



# Niger State of Nigeria Gazette

Published by Authority

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No. 3

MINNA - 10th May, 1999

Vol. 24

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**Niger State Notice No.3**

This Law is Published in the Supplement to this Gazette.  
N.S. Edict No. 3 of 1999 - Niger State Urban and Regional Planning  
Development Board Edict, 1998.

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Printed and Published by the Director of Printing, Minna.  
Annual Subscription: Nigeria N1,500, post free. Present issue N350 per  
copy. Application for Purchase of the Gazette and other Government  
Publications should be submitted to the Director Printing, Private Mail Bag  
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**N. S. Edict No.3 of 1999**

**NIGER STATE URBAN AND REGIONAL PLANNING  
DEVELOPMENT BOARD EDICT, 1998**



**Niger State of Nigeria**  
**Edict No. 3: of 1999**

**THE MILITARY ADMINISTRATOR OF NIGER STATE OF  
NIGERIA**

**Date of Commencement 21st day of December, 1998**

**PART I - PRELIMINARY**

1. This Edict may be cited as the Niger State Urban and Regional Planning Development Board Edict, 1998 and shall be deemed to have come into operation on 21st day of December, 1998.

Title and  
Commencement

2. In this Edict, unless the context otherwise requires:-

Interpretation.

“State” means Niger State of Nigeria;

“Board” means Urban and Regional Planning Board established under section 3 of this Edict;

“Military Administrator” means the Military Administrator of Niger State;

“Structure” means and includes building tents, stalls, kiosks building tenements hereditaments, drains, ditches, construction or erections of any kind;

“Commissioner” means State Commissioner in-charge of Works, Housing and Transport;

“The Chairman” means the Chairman of the Board;

"General Manager" means the General Manager of the Board;

"Financial Year" means the twelve months ending on the 31st December in any year;

"Member" means any member of the Board and includes the Chairman;

"Urban Area" means any area designated in accordance with Section 3 of the Land Use Act;

"Land" includes any building and any other thing attached to the earth but does not include minerals;

"Building" means any structure whether of temporary nature or not, erected or made on, in, over or under any Land;

"Development Plan" means a plan indicating the manner in which an area of Land should be developed; and it includes all plans enumerated in the Edict.

## **PART II**

### **ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF THE BOARD**

Establishment  
of the Board.

3. There is hereby established for the state a body called the Niger state Urban Development Board which shall be a body corporate with perpetual succession and a common seal and shall have power to sue and be sued in its corporate.

(2) The Board shall have power to hold movable and immovable property.

Composition of  
the board

4. (1) The Board shall consist of the following as members:-

(a) A Chairman who must have been in professional practice for a minimum period of 10 years and shall have been registered with the Town Planners Registration Council.

- (b) The General Manager of the Board.
- (c) One representative of each of the following professions who shall be a registered profession; that is,
  - (i) Town Planning
  - (ii) Architecture
  - (iii) Civil Engineering
  - (iv) Land Surveying
  - (v) Estate Surveying
- (d) a representative of the Ministry of Justice,
- (e) a representative of Niger State Environmental Protection Agency;
- (f) a representative of N.E.P.A.
- (g) a representative of Ministry of Agriculture;
- (h) a representative of Ministry of Finance;
- (i) a representative of Ministry of Works;
- (j) 5 representative of all the Local Government Councils in the State:- 2 Permanent (Minna and Bosso) and 1 from each Senatorial Zone rotates.
- (k) a representative of Ministry of Health

5. The Chairman and other members of the Board shall be appointed by the Military Administrator of the State.

Appointment  
of the Chairman

6. Subject to the provisions of this Edict, a member other than an ex-officio member shall hold office for a period of four years and shall be eligible for re-appointment for a further period of four years.

Tenure of  
Office of  
Members

7 (1) A member may at any time resign his membership by sending a notice of resignation in writing under his hand to the Military Administrator.

Vacation of  
Office of  
Members

(2) If the Military Administrator is satisfied that a member:-

- (a) has been absent from three consecutive meetings of the Board without the written permission of the Chairman;
- (b) has become bankrupt;
- (c) is incapacitated by physical or mental illness; or
- (d) is otherwise unable or unfit to discharge his functions as a member;

The Military Administrator may declare his office vacant and after receiving a written notification of this fact, the member shall cease to hold such office and may replace that member with another person who in his opinion adequately represents interest which that person whose appointment has been revoked was originally representing in the Board.

Powers to  
Co-opt.

8. Where the Board desires to obtain the advice of any person upon any matter, the Board may co-opt the person to be a member for such meetings as may be required and the person whilst so, co-opted, shall have all the rights and privileges of the member save that he shall not be entitled to vote on any question or count towards a quorum.

Vacancies

9. No act or proceedings of the Board shall be invalid on account of any vacancy among its members or on account of the appointment of any member having been defective.

Quorum

10. At any meeting of the Board two-thirds of the members of the Board present shall form a quorum.

Protection of  
Members

11. A member shall not be personally liable to be sued for any act of omission to do any act or for any default of the Board as long as such act, omission or default is in the course of the operation of the Board and in good faith.

12. There shall be paid to every member not being a public officer such remuneration and allowances as the Military Administrator may determine.

A5  
Remuneration  
of Members

13. (1) There shall be a General Manager for the Board who shall be appointed by the Military Administrator;

General  
Manager

1(a) A person shall not be appointed a General Manager unless he is an experienced administrator and he is a member of the Town Planners Registration Council with a minimum of 10 years professional practice.

