

NIGERIAN URBAN AND REGIONAL PLANNING ACT

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NIGERIAN URBAN AND REGIONAL PLANNING ACT
[1992 No. 88.]

(15th December, 1992.)

[Commencement.]

PART I

Plan preparation and administration

A: Types and levels of Physical Development Plans

1. **Types of plans**

(1) At the Federal level there shall be-

(a) a National Physical Development Plan;

(b) a regional plan;

(c) a sub-regional plan;

(d) an urban plan; and

(e) a subject plan.

(2) At the State level there shall be-

(a) a regional plan;

(b) a sub-regional plan;

(c) an urban plan;

(d) a local plan; and

(e) a subject plan.

(3) At the local level there shall be-

(a) a town plan;

(b) a rural area plan;

(c) a local plan; and

(d) a subject plan.

B: Administration

2. **Responsibilities of the Federal Government**

The Federal Government shall have responsibility for-

- (a) the formulation of national policies for urban and regional planning and development;
- (b) the preparation and implementation of the National Physical Development Plan and regional plans on the recommendation of the Minister;
- (c) the formulation of urban and regional planning standards for Nigeria on the recommendation of the Minister;
- (d) the promotion and fostering of the education and training of town planners and support staff;
- (e) the promotion of co-operation and co-ordination among States and local governments in the preparation and implementation of urban and regional plans;
- (f) the promotion and conduct of research in urban and regional planning;
- (g) the making of recommendation and dissemination of research results for adoption by user organisations;
- (h) the supervision and monitoring of the execution of projects in urban and regional planning;
- (i) the development control over Federal lands; and
- (j) the provision of technical and financial assistance to States in the preparation and implementation of plans.

3. **Responsibilities of State Government**

- (1) A State Government shall exercise its physical planning responsibilities within the framework of the National physical development plan to ensure consistency in physical development at all levels of planning in Nigeria.
- (2) Subject to the provisions of section 2 of this Act, a State Government shall exercise the following functions, that is-
- (a) the formulation of a State policy for urban and regional planning within the framework of national policies;
 - (b) the preparation and implementation of regional, sub-regional, urban and subject plans within the State;
 - (c) the promotion and conduct of research in urban and regional planning;
 - (d) the dissemination of research results for adoption by user organisations; and
 - (e) the provision of technical assistance to local governments in the preparation and implementation of local, rural and subject plans.

4. **Responsibilities of local government**

Without prejudice to provisions of sections 2 and 3 of this Act, a local government shall have responsibility for the preparation and implementation of-

- (a) a town plan;
- (b) a rural area plan;
- (c) a local plan;

(d) a subject plan; and

(e) the control of development within its area of jurisdiction other than over Federal or State lands.

C: Execution

5. Establishment of certain bodies

For the purposes of the initiation, preparation and implementation of the National physical development plans, the Federal, State and local governments shall establish and maintain respectively-

(a) a National Urban and Regional Planning Commission (hereafter in this Act referred to as "the Commission");

(b) a State Urban and Regional Planning Board (hereafter in the Act referred to as "the Board") in each of the States of the Federation and the Federal Capital Territory, Abuja; and

(c) a Local Planning Authority (hereafter in this Act referred to as "the Authority") in each of the local government areas and the area councils of the Federation.

6. Composition of the Commission

(1) The Commission shall comprise the following members-

(a) a chairman;

(b) one representative of each of the following professions who shall be a registered member of the relevant profession, that is-

(i) Town planning;

(ii) Architecture;

(iii) Civil engineering;

(iv) Land surveying;

(v) Law; and

(vi) Estate surveying;

(c) one representative of each of the following, that is-

(i) the Federal Ministry of Works and Federal Ministry of Housing;

(ii) the Federal Ministry of Agriculture and Rural Development;

(iii) the Federal Ministry of Finance;

(iv) the Federal Ministry of Commerce and Tourism;

(v) the Federal Ministry of Power and Steel;

(vi) the Federal Ministry of Environment

(vii) the Federal Ministry of Transport and the Federal Ministry of Communications;

(viii) the National Electric Power Authority;

(ix) the Nigerian National Petroleum Corporation; and

(x) the Nigerian Telecommunication Limited;

(d) one representative of the Nigerian Chamber of Commerce, Industries, Mines and Agriculture;

(e) ten representatives of the States of the Federation and the Federal Capital Territory, Abuja in rotation; and

(j) the executive director appointed by the Commission who shall be the chief executive of the Commission.

