct the day-to-day administration of the affairs of the Market Authority including the control of the staff of the Authority;

- (e) perform such other duties as the Market Authority may from time to time assign to him.

Market
controller

6. (1) A Market Authority may appoint a fit and suitable person to be a market controller in its area of authority.

(2) A market controller shall perform such functions as may be assigned to him by the Market Authority employing him and shall be the head of the operations of the Market Authority.

Functions of
market
Authority

7 (1) A Market Authority is hereby charged with responsibility for the development, construction and management of markets and motor parks in its area of authority,

(2) Subject to this Law and any other written law, a Market Authority may within its area of authority, do all such things as are in its opinion necessary for, or conducive to, the proper discharge of its function under subsection (1) and, in this behalf, may—

- (a) build and maintain markets or motor parks;
- (b) construct, maintain and allocate such stalls, sheds, pens and other buildings or conveniences for the use of the persons trading in or using the market as it may think necessary;

- (c) provide and maintain roads footways, passages. drains, or sewers for or in connection with any markets constructed or

managed by it

- (d) acquire construct maintain and repair works, plant or apparatus necessary or desirable for the provision of electrical, water or sanitary services for or in connection with any markets or motor parks constructed or managed by it;
- (e) make, levy and collect stallages, rents and tolls in respect of the use by any person of any market or motor park constructed by it;
- (f) demolish, construct, close or move any market or motor park constructed or maintained by it;
- (g) provide all such matters and things as may be necessary, for the convenient use of a market or motor park maintained by it;
- (h) subject to the regulation made by the Governor in that regard, enter into agreement with other persons—
 - (i) for the construction, repair or maintenance of buildings or other works, or
 - (ii) for the provision by those persons of services, being works or services which the Market Authority is by this Law empowered to undertake or provide.

(3) Subject to subsection (4) the power conferred by this Law on a Market Authority to construct, develop or manage a motor park in its area of authority shall be exercisable with respect to all motor parks in the area.

(4) Nothing contained in this Law shall be construed so as to affect the right of every person or body, upon a licence in that behalf granted by a council having jurisdiction in the area, to construct, develop or manage a garage for the refitting and storage of the owner's vehicles.

Existing
markets and
motor parks

8. Upon the commencement of this Law all markets and motor parks existing within the area of a Market Authority, being markets and motor parks constructed, managed or maintained by any Government or local government council, shall vest in that Market Authority and that Authority may exercise in respect of such markets and motor parks all the power conferred on it by this Law and do in the markets or motor parks or in connection therewith all the things which it may do under this Law in the exercise of its functions under this Law.

Borrowing
powers

9. (1) Subject to this section, a Market Authority may borrow the sums of money required by it for meeting its obligations or discharging its functions under this Law:

Provided-that the power to borrow shall not be exercised except with the approval of the Governor.

(2) The approval may be either general or limited to a particular borrowing, or subject to any conditions which the Governor may impose.

Funds of an
Authority and
payment of
rates

10. (1) The funds of a Market Authority shall be—
(a) such sums as may from time to time be appropriated to the authority by the State Government;

- {b) moneys derived from stallages, rents and tolls collected by the Authority;
- (c) moneys raised by the loan under the borrowing powers vested in the authority by this Law;
- (d) moneys realized from investments made by the Authority;
- (e) all other sums which may in any manner become payable to or vested to the Authority in respect of any matter incidental to its functions, powers and duties under this Law.

(2) A Market Authority shall retain for its own service, twenty *per cent*, of the distributable revenue of such Authority and shall pay—

- (a) to the Government of Enugu State, twenty-seven and a half *per cent*, of such revenue;
- (b) to the urban council in the area of the authority of such Authority, thirty-five *per cent*, of such revenue;
- (c) to the capital fund of such urban council, ten *per cent*, of such revenue:
- (d) to a trust fund established by the indigenous community in the area of authority of such Authority for the development of that community, seven and a half *per cent*, of such revenue:

Provided that such trust fund is for purposes of this subsection, prescribed by the Governor.

(3) For purposes of this section, "distributable revenue" means gross revenue derived by a Market Authority in

respect of paragraph (b) of subsection (1).

Investments
of funds and
deposals of
surplus
funds

11. Subject to regulations made by the Governor in that regard, and without prejudice to the operation of the subsection (2) of section 10, a Market Authority may—

(a) Invest part of its fund in a business or undertaking, which it may consider beneficial or advantageous to its objects and functions

(b) pay into the capital development fund of the State all or any part of its surplus revenue.