(2) The General Manager shall be the Chief Executive of the Board and shall be responsible for the execution of the policy of the Board and general management of its day-to-day affairs and shall carry out such other functions as the Board may direct;

(3) The General Manager shall be responsible for the following:-

(a) making arrangements for the meetings of the Board;

(b) co-ordinating the plans, programmes and projects of the component departments.

(4) The post of the General Manager shall be a pensionable one.

14. (1) There shall be a Secretary for the Board who shall be appointed by the Board with a minimum of five years professional practice in the relevant field.

Secretary to  
the Board

(2) The person to be appointed a Secretary of the Board shall be responsible for the conduct of the correspondence of the Board and perform such other functions as the Board may direct.

(3) Preparing the agenda and minutes of meetings

A6

- (4) See to the implementation of the decisions of the Board
- (5) Obtaining legal and professional advice on all Board matters.

**PART III**  
**POWERS AND FUNCTIONS OF THE BOARD**

Powers and  
Functions of  
the Board

15. (1) The Board shall perform the following functions:-
- (i) to administer, execute and enforce the provisions of the Town and Country Planning Law within the area for which the Board has been appointed the planning authority under the Law;
  - (ii) generally, to foster the development of the state through the exercise of the powers and functions of the Board;
  - (iii) formulation and implementation of planning schemes;
  - (iv) construct and maintain roads and related structures;
  - (v) formulation of state policies for Urban and Regional Planning;
  - (vi) the initiation and preparation of:-
    - (a) regional, sub-regional and Urban master plan;
    - (b) master plans for each of the Local Government areas in the State;
    - (c) urban master plans for major urban centres;
    - (d) district plans;

- (e) other physical development plans and schemes embracing distribution of major roads, location of industrial, commercial, residential as well as recreational facilities.
- (vii) the development control on State lands;
- (viii) the provisions of technical assistance and Local Government;
- (ix) the consultation and co-ordination with the Federal Government and Local Governments in the preparation of physical plan;
- (x) the preparation and submissions of annual progress report on the operation of the National physical plan as it affects the State;
- (xi) carryout such other activities as are necessary or expedient for the full discharge of the functions of the Board under this Edict;
- (xii) (a) without prejudice to the provisions of the existing laws relating to refuse disposal, the Board shall have the powers of collection, disposal and transportation of refuse;
- (b) the Board shall have the powers to exercise the powers under Section 5(a) - (n) of Niger' State Water Board Edict, 1990;
- (xiii) enter into contract with public or private organisations in fulfilling its functions and responsibilities under this Edict;
- (xiv) to acquire, hold and dispose of movable and immovable property;
- (xv) to advice and approve plans for any development



**A8** or erection of any structure within urban areas and generally to be satisfied that the proposed development or erection will:-

- (a)** not involve any injury to health or dangers to health or involve excessive or premature expenditure of public funds;
  - (b)** not likely to be seriously injured the community or the locality;
  - (c)** not contravene any law for the time being enforce;
  - (d)** be within seventy-five feet off the road;
  - (e)** nothing in this section shall be construed as authorising the Board to engage in reckless ventures involving the expenditure of public funds or the transfer of public funds;
- (xvi)** insure its property against all forms of risk.
- (xvii)** to construct and maintain houses or any other building which are necessary or desirable for the purposes of the Board;
- (xviii)** to lend or advance money to, acquire an interest in, or provide, by underwriting or otherwise, assist in the subscription of capital for, any company, person or body engaged in or proposing to establish or improve any technical, advisory or management advice and assistance or plant or machinery required for this purpose;
- (xix)** the provisions, maintenance and supervision of Abattoirs, Slaughter houses, Hotels and Clinics/ Hospitals to ensure the attainment of the acceptable sanitary level;

- (xx) co-ordinate the provision of services by other Agencies such as NEPA, NITEL, Water Board, Housing Corporation, NISEPA, NNPC in the urban areas;
- (xxi) The provision and maintenance of public infrastructures and services in the urban centres such as:-
- (a) Roads and drainages
  - (b) Street lights/traffic signals
  - (c) Roads signs/markings
  - (d) Refuse collection and disposal
  - (e) Sewerage
  - (f) Markets
  - (g) Parks and gardens
- (xxii) provide traffic management and transport planning in the urban centres;
- (xxiii) provide drainage and flood control;
- (xxiv) provision of engineering design of appropriate waste disposal and treatment systems that will take into consideration the geological and environmental setting and encourage recycling;
- (xxv) specification of waste disposal sites that guarantee the safety of surface and underground water systems;
- (xxvi) the setting up and enforcement of standards for adequate sanitary facilities for the disposal of human and other solid wastes dwellings, housing estates and public facilities in urban areas;

- (xxvii) establishment of monitoring programmes including periodic surveillance of approved waste disposal sites and their surroundings and waste water treatment systems;
- (xxviii) establishment of an early warning system for the identification of potential waste disposal hazards;
- (xxix) development of serviced layouts (Residential and Commercial);
- (xxx) fixing and collection of Tariffs on the services provided;
- (xxxi) beautification of urban centres;
- (xxxii) the establishment of a well equipped maintenance workshop that shall be responsible for the fabrication and maintenance of all relevant component parts of plants, vehicles, equipment and appliances (Electrical/Mechanical) being used by the Agency, with the Central Workshop of the Ministry of Works as the foundation;
- (xxxiii) reporting directly to the Military Administrator but regularly briefing the Ministry of Works and other affected Ministries and Parastatals on all its activities.