(2) The chairman referred to in subsection 6 (1) (a) of this section shall have been in professional practice for a minimum of fifteen years and shall have been registered with the Town Planners Registration Council.

(3) The executive director referred to in subsection 6 (1) (f) of this section shall be a registered town planner with a minimum of fifteen years of professional practice.

(4) The post of executive director shall be a pensionable one.

(5) The chairman, executive director and members of the Commission shall be paid such remuneration, fees and allowances as the Commission with the approval of the President, from time to time, determine.

7. **Functions of the Commission**

The Commission shall perform the following functions, that is-

(a) the formulation of national policies for urban and regional planning;

(b) the initiation, preparation and implementation of the National Physical Development Plan, regional and subject plans;

(c) the establishment and maintenance of urban and regional planning standard;

(d) the conduct of research in urban and regional planning;

(e) the promotion of co-ordination among State and local governments in the preparation and implementation of urban and regional plans;

(f) the supervision and monitoring of the implementation of National Physical Development Plan and development control;

(g) the provision of technical and financial assistance to States in the preparation and implementation of physical development plans; and

(h) any other functions as may be assigned to the Commission, from time to time.

8. **Composition of the Board**

(1) The Board shall comprise the following members-

(a) a chairman;

(b) one representative each of the following professions who shall be a registered member of the relevant profession, that is-

(i) Town planning;

(ii) Architecture;

(iii) Civil engineering;

(iv) Land surveying;

(v) Law; and

(vi) Estate surveying;

(c) one representative each of the following, that is-

(i) the State Environmental Protection Agency;

(ii) the National Electric Power Authority; and

(d) one representative each of the-

(i) Ministry of works and Housing;

(ii) Ministry of Agriculture;

(iii) Ministry of Finance; and

(e) five representatives from the local governments in the State in rotation; and

(f) a secretary appointed by the Board who shall be the chief executive of the Board.

(2) The chairman referred to in subsection 8 (1) (a) of this section shall have been in professional practice for a minimum of five years and shall have been registered with the Town Planners Registration Council.

(3) The secretary referred to in subsection 8 (1) (f) of this section shall be a registered town planner with a minimum of five years professional practice

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

(5) The chairman, secretary and members of the Board, shall be paid such remuneration, fees and allowances as the Board may, from time to time, determine.

9. **Functions of the Board**

The Board shall perform the following functions-

(a) the formulation of State policies for urban and regional planning;

(b) the initiation and preparation of regional, sub-regional and urban/master plans;

(c) the development control on State lands;

(d) the conduct of research in urban and regional planning;

(e) the provisions of technical assistance to local governments;

(f) the consultation and co-ordination with the Federal Government and local governments in the preparation of physical plans

(g) the preparation and submission of annual progress report on the operation of the National Physical Plan as it affects the State; and

(h) the review of the annual report submitted to it by the Authority.

10. Composition of the Authority

(1) The Authority shall comprise the following members that is-

(a) a chairman;

(b) not more than five representatives of the wards in the local government area;

(c) one representative each of the following professions who shall be a registered member of the relevant profession-

(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 secretary appointed by the Authority who shall be the chief executive of the Authority.

(2) The chairman referred to in subsection 10 (1) (a) of this section shall have been in professional practice for a minimum of five years and shall have been registered with the Town Planners Registration Council.

(3) The secretary referred to in subsection 10 (1) (f) of this section shall be a registered town planner with a minimum of five years professional practice.

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

(5) The chairman, secretary and members of the Authority shall be paid such remuneration, fees and allowances as the Authority may, from time to time, approve.

11. Functions of Authority

(1) The Authority shall be charged with the responsibilities for preparing town, rural, local and subject plans.

(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.

12. Power of delegation

(1) Subject to subsection (2) of this section, the duty assigned to the Commission, the Board or the Authority by sections 7, 9 and 11 of this Act may in each case be delegated to a person registered under the relevant profession as the Commission, Board or the Authority may deem fit in each circumstance.

(2) Notwithstanding the provisions of subsection (1) of this section, the Commission, the Board or the Authority, may perform any duty assigned under subsection (1) of this section.