Bye - laws

(1) A Market Authority may, subject to the approval of the Governor, make bye-laws for implementing the purposes of a function conferred on it by the Law.

(2) The bye-laws may, without prejudice to the generality of the provisions of subsection (1) and subject to subsection (3), contain provisions—

(a) regulating the use of the markets, markets buildings, and motor parks; the maintenance of order, the prevention of obstructions and maintenance of cleanliness in a market or motor park or in the approaches to a market or motor park.

(b) i prescribing stallages, rents or tolls and the method of paying or collecting them;

(c) prohibiting the sale of any specified goods or kind of goods

within any specified area except in a market or section of a market established or maintained under this Law;

- (d) prescribing the goods which may be sold in any market.
- (e) for fixing market days and market hours and for preventing the sale and purchase of goods in any market on days or during hours other than those fixed by the bye-laws;
- (f) for the inspection of articles of food in the market and motor parks;
- (g) for the control of slaughter of animals in the market:
- (h) for regulating the duties and conduct of inspectors and other persons appointed for the purposes of this Law;
- (i) for regulating the entry, exit, parking, and accommodation of vehicles in a motor park; and

(j). for fixing a fine not exceeding N50 for a contravention of a bye-law and, in the case of a continuing offence, an additional penalty not exceeding N10 for each day after which the Authority has served on the offender written notice of the offence.

(3) The provisions of this section relating to a motor park shall apply only in respect of motor parks constructed or maintained by a Market Authority or vested in the Authority by or under the provisions of this Law.

13. The Governor may, if he deems it desirable so to do, from time to time by order amend the First Schedule to this Law by adding thereto one or more scheduled areas and upon that order taking effect, and any reference in this Law to a "Market Authority" shall include a Market Authority appointed in accordance with section

Amendment
of first
schedule by
order

4 for such scheduled area or areas.

Authenticatio
n of
documents

14 The seal of a Market Authority shall be authenticated by the signatures of the chairman and one other member of the Authority authorized in that behalf by the resolution of the Authority,

Execution of
documents

15 All documents, other than those required by law to be under seal (and not being letters or other documents which the Secretary may write and sign in the ordinary course of correspondence), and all decision of a Market Authority may be signified under the hand of the Chairman and the Secretary.

Action by or
against a
market
Authority

16 A Market Authority may sue and be sued in its corporate name:

Provided that—

(a) no suit against a Market Authority or any servant or employee of the Authority for any act done in pursuance or execution of any of the functions of the Authority, or in respect of any alleged neglect or default in the execution of such functions shall be or

be instituted in any court unless it is commenced within twelve months next after the act, neglect or default complained of or, in the case of a continuance of damage or injury, within twelve months next after the ceasing thereof; and

(b) no suit shall be commenced against a Market Authority until one month at least after written notice of intention to commence the same shall have been served upon the

authority by the intending plaintiff or his agents, and such notice shall clearly and explicitly state the cause of action, The particulars of the claim, the name and place of abode of the intending plaintiff and relief which he claims.

Directions of
the Governor

17. The Governor may give to a Market Authority directions of a general or specific character as to the exercise and performance by the Authority of any of its functions under this Law and the Authority shall carry out such directions.

Accounts
audit and

(18) A market Authority -

(a) keep proper accounts of its transactions;

(b) keep proper records relating to the accounts; and

(c) prepare in respect of each financial year, a statement of account in a form prescribed by the Accountant – General

Acquisition
of land

(19) (1) A Market Authority shall have power to negotiate for, purchase take on lease and pay for land required for its purpose

Provided that no step shall be taken by the market Authority to negotiate for or acquire any land unless and until the Town planning Authority of the area of market authority first approves the site for the particular purpose of the market Authority for which the land is to be acquired.

(2) whenever there is any hindrance to acquisition by a market Authority of any land required for any purpose of the market including any failure by the authority to reach agreement as to the amount to be paid in respect of such inquiry as he may fit, may declare that the land is required for the purpose of the market authority.

(3) upon such declaration being made the land to which it relates shall be deemed to be and required for a public purpose of the state within the meaning of the land use law, and the Governor may cause action to be taken under the law.

(4) When any land which has been the subject of a declaration under subsection (2) has been acquired, the Governor may vest the land in the Market Authority by means of a certificate under the hand and seal of the Chief Land Officer

(5) The compensation payable under the Land Use Law for the acquisition of any land under this section shall in the first instance be paid by the Government, but the market Authority shall refund to the Government any compensation so paid and all incidental expenses incurred by the Government.