Establishment  
of Departments

16. (1) There are hereby established for the Board the following departments to be headed by an Assistant General Manager:-

- (a) Engineering Services
- (b) Urban Planning and Regional Planning
- (c) Waste management and Sanitation Services
- (d) Finance and Personnel Management;

(2) The functions of the respective department of the Board shall be as listed in schedule 1, 2, 3, and 4.

(3) A person shall not be appointed a Assistant General Manager of Engineering Services unless he is a registered member of Engineers Registration Council with a minimum of 5 years professional practice as a Town Planner.

(4) A person shall not be appointed a Assistant General-Manager of Urban and Regional Planning unless he is a registered member of the Town Planners Registration Council with a minimum of 5 years professional practice as a Town Planner.

(5) A person shall not be appointed a Assistant General Manager Waste Management and Sanitation Services unless he holds a Bachelor of Science Degree in Environmental Health or Sanitary Engineering or a professional Diploma for Sanitary Inspectors or Public Health Superintendants and in addition has 5 years post qualification experience.

(6) A person shall not be appointed a Assistant General Manager of Finance and Personnel Management unless he is a graduate in Accountancy or Social Sciences and not below Grade Level 15.

(7) There shall be established also a

- (a) Legal Section
- (b) Audit Section
- (c) Public Relations Section

which shall be headed by officers not below Grade Level 14 in the appropriate professions and shall report directly to the General Manager.

### ESTABLISHMENT OF PLANNING AUTHORITY

17. There is established in each Local Government Area of the State a body to be known as Local Planning Authority (hereinafter referred to in this Edict as the Authority).

Establishment  
of Planning  
Authority

**A12**

Composition  
and Remu-  
neration of  
the  
Members of  
the Authority

18. (1) The Authority shall comprise the following members:-

- (a) a Chairman;
- (b) not more than five representatives of the wards in the Local Government;
- (c) not more than five representatives of the professionals who shall be registered members of the relevant professions:
  - (i) Architecture;
  - (ii) Civil Engineering;
  - (iii) Land Surveying;
  - (iv) Law; and
  - (v) Town Planning.
- (d) the works supervisor of the Local Government;
- (e) the education supervisor of the Local Government; and
- (f) a Chief Executive Officer appointed by the Authority who shall be the Chief Executive of the Authority.

(2) The Chairman referred to in sub-section (1)(a) of this section shall be registered with the Town Planners Registration Council with a Minimum of 5 years professional practice.

(3) The Chief Executive Officer referred to in sub-section 1 (f) of this section shall be registered Town Planner with a

minimum of <sup>6</sup> years professional practice.

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(4) The post of the Chief Executive Officer shall be a pensionable one.

(5) The Chairman, Chief Executive Officer and members of authority shall be paid such remuneration, fees and allowances as the Authority with the approval of the Local Government Chairman may from time to time determine.

19. (1) The Authority shall be charged with the responsibilities for preparing town, local and subject plans subject to the approval of the Board. Functions of the Authority

(2) The Authority shall prepare and submit to the Board an annual report on the implementation of the National physical development plan and state regional plan.

(3) The Authority shall undertake development control within its area of jurisdiction.

20. (1) (i) Subject to sub-section 2 of this section, the duty assigned to the Board or the authority by sections 15 and 21 of this Edict, may from time to time and subject to such terms and conditions as it thinks fit be delegated to the Chief Executive Officer, or any of its Officers Committee, Agent or Consultant and where any delegation have been made, the delegated function shall be exercised subject to the terms and conditions specified in the resolution provided that such Officers, Agents or Consultant are registered with the relevant professional bodies. Powers to Delegate

(2) The Board may perform any duty assigned under sub-section (1) of this section.

21. (1) The common seal of the Board shall used or affixed on any document in pursuance of a resolution duly passed at a meeting of the Board and recorded in the minutes of such meeting. Common Seal of the Board

(2) The affixing of the common seal shall be authenti-

cated by the signatures of the Chairman and the Secretary or such other members generally or specifically authorised in that behalf by the Board.

(3) Any document purported to be a document duly executed under the common seal of the Board shall be received in evidence and shall, unless the contrary is proved, be deemed to be executed.

**PART V**  
**ESTABLISHMENT AND POWERS OF**  
**DEVELOPMENT CONTROL SECTION**

Establishment  
and Powers of  
Development  
Control  
Department

22. (1) There is hereby established in the Board a Development Control Section (hereinafter in this Edict referred to as "the Control Section")

(2) The Control Section shall be a disciplinary department charged with the responsibility for matters relating to control of physical development and implementation of all physical development plans.

(3) The Control Section shall have powers over control of all physical developments on State Land and Government Estates.

(4) The Control Section shall have powers to give developments permit to any applicant who complies with the provisions of this Edict and its regulations.

(5) Where development permit has been given under this Edict by the Control Section in respect of any development plan submitted for approval (the plan shall hereinafter be referred to as "Approved Development Plan").