D: Procedures

13. Procedures for preparation of National Physical Development Plans

(1) For the purpose of securing integration, consistency and coherence within and between all levels of the Physical Development Plans in Nigeria, the Commission shall during the preparation of the National Physical Development Plan call for submissions from all relevant government organisations, non-governmental organisations and interested members of the public whose contribution shall serve as part of the input towards the preparation of a draft National Physical Development Plan.

(2) The Minister may make rules as to the manner and method of notice and method of submission of inputs referred to in subsection (1) of this section.

(3) The secretary to the Commission shall collate all the submissions made in compliance with the provisions of this section.

14. Appointment and functions of technical committee

(1) The Commission shall have power to appoint a technical committee for the purposes of analysing collated submissions received under section 13 of this Act.

(2) Notwithstanding the provisions of subsection (1) of this section, the technical committee shall have responsibility for evaluating the proposals submitted and preparing and exhibiting the draft National Physical Development Plan for the purposes of this Act.

15. Submission of objections to draft plan by members of the public to the Commission

(1) Any member of the public, Federal, State, local governments governmental and non-governmental organisations and professional bodies during the period of exhibition of the draft National Physical Development Plan may submit to the Commission written statements of their objections to anything appearing in the said plan and these shall-

(a) define the nature and reasons for the objections; and

(b) suggest alterations and amendments to be made to remove the objections.

(2) The Commission shall acknowledge receipt of all such written statement of objections.

16. Commission to prepare summary of objections and comments

(1) The Commission shall prepare schedules of summaries of the objections and comments submitted to it.

(2) The secretary of the Commission shall submit such schedules within a period of two months after the final day of exhibiting the draft National Physical Development Plan to the technical committee which shall review the objections and comments and prepare a revised draft Plan which takes account of these objections and comments.

17. Scrutiny of comments and objections

The Commission shall, within a period of two months, meet to consider the revised draft National Physical Development Plan together with the accompanying schedule of objections and comments.

18. Submission of final draft plan of approval

After the consideration of all objections and comments on the revised plan the Commission shall prepare and submit a final draft plan, with or without amendments, to the appropriate legislative body for approval.

19. Approval of plan by the legislative body

(1) Upon the receipt of the final draft plan, the legislative body may-

(a) approve it wholly;

(b) approve part of it; or

(c) refer it to the Commission for further consideration and amendment of the whole or part thereof.

(2) A plan approved under subsection (1) of this section shall be referred to as an "Operative National Physical Development Plan" and a notice to this effect shall be published in the *Gazette* and in at least two widely read National daily newspapers.

20. Deposit of the Operative National Physical Development Plan

(1) Copies of the Operative National Physical Development Plan, certified by the appropriate officer of the legislative body, shall be deposited with the Commission, the State and local governments counterpart for the purpose of safe keeping.

(2) Copies of the plan referred to in subsection (1) of this section shall be made available for sale to members of the public at a price to be determined by the Commission.

21. Review of the Operative National Physical Plan

(1) The Operative National Physical Development Plan shall be reviewed every five years to reflect socio-economic changes in Nigeria.

(2) The procedure for the review of the National Physical Development Plan shall be as they relate to the procedure for the making of a National Physical Development Plan, as specified in this Act.

22. Adherence to provisions of Operative National Physical Development Plan

The provisions of the Operative National Physical Development Plan shall be adhered to by the Commission, the Board and the Authority as well as other public, private organisations and individuals.

23. Annual reports

It shall be the duty of the Commission to review annual reports submitted by the Boards and the Authorities.

24. Proceedings

The Commission shall make standing orders regulating its proceedings or any committee thereof.

25. Procedures for making regional, sub-regional plans, rural plan, etc.

(1) The procedure for making the National Physical Plan shall be adopted with necessary modifications in the making of the regional, sub-regional plan and urban/master plan.

(2) The procedure for the making of a town plan, a rural plan, a local plan, and a subject plan shall be in line with the State plans.

26. Subject plans

Subject plans shall be approved by the Commission, the Board and the Authority respectively.

PART II

Development control

27. Establishment and jurisdiction of Development Control Department

(1) The Commission, the Board and the Authority shall respectively establish a department to be known as a Development Control Department (hereafter in this Act referred to as "the Control Department").

(2) The Control Department created under subsection (1) of this section shall be a multi-disciplinary department charged with the responsibility for matters relating to development control and implementation of physical development plans.

(3) The Control Department at the Federal level shall have power over the development control on Federal lands and estates.