(6) A plan of any land referred to in subsection (2) containing measurement of the boundaries of the land and showing the relationship of the land to any sufficient identify mark and signed by the chairman of the Market Authority or other person for the time being discharging the functions of the chairman shall be a sufficient description of the land for the purpose of an application under that subsection.

offenses

20. (1) Upon the commencement of this Law, no person shall, in a scheduled area, without the approval of the Market Authority—

- (a) Establish, maintain or operate any market in addition to any market developed, constructed, or maintained by the Market Authority; or
- (b) display for sale any goods, wares or other merchandise at a place other than in his own dwelling place, store or shop, or in a market or section of a market established or appropriated by the Market Authority for the sale of such goods, wares or merchandise', or
- (c) establish, maintain or operate a motor park.

(2) Subject to subsection (3) a person who contravenes any provision of this section shall be guilty of an offence and liable on summary conviction to a fine of two hundred naira or, in default of payment, imprisonment for six months.

(3) Nothing contained in this section shall be construed so as to make it unlawful for any group of persons not exceeding fifty in number to assemble, without the authority of a Market Authority, at a road side or other place for the purpose of buying or selling food-stuffs or other items of domestic uses whether or not the spot is habitually set apart for that purpose:

Provided that no tolls or oilier charges shall he imposed, paid or collected by any person for the use of such spot for the said purpose.

~~20. (2) Subject to subsection (3) a person who contravenes any provision of this section shall be guilty of an offence and liable on summary conviction to a fine of two hundred naira or, in default of payment, imprisonment for six months.~~

Adoption and
application of
bye- law

21. (1) A Market Authority may by resolution adopt any bye-laws of a local government or other body referring to a market in its area of authority or relating to a motor park vested in it by this law and, thereupon, may enforce, amend or revoke

such bye-laws if they were made by the Market Authority.

(2) Upon the commencement of this Law. any power conferred by any law to force in scheduled area upon any person, council or body, to make bye-laws with respect to markets or motor parks in the area of authority of such person, council or body, shall he construal so as not to include a power io make such bye-taws with respect to a market in u scheduled area or to a motor park m such area maintained by a Market Authority,

FIRST SCHEDULE

Section 2. 3 Place in respect of which Market Authority is established—

Enugu

Section 3 (5)

SECOND SCHEDULE

PROVISIONS RELATING TO TENURE OF OFFICE, STAFF AND MEETING OF A MARKET AUTHORITY

Tenure of office 1. (1) The chairman of a Market Authority shall, subject to the pleasure of the Government hold office for such period and on such terms and conditions as may be stated in the instrument by which he is appointed,

(2) A member or a Market Authority other than un ca officio member shall subject to the pleasure of die Government hold office for three years, but shall be eligible for reappointment.

Registration of member 2. Notwithstanding anything in the instrument by which lie is appointed, the Chairman or other member of a Market Authority', other than ex officio member, may resign his appointment by writing under his hand addressed to the Governor and upon the receipt of the resignation, the appointment of the chairman or the other member shall be terminated.

Employment of staff 3. Subject to the provisions of this Law, a Market Authority may appoint and employ such servants and agents as it deems necessary for the discharge of its functions under this Law upon such terms and conditions of service as it may determine,

meetings 4 (1) A Market Authority shall ordinarily meet for the dispatch of its business at such times as the Chairman shall from time to time appoint

(2) The Chairman shall preside at all meetings of the Authority In the absence of the Chairman the Deputy Chairman shall preside at the meeting.

(3). At any meeting of a Market Authority, four members including the Chairman or. in the absence of the Chairman, the Deputy Chairman, shall form a quorum.

(4). At any meeting of a Market Authority, every question shall be decided by a majority of votes of the members present at the meeting and voting on that question, In the case of an equality of votes on any question the chairman or member presiding shall have a second or casting vote.

(5) A Market Authority may make standing orders, not inconsistent with the provisions of this Law or this Schedule, with respect to the holding of meetings of the Market Authority, the notice to be given of such meetings, the proceedings thereto, the keeping of the minutes of such proceedings and the custody and production for inspection of such minutes.

procedure 5. Subject to the provisions of this Schedule an of any standing orders made under paragraph 4(5), the procedure of a market Authority shall be such as the Market Authority may determine.