Limitation to  
Powers of the  
Authority

23. (1) Subject to the provisions of this Edict the authority shall have power to grant development permit to:-

(a) residential development application on a parcel of land not more than 2000 square meters;

- (b) residential development application which is not more than six family units or flats; and residential structures of not more than three floors including the ground floor

(2) The authority shall refer all physical development plan applications for commercial, industrial, recreational, institutional, agricultural, civil or public uses to the Board for the purpose of granting development permit.

(3) All physical development plan applications made by any Federal, State or Local Government, Institutions made to the authority shall be referred to the Board for the purpose of granting development permit.

24. (1) Where it appears to the Control Section of the Board that within the areas designated as Urban areas, an illegal structure is erected, the Control Section shall notify in writing the developer to demolish the structures within a period of three weeks if such structures are found to be defective as to pose danger or constitute a nuisance to the public.

Powers of  
Control Dept.  
Demolishing  
illegal  
structures

(2) If within the period stated in sub-section (1) the developer fails to demolish the illegal structure, it shall be lawful for the Control Section to demolish the structure at the cost of the developer.

(3) No structure shall be declared illegal which has been in existence prior to the coming into operation of this Edict.

25. In the performance of its function under this Edict in relation to control of development, waste land, streets and building of special architectural or historical interest, the Control Section shall compile a list of such building or special architecture or historical interest.

Additional  
control in  
special cases

26. Where it appears to the Control Section that:-

- (a) An unauthorised development is being carried out;  
or

Issuance of  
stop order /  
unauthorised  
developments



- (b) where a development does not comply with development permit issued by the Control Section, the Control Section shall issue a stop-work order pending the service of an enforcement notice on the developer, where the development is a minor development the Control Section shall have the power to order the developer to alter, remove or discontinue the development without referring the matter to a Court of Law.
- (c) A stop work order shall take immediate effect upon service on a developer.

Effect of failure to serve enforcement notice within 21 days

27. A stop work order shall cease to have effect if within 21 days of its issue the enforcement notice is not served on a developer.

Restriction on power to demolish

28. The power of the Control Section of the Board to demolish or order the demolition of a building or part thereof under this Edict shall not be exercised unless:-

- (a) The building falls so far below the standard of other buildings used for habitation in the area that it is likely to constitute a nuisance to the health of its occupiers or occupiers of adjacent building;
- (b) the building is in such a state of disrepair that it is or is likely to become a danger to the public safety and cannot at a reasonable cost be repaired.

29. Any person who fails to comply with the terms of an enforcement notice or disregards a stop work order served on him under this Edict shall be guilty of an offence and shall be liable on conviction to a fine not exceeding N10,000 in case of an individual and in case of a corporate body to a fine not exceeding N50,000

**PART VI**  
**FINANCIAL PROVISIONS, ACCOUNTS AND AUDIT**  
**OF THE BOARD**

A17

30. The funds of the Board shall consist of:-

Funds of th  
Board

- (a) such funds as may be appropriated to the Board by the State Government;
  - (b) all such monies paid to the Board by way of grants, donations, gifts, subsidies, charges, fees, subscriptions and interest;
  - (c) all sums, investments or other property vested in the Board and all money earned or arising therefrom;
  - (d) such sums or other property whatsoever, as may from time to time be advanced by way of loan or granted to the Board by the Government;
  - (e) all other sums or other property which may in any manner whatsoever become payable to or vested in the Board;
  - (f) monies raised for the purpose of the Board by way of gifts and grants;
- 2(a) The Board may with the approval of the Military Administrator or in accordance with the general authority given by the State Government borrow by way of loan or overdraft from any source any money required by the Board to meet its obligations and its functions under this Edict.
- (b) all sums received by falling due to the Board in respect of the repayment of any loan made by the Board or the interest payable in respect thereof;
  - (c) all monies which may be vested in the Board under any enactment.

31. (1) The Board shall keep proper accounts in respect of its functions, assets and liabilities and its revenue and expenditure.

(2) The Board shall prepare annual statement of accounts for each Financial Year and shall cause its accounts relating to the previous year to be audited by the Auditor-General or by any person authorised in that behalf by him.

(3) The said annual statement of accounts shall be a fair and accurate statement of the Financial Year to which it relates.

(4) As soon as the said annual statement of accounts has been audited as aforesaid the Board shall forward to the Military Administrator a copy of the statement of accounts together with a copy of the report by the Auditor. There shall be every Financial Year, ~~made~~ to the Military Administrator a report, in such form and containing such particulars as he may from time to time direct, dealing with the activities of the Board during that Financial Year.

(5) Every annual report made by the Board under sub-section (1) shall contain particulars of all Directorates given under this Edict, by the Military Administrator during the Financial Year.

Government  
Agencies

32. Notwithstanding any provision in any Law or this Edict to the contrary Government or its Agency involved in development of land shall obtain approval of the Control Section

Application for  
development  
permit.

33. (1) A developer shall apply for development permit in such forms and providing such information including plans, designs, drawings and any other information as may be prescribed by Regulations made pursuant to this Edict.

(2) No development shall be commenced by any Government or its Agencies or individual without obtaining an approval from the Control Section.

(3) No outdoor advertisement bill boards, or sign posts

may be erected by any person, group of persons, organisation, government or its agencies without prior approval of the Control Section except as specified in the building plan regulations made pursuant to this Edict.