(4) The Control Department at the State level shall have power over the development control on State lands.

(5) The Control Department at the local government level shall have power over control of development on all land within the jurisdiction of the local government.

Powers and functions of the Development Control Department

28. Approval of a Planning Authority before development

(1) Approval of the relevant Development Control Department shall be required for any land development.

(2) A developer shall submit a development plan for the approval of the Development Control Department.

29. Government agency to obtain approval of the Control Department

Any existing law exempting Government and its agency involved in development of land from obtaining approval of the relevant Control Department is hereby repealed.

30. Application for a development permit

(1) A developer (whether private or government) shall apply for a development permit in such manner using such forms and providing such information including plans, designs, drawings and any other information as may be prescribed by regulation made pursuant to this section.

(2) No development shall be commenced by any Government or its agencies without obtaining an approval from the relevant Development Control Department.

(3) A plan required to be made under this Act shall be prepared by a registered architect or town planner or engineer and shall be in accordance with the provisions of this Act.

31. Grounds for rejection of a development application

An application for a development permit may be rejected if-

(a) the plan is not in accordance with an approved plan; or

(b) the plan is in the course of preparation; or

(c) in the opinion of the Control Department, the development is likely to have major impact upon the environment, facilities, or inhabitants of the community or contains such additional facilities which are not within the estimation of the Physical Development Plan for that community; or

(d) in the opinion of the Control Department, the development is likely to cause a nuisance to the inhabitants of the community or contains such additional facilities that are not within the estimation of the Physical Development Plan for that community; or

(e) the development is not in accordance with any other condition as may be specified under any regulation made pursuant to this Act.

32. Consideration of representation by a developer

The Control Department may consider representations made to it by a person, body or organisation to be affected by an intended development.

33. Submission of detailed environmental impact statement

A developer shall at the time of submitting his application for development submit to an appropriate Control Department a detailed environmental impact statement for an application for-

(a) a residential land in excess of 2 hectares; or

(b) *permission to build or expand a factory or for the construction of an office building in excess of four floors or 5,000 square meters of a lettable space, or*

(c) *permission for a major recreational development.*

34. Approval and rejection of a development permission

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

Delay of approval of an application subject to conditions

(2) The Control Department 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 Department for providing (i) and (ii) of this paragraph;

(b) the developer enters into an agreement with an individual, corporate or unincorporated body in respect of any matter the Control Department deems to be necessary for the development;

(c) the developer pays such fee or other charges imposed by the Control Department; and

(d) the developer shall comply with any other condition stipulated by regulation made under this Act.

(3) In reaching its decision under sections (1) and (2) of this section the Control Department 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 Act.

Time limit for delaying approval

(4) Subject to such directives as may be given by the Federal, State or local governments, a Control Department may delay the approval of an application for development permission for a period of time not exceeding 3 months.

Decision of the Control Department shall be in writing

(5) The Control Department's decision on an application for development permit shall be communicated to the applicant in writing.

Control Department to give reasons for its decision

(6) Where the Control Department decides not to approve an application it shall give reasons for its decision.

Control Department's decision is conclusive evidence of facts so stated

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

Legal right shall attach to an application after it is communicated

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

35. Enforcement of rights and duties attached to a development permit

(1) The Control Department shall enforce all the rights and duties attached to a development permit against a developer: Provided that where a developer transfers or assigns his interest, the Control

Department shall enforce all the rights and duties attached to a development permit against a holder or occupier for the time being.

Development permit valid for two years

(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

Failure to commence development within 2 years of approval of an application

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

36. Conditions for grant of development permit to conform with condition of issue of certificate of occupancy

The conditions attached to the grant of a development permit by a Control Department shall not conflict with the conditions attached to a grant of a certificate of occupancy or a customary right of occupancy.

37. Alteration, amendment, etc., of conditions attached to grant of development

(1) Conditions attached to the grant of a development permit may be altered, amended, varied or revoked by a Control Department which shall serve a notice of its intention on the holder for the time being of a development.

(2) The notice required to be served by subsection (1) of this section shall state the reasons for the proposed action of the Development Control Department.

(3) The Control Department shall consider any representation made to it by the developer or the holder for the time being of a development permit.

(4) The Control Department's decision on subsection (1) of this section shall be communicated in writing to a developer or a holder for the time being of a development permit.