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34. (1) The Control Section shall have powers to grant development permit to any applicant if:-

Development Plans to be prepared by registered professionals

- (a) the land on which any building shall be erected shall have its development plan prepared by a relevant professional registered to practice as a Town Planner, Engineer, Architect or Quantity Surveyor;
- (b) any application which involves civil or structural engineering works shall be accompanied on submission to the Control Section by the structural details and calculations prepared and signed by qualified civil or structural engineer registered to practise in Nigeria;
- (c) detailed information relating to construction works.

35. (1) An application for a development permit may be rejected if:-

Ground for rejection of application for development permit.

- (a) development for which the permit is being sought is not in accordance with an approved physical development plan;
- (b) the physical development plan for the area is in the course of preparation;
- (c) in the opinion of the Control Section, the development is likely to have a major impact on the environment, or inhabitants of the community or demands such additional facilities which are not within the estimation of the physical development plan for that community;
- (d) the proposed development falls within set back of

Nigerian Electric Power Authority high tension power line, and drainage channel power;

- (c) the proposed development falls within public recreation open space or other service plot within a layout, government acquisition or revocation areas.

(2) The Control Section may consider representation made to it by any person; body or organisation to be affected by an intended development.

Submission of detailed environmental impact statement.

36. A developer shall at the time of submitting his application for development permit to Control Section a detailed environmental impact statement for an application for:-

- (a) a residential land in excess of five hectares; or
- (b) permission to build or expand a factory in excess of four floors or 3,000 square meters; or
- (c) permission for a major recreational development.

Approval and rejection of a development permission.

37 (1) The Control Section may approve or reject an application for development permission.

(2) The Control Section may delay the approval of an application for development permit if circumstances so require that:-

- (a) the developer at his own expense:-
- (i) shall provide public infrastructure and facility; or
- (ii) shall provide necessary commercial facility; or
- (iii) shall provide necessary social, recreational communal facility; or
- (iv) shall pay a sum of money in lieu to the

**Control Section for providing (i) and (ii)  
of this paragraph;**

**A21**

- (b) the developer enters into an agreement with an individual, corporate or unincorporated body in respect of any matter the Control Section deems to be necessary for the development;**
  - (c) the developer pays such fee or other charges imposed by the Control Section; and**
  - (d) the developer shall comply with any other conditions stipulated by regulation made under this Edict.**
- (3) In reaching its decision under sub-section (1) and (2) of this section the Control Section shall comply with:-**
- (a) the policy and proposal of an approved plan applicable to a locality within its area of jurisdiction;**
  - (b) a proposed plan or an approved plan under review; and**
  - (c) any other consideration made particular and applicable to a locality by a regulation made by or pursuant to the provisions of this Edict.**
- (4) Subject to such directives as may be given by the Federal, State or Local Government, the Control Section may delay the approval of an application for development permission for a period of time not exceeding 3 months.**

**38. (1) The Control Section's decision on an application for development permit shall be communicated to the applicant in writing.**

**Decision of the department shall be in writing**

**(2) Where the Control Section decides not to approve an application it shall give reasons for its decision.**

(3) The Control Section's decision shall be conclusive evidence of information stated therein.

(4) The refusal or rejection of an application for development permit shall not confer on a developer any legal right or other rights until it has been communicated to the applicant in writing.

Enforcement of rights and duties attached to a development permit

39. (1) The Control Section shall enforce all the rights and duties attached to a development plan permit against a developer, provided that where a developer transfers or assigns his interest the Control Section shall enforce all the rights and duties attached to development permit against a holder or occupier for the time being.

(2) A development permit granted to a developer shall:-

(a) remain valid for two years from the date of communication of the approval of a development permit to a developer; and

(b) where a developer fails to commence development within two years the development permit shall be subject to re-validation by the Control Section which issue the original permit.

Validity of a Development Permit

40. A development permit granted in respect of any development on any land shall be deemed valid for two years from the date of communication the approval of a development permit to a developer.

Conformity of a development permit and certificate

41. The conditions attached to the grant of a development permit by the Control Section shall not conflict with the conditions attached to a grant of a Certificate of Occupancy or a Customary Right of Occupancy.

Revocation of Development Permit

42. Any development permit granted under section 40 of this Edict may be revoked on any of the following grounds:-

(a) that the proposed development and uses for which the development permit was given are no longer appropriate.

- (b) that the site to which the development permit applies is required for overriding public interests;
- (c) that false information was given by the developer or person who applied for the development permit;
- (d) that the development for which the permit was granted contravenes any other conditions as may from time to time be stipulated by the Control Section;
- (e) that the structure for which the permit was granted collapsed, gutted by fire or damaged by other natural disasters.

(2) The developer or holder for the time being of a development permit shall be served a notice of the intention to revoke the permit.

(3) The conditions attached to the grant of a development permit may be altered, amended, varied or revoked by the Control Section which shall serve a notice of its intention to the holder for the time being of a development permit.

(4) The notice shall state the reasons for the proposed action of the Control Section.

(5) The Control Section shall consider any representation made to it by the holder for the time being of a development permit or his agents.

43. (1) A dissatisfied holder of a development permit or his agents may appeal against the decision of the Control Section in the first instance to the Commissioner.

Appeal against  
Revocation  
development  
permit

(2) An appeal against the decision of the Commissioner shall lie to Urban and Regional Planning Tribunal.



(3) An appeal against the decision of Urban and Regional Planning Tribunal shall lie the High Court of the State.