38. Appeals against alteration, amendment, etc., of conditions attached to grant of a development permit

A dissatisfied developer or holder for the time being of a development permit may appeal to a tribunal set up to hear appeals within 28 days of service of a notice under this section by the Control Department.

39. Revocation of development permit by the Control Department

(1) A development permit already granted and communicated to a developer or holder for the time being may be revoked by the Control Department which shall serve a notice of its intention to revoke the development permit.

(2) The notice in subsection (1) of this section shall state the reasons for the revocation of the development permit.

(3) The Control Department shall consider any representation made by a developer to it.

40. Appeal against revocation of a development permit

(1) A dissatisfied developer or holder for the time being of a development permit may appeal against the decision of the Control Department in the first instance to the Minister or Commissioner charged with responsibilities for matters relating to planning.

(2) An appeal against the decision of the Minister or Commissioner shall be to a tribunal set up to hear appeals within 28 days of service of a notice under this section by a Control Department.

41. Conditions for revoking a development permit

In the exercise of its functions under section 34 of this Act the Control Department shall-

(a) have regard to all matters and conditions specified by the provisions of this Act prior to granting a development permit; and

(b) take into account matters of over-riding public interest as provided for in section 27 (2), (3) of the Land Use Act.

[Cap. L5 L.F.N.]

42. Compensation payable for revocation of a development permit

Compensation shall be payable for the revocation of a development permit to a developer or the holder for the time being of a development permit if-

(a) development has commenced; or

(b) the developer or holder is liable under an existing contract to a third party to damages for a breach of contract; or

(c) the developer has incurred any expense or has suffered a loss during the process of obtaining the development permit.

43. Non-payment of compensation for revocation

(1) The amount of compensation payable under section 43 of this Act shall be such as to reimburse the developer or holder for the time of a development permit of the losses incurred as a result of the revocation and shall not be in the form of payment of damages or in excess of the sum incurred by the developer.

(2) No compensation shall be payable under this section if-

(a) a development is not in accordance with the terms and conditions under which the development permit was granted; or

(b) the right of occupancy of the land on which a development was to take place has been cancelled or revoked on the ground that the applicant did not comply with the requirements of the Land Use Act; or

[Cap. L5 L.F.N.]

(c) a claim for compensation is made 28 days after a notice of revocation is served on the developer or the holder for the time being of a development permit.

44. Time limit for payment of compensation

Compensation payable under this section shall be paid not later than 90 days after a claim for compensation had been made.

45. Dispute arising from compensation payable

In the event of a dispute arising as to the amount of compensation payable to a developer, the dispute may be referred to a Planning Tribunal.

46. An appeal against the decision of a Planning Tribunal in respect of an amount payable to a developer shall lie as of right to the High Court in the State or the Federal Capital Territory, Abuja, as the case may be.

Enforcement

47. Service of enforcement notice

(1) The Control Department may serve an enforcement notice on the owner of a private residential, commercial, industrial or any other land wherever any development is commenced without its approval.

(2) An enforcement notice may be issued pursuant to subsection (1) of this section notwithstanding that the unauthorised development took place before the commencement of this Act.

48. Alteration, variation, etc., of a development

(1) An enforcement notice served pursuant to subsection (1) of section 47 may direct the developer to alter, vary, remove, discontinue a development.

(2) The Control Department may impose additional conditions as it may deem fit in each circumstance.

(3) Before issuing or serving an enforcement notice in accordance with the provisions of subsection (1) of this section, the Control Department shall-

(a) have regard to the existing conditions for granting a development permit;

(b) have regard to the likely environmental degradation or impact of a development carried out or being carried out;

(c) consider the over-riding public interest without prejudice to paragraph (b) of this section.

49. Re-location of a developer

Where there is no existing Operative Development Plan and a developer has already developed a residential building, the Control Department may assist the developer of such residential building by re-locating him on another site.

50. Form of an enforcement notice

(1) An enforcement notice served under section 47 of this Act by the Control Department shall-

(a) be in writing and communicated to the developer;

(b) state the reasons for the proposed action of the Control Department;

(c) consider any representation made by a developer or on behalf of a developer.

(2) An enforcement notice may require a developer to alter, remove, or discontinue a development to ensure that the development becomes a lawful development or becomes compatible with the use for which an adjoining land has been put.

51. Enforcing an order

A Control Department or its authorised agent shall enforce an order of the 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.