Payment of  
Compensation by  
the Board

44. (1) In such revocation mentioned in section 42 of this Edict, the Board shall be liable to pay compensation if:-

- (a) development has commenced;
- (b) the holder for the time being of development permit or his agents is liable under an existing contract to a third party to damages for a breach of contract; and
- (c) the holder for the time being of a development permit or his agents has incurred any expense or has suffered a loss during the process of obtaining the development permit.

Compensation  
not payable

45. No compensation shall be payable if:-

- (a) a development is not in accordance with the terms and conditions under which permit was granted;
- (b) the Right of Occupancy of the land on which development was to take place has been revoked on the ground that the holder for the time being of development permit or his agents did not comply with the requirements of the Land Use Act;
- (c) a claim for compensation is made 28 days after a notice of revocation of development permit is served on the developer or the holder for the time being of development permit.

Time limit for  
payment of  
Compensation

46. (1) Compensation payable under Section 48 of this Edict shall be paid not later than 90 days after a claim for compensation has been made.

(2) Any dispute arising from the amount of compensation payable to a developer shall be referred to Urban and Re-

gional Planning Tribunal and an appeal against decision of Urban and Regional Planning Tribunal shall lie to the State High Court.

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47. The Control Section or its authorised agent shall enforce an order of Urban and Regional Planning Tribunal or High Court against a developer or holder for the time being of a development permit who fails to comply with such an order.

Enforcement of an Order

48. Where a developer or owner contravenes the provisions of Planning Law or any Regulation made pursuant to it, the Control Section shall have the power to require the developer to:-

Power of the Control Section on contravention of the provisions of a planning regulation

- (a) prepare and submit his building plan for approval;
- (b) carryout such alterations to a building as may be necessary to ensure compliance;
- (c) pull-down the building;
- (d) re-instate a piece of land or building to its original state prior to the commencement of development.

49. (a) In performance of its functions under this Edict in relation to control of advertisement waste-land, trees and buildings of special architectural and historical interest, the Control Section shall compile a list of such buildings of special architectural or historic interest.

Listing of buildings of special architectural or historical interest

- (b) In carrying out its functions under paragraph (a) of this section the Control Section may obtain a list of buildings of special architectural and historical interest from individuals and corporate bodies for compilation

50. A building may be included in the Control Section list if:-

- (a) the building is of historic or special architectural interest;

Conditions for listing of a building.

- (b) its exterior contributes to the architectural or historical interest of a building or a group of buildings of which it forms a part;
- (c) a desirable mandate object or structure is fixed to the building or part of the land comprised within the curtilage of the building.

Consultation with experts in architectural knowledge

51. Before compilation of a list, such persons as may appear to have specific knowledge in building of architectural or historic interest may be consulted.

Publication in the Gazette

52. The control section shall cause to be published in the state official gazette a list of buildings of special architectural or historic interest within the state for the purpose of preservation.

The control out door advertisement.

53 (1) The Public Relations Section shall regulate the dimensions, appearance, display and manner in which an advertisement bill board shall be affixed to land.

(2) No person shall display an advertisement without the consent of the public Relations Department.

Power to revoke a Right of Occupancy.

54. (1) Where it appears to the Board or Authority that it is necessary to obtain any land in connection with planned urban or rural development in accordance with the policies and proposals of any approved plan, any right of occupancy subsisting on that land shall be revoked on the recommendation of the appropriate authority.

(2) Any right of occupancy held in pursuance of subsection 1 of this section shall be revoked in accordance with the relevant provisions of the Land Use Act.

Compensation.

55. (1) All matters connected with the payment of compensation for the revocation of a right of occupancy under this Edict shall be governed in accordance with the relevant provisions of the Land Use Act.

(2) Any compensation payable as a result of the revocation of a right of occupancy under this Edict shall be paid within a reasonable period.

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(3) Where in the opinion of the Control Section any person has committed a gross contravention of an existing scheme, the land together with any building and any goods may be forfeited for the breach of the scheme under this Edict without the payment of any compensation.

56. Notwithstanding any provisions of this Edict, the Control Section may, when it deems fit and necessary:-

Facilitation and execution of approved plan

- (a) facilitate the execution of the approved plan;
- (b) make payment of reasonable compensation to any person who sustains a damage or suffers any loss by reason of his land being affected by:-
  - (i) injurious affection;
  - (ii) disturbance;
  - (iii) severance; and
  - (iv) displacement,

as a result of the land being lawfully developed or which after lawful activity is being carried forth in order to give effect to any provisions of this Edict.

57. The Control Section shall:-

Control Section power to include appropriate provision for preservation and planting of trees.

- (a) where appropriate grant a development permit subject to a provision on the preservation of existing trees and or planting of new trees by the imposition of necessary conditions;
- (b) without prejudice to the provisions of existing law

under this subject, the Control Section shall make tree preservation orders for securing such security within its area of jurisdiction.

**PART VII**  
**IMPROVEMENT AREAS - REHABILITATION,**  
**RENEWAL AND UNGRADING**

58. Where development plan specified in section 36 of this Edict has been prepared by the appropriate planning agency and approved under section 40(1) of this Edict the Board may hereinafter set out for the purposes of assisting in the implementation of that development plan.

Improvement  
Areas.

59. (1) A development plan to which section 36 of this Edict applies may designate and the Board may after the plan has been approved, by order published in the Gazette declare any part of the area for which such plans has been made to be an improvement area for the purposes of rehabilitating, renovating and upgrading the physical environment, social facilities and infrastructures of the area

(2) The rehabilitation, renovation, and upgrading may be brought about through the combined efforts of the residents of the area concerned, the Board and any other body or bodies or statutory body or bodies in complementation effort to the rehabilitation, renovation or upgrading of the area.

(3) The Board shall, before declaring an area to be an Improvement Area, satisfy itself that the purpose set out in subsection is reasonably likely to be achieved.

Consultation with  
Residents of  
Improvements  
Areas.

50. The Board shall before declaring any part of an area to be an Improvement Area, endeavour to inform the residents of the proposed Improvement Areas or:-

- (i) the purpose and content of the proposed improvement;
- (ii) the powers vested in the Board;

- (iii) the facilities which would be made available and benefit to be derived in the area.
- (b) Hold meeting with the Local Government of the area or any other body or bodies in the area to:-
  - (i) ascertain the views of the residents on the proposed improvement area and the exercise of the powers relating thereto;
  - (ii) set up liaison or consultative committee between the Board and representative of the residents to monitor the progress of the rehabilitation, renovation or upgrading in the area;
- (c) Inform relevant statutory authorities of the proposed Improvement Areas and invite their views and comments thereon;
- (d) Take into account the views and comments made under paragraph B and C of this sub-section and from other interested parties in the proposed Improvement Area.

61. (1) There is hereby established for the Board a Technical Committee to be known as the Niger State Urban and Regional Planning Board Technical Committee (in this Edict referred to as "the Technical Committee").

Establishment and  
Functions of  
Technical  
Committee.

(2) The Technical Committee shall consist of the following members:-

- (a) A Chairman who shall be the General Manager Chief Executive of the Board;
- (b) Two distinguished persons having wide knowledge in Town Planning;

- (c) One representative each of the following Ministries or Board not below the rank of Directors:
- (i) Works and Housing
  - (ii) Justice
  - (iii) Finance
  - (iv) Health
  - (v) Agriculture
  - (vi) Niger State Environmental Protection Agency
  - (vii) JEPA
  - (viii) Heads of professional department of the Board.

- (3) The functions of the Technical Committee shall be:-
- (a) to give technical opinion on issues referred to it by the Board;
  - (b) to assist and advise the Board in the performance of its functions under this Edict;
  - (c) to analyse collated submissions received;
  - (d) to evaluate proposals submitted to it.

Proceedings.

62. Subject to the provisions of this Edict, the Board may make Standing Orders regulating its proceedings or of any committee thereof.

Chairman  
presides at  
meetings.

63. At any meeting of the Board the Chairman shall preside or in his absence, the members present at the meeting shall appoint one of their members to preside at that meeting.

64. (1) Subject to the provisions of any Standing Orders the Board shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so by notice given to him by not less than twelve other members, he shall summon a meeting of the Board to be held within 14 days from the date of which the notice is given.

(2) When the Board desired to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such periods as it thinks fit, but such a person shall not be entitled to vote at any meeting of the Board and shall not count towards the quorum.

65. The validity of any proceedings of the Board shall not be affected by any vacancy in membership, or any defect in the appointment of a member or by reasons that a person not entitled to do so has taken part in such proceedings.

Validity of proceedings.

**PART VIII**  
**ESTABLISHMENT OF URBAN AND REGIONAL**  
**PLANNING TRIBUNAL**

66. There is hereby established an Urban and Regional Planning Tribunal (hereinafter referred to in this Edict as "the Tribunal") which shall have the jurisdiction, conferred on it by this Edict and by any regulations made thereunder.

Establishment of Urban and Regional Planning Tribunal.

67. The Tribunal shall consist of:-

- (a) a Chairman who shall be a Legal Officer from Ministry of Justice not below Grade Level 15;
- (b) a registered Town Planner with at least 15 years post qualification experience;
- (c) a Civil or Structural Engineer who shall be registered member of the Nigerian Society of Engineers and Council of Registered Engineers of Nigeria;



- (d) an Architect, registered member of the Nigerian Institute of Architects and Architects Registration Council;
- (e) a Government Licenced Land Surveyor not below Grade Level 14;
- (f) Environmental Health Officer not below Grade Level 14;
- (g) a Secretary who shall be a registered Town Planner with at least 5 years post qualification experience.

**Jurisdiction of the Tribunal.**

68. The Tribunal shall have jurisdiction to investigate and adjudicate on all public complaints concerning the activities of the Board as regard Building plans approved or rejected, preparation of Master Plan or District Plans, Layouts or Schemes, disputes arising from compensation and or any matters affecting physical developments in the State.

**Appeal.**

69. (1) An aggrieved person or any interested party may appeal against the decision of the Board, or any of its Department in the State and such appeal must be made to the Tribunal within 28 days after the notification of the Final decision of the Board or relevant Department has been communicated.

(2) An appeal against the decision of the Tribunal shall lie as of right to the High Court of the State, such appeal must be made within 28 days after written notification of Final decision of the Tribunal.

(3) (a) The Chairman of the Tribunal will cause a sitting of the Tribunal within 30 days of the receipts of an appeal;

(b) The aggrieved owner, occupier or interested party may attend and be heard or if he desires his authorised representatives may attend, the sitting of the Tribunal.

70. An appeal against the decision of the Board shall be on the prescribed form and on payment of a fee as may be prescribed in the regulations made pursuant to this Edict.

71. The Military Administrator shall appoint:

- (a) The Chairman of the Tribunal on the recommendation of Permanent Secretary Ministry of Justice;
- (b) The other members of the Tribunal on the recommendation of their professional bodies; and
- (c) The Secretary of the Tribunal shall be a serving officer in the State Government.

Appointment of members of the Tribunal.

72. (1) The Chairman and members of the Tribunal shall hold office for four (4) years and shall be eligible for re-appointment for such further terms as the Military Administrator may from time to time determine.

Tenure of Office and termination of appointment of members of the Tribunal.

(2) The office of the Chairman or a member of the Tribunal shall become vacant if:-

- (a) the Chairman or a member has completed his tenure of office;
- (b) he resigns his appointment in writing under his hand to the Military Administrator;
- (c) without good cause, declines to sit for the hearing of an appeal referred to the Tribunal on three consecutive occasions;
- (d) he is adjudged to be of unsound mind;
- (e) his appointment is revoked by the Military Administrator; or
- (f) he was found guilty of professional misconduct by an appropriate professional regulation council of Nigeria.

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(3) For purposes of sub-section 2(c) of this section, without good cause means:-

- (a) illness certified as such by a qualified Medical Practitioner;
- (b) a professional involvement in the case before the Tribunal at its earlier or prior stages;
- (c) having direct or indirect propriety or pecuniary interest in the case before the Tribunal.

Remuneration of Members of the Tribunal.

73. The Chairman and Members of the Tribunal not being a public officer shall be paid remuneration and allowances as the Military Administrator may approve from time to time.

74. The Board may make regulations generally for carrying out into effect the purpose of this Edict.

Power to make regulations.

75. The Board shall have relinquished to it some equipments, implements and other assets from some existing but not exclusively NISEPA, Water Board, Agricultural Development Project (ADP) the Ministry of Works, Bosso Local Government Council and Minna Local Government Council.

## SCHEDULE

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### SCHEDULE I - ENGINEERING SERVICES

1. Construction and maintenance of Urban roads and related structures.
2. Provision of technical assistance to Local Government Planning Authorities on Engineering matters.
3. Enter into contracts with public or private Institutions in Engineering matters.
4. Acquire, hold and dispose of movable and immovable property.
5. Co-ordination of activities of utility boards such as Water Board, NEPA, NITEL, NISEPA and NNPC in Urban areas.
6. Traffic management and transportation planning in Urban Centres.
7. Provision of appropriate engineering designs for waste disposal.
8. Maintenance of vehicles, equipment and appliances used by the Board.

### SCHEDULE II - URBAN AND REGIONAL PLANNING DEPARTMENT

1. Administration, execution and enforcement of the provision of the Town and Country Planning Law.
2. Formulation and Implementation of planning schemes.
3. Formulation of state policies on Urban and Regional and Planning matters.
4. Initiation and preparation of Regional, Sub-Regional and Urban Master Plans.
5. Development control on all State Lands.
6. Provision of technical assistance to Local Government Planning Authorities.
7. Consultation and Co-ordination with the Federal and Local Governments on the preparation of physical development plans.

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8. Preparation and submission of annual progress report on the operations of National physical development plan.
9. Entering into contracts with public and private Institutions on Urban and Regional Planning matters.
10. Acquisition, holding and disposal of movable, immovable property.
11. Advice and approve building plans for any development or erection of any structure within Urban areas.
12. Development of serviced or built layouts for Residential and Commercial Services.
13. Beautification and preservation of Architectural monuments, Parks and Gardens.
14. Investigation of all petitions and complaints on physical development on State Lands.
15. Control of Advertisement on all State Lands.
16. Collaboration with Niger State Environmental Protection Agency on assessment of Environment Impact assessment report granting planning approval.

**SCHEDULE III - FUNCTIONS OF ACCOUNTS AND  
ADMINISTRATION DEPARTMENT**

1. To advise the Board on all financial matters.
2. To liaise with Ministry of Finance on relevant matters.
3. To initiate and supervise the preparations of budget proposals and draft estimates for the Board and to control its requirements for supplementary provisions.
4. To ensure maximum degree of control over provisions voted for the service of the Board and minimise waste.
5. To ensure that proper system of accounts as prescribed by Ministry of Finance is established and maintained.

6. To ensure effective revenue collection for the Board. A37
7. Prevent waste or fraud by correct posting of all books.
8. Ensure that the operations of the Board are not in variance with the financial policies of Government.
9. Carryout the day to day administrator of the Board.

**SCHEDULE IV - WASTE MANAGEMENT AND  
SANITATION SERVICES**

1. Initiation and regulation of the operational mechanism for refuse collection, transportation and disposal in the State.
2. Provision of technical assistance to Local Government Planning authorities on Waste Management and Sanitation matters.
3. Entering into contracts with public and private institutions on Waste Management and Sanitation matters.
4. Provisions, maintenance and supervision of abattoirs, slaughter houses, hotels, clinics/hospitals to ensure acceptable sanitations.
5. Identification and specification of waste disposal sites in Urban Centres.
6. Initiation, formulation and enforcement of waste disposal standards in the State.
7. Establishment of an early warning system for Identification of potential waste disposal.

**MADE AT MINNA this 21st day of December, 1998.**

**COL. HABIBU IDRIS SHUAIBU  
MILITARY ADMINISTRATOR  
NIGER STATE OF NIGERIA**