52. Developer liable for expenses incurred by a Control Department

A developer or holder for the time being of a development permit shall be liable for all expenses reasonably incurred by a Control Department or any of its officers or agents, as the case may be, in enforcing the provisions of section 51 of this Act.

53. Issuance of stop-work order for unauthorised development, etc.

Where it appears to the Control Department that-

(a) an unauthorised development is being carried out; or

(b) where a development does not comply with a development permit issued by the Control Department, the Control Department shall issue a stop-work order pending the service of an enforcement notice on the owner, occupier or holder as specified in section 50 of this Act: Provided that where the development or use is a minor development or use, the Control Department shall have the power to order the developer to alter, remove or discontinue the development or use without reference of the matter to a court of Law.

54. Stop-work order to take effect on service

A stop-work order shall take immediate effect upon service on a developer or the occupier of the development for the time being.

55. Information to be contained in a stop-work order

A stop-work order shall comply with the provisions of section 53 of this Act and shall in addition inform the developer or occupier of--

(a) the development which is required to be stopped; and

(b) the work to be done on the site to conform with the development permit issued thereto.

56. Reasonable time to be given to a developer to comply with a stop-work order

The Control Department shall give a reasonable time not exceeding 21 days within which the developer shall be required to comply with the provisions of section 53 of this Act.

57. Effect of failure to serve enforcement notice within 21 days of service of a stop-work notice

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.

58. Extension of time within which to comply with a stop-work order

Where an enforcement notice is served in respect of a development to which a stop-work order is served, a planning tribunal may on the application of the Control Department extend the period of time during which a stop-work order shall remain in force.

59. Penalty

A person who fails to comply with the terms of an enforcement notice or disregards a stop-work order issued and served pursuant to this Act is guilty of an offence and liable on conviction to a fine of not exceeding N10,000 in the case of an individual and in the case of a corporate body to a fine not exceeding N50,000.

60. Contravention notice

Where a developer contravenes the provisions of a planning law or any regulation made pursuant to a law, the Control Department shall have the power to require the developer to-

- (a) prepare and submit his building plan for approval; or
- (b) to carry out such alterations to a building as may be necessary to ensure compliance; or
- (c) to pull down the building; or
- (d) to re-instate a piece of land to the state in which it was prior to the commencement of building.

61. Demolition

(1) The Control Department shall have the power to serve on a developer a demolition notice if a structure erected by the developer is found to be defective as to pose danger or constitute a nuisance to the occupier and the public.

(2) Notice served pursuant to subsection (1) of this section shall contain a date not later than 21 days on which the Control Department shall take steps to commence demolition action on the defective structure.

62. Control Department's power to demolish a defective building

After the expiration of the time specified in the notice served under subsection (1) of section 61 of this Act, the Control Department shall take such necessary action to effect the demolition of the defective structure.

63. Cost of demolition to be paid by developer

A developer shall reimburse the Control Department for all expenses reasonably incurred in exercise of its powers under section 62 of this Act.

PART III

Additional control in special cases

64. Compiling a list of buildings of special architectural or historical interest, etc.

(a) In the performance of its functions under this Act in relation to control of advertisements, wasteland, trees and buildings of special architectural or historical interest, the Control Department shall compile a list of such buildings of special architectural or historical interest.

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

65. Conditions for including a building in the Development Control Department's list

A building may be included in the Control Department's list if-

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

(b) its exterior contributes to the architectural or historic interest of a building or a group of buildings of which it forms a part;

(c) a desirable man-made object or structure is fixed to the building or a part of the land comprised with the curtilage of the building.

66. Control Department to consult persons with special knowledge, etc.

The Control Department may before compiling of a list consult such persons as may appear appropriate as having special knowledge of or interest in a building of architectural or historic interest.

67. Deposit of list

The Control Department shall deposit a list of buildings of special architectural or historic interest with the appropriate State or local government.

68. Publication in the *Gazette*

The Control Department shall publish in the *Gazette* a list of buildings of special architectural or historic interest within its jurisdiction.

69. Demolition, alteration, etc., of a listed building

(1) A listed building may be demolished, altered or extended if the Control Department gives a written consent for the execution of works on the listed building: Provided however that the National Commission for Museums and Monuments' consent shall be obtained before the demolition, alteration or extension.

(2) For the purposes of this section, the Control Department referred to means the Federal Development Control Department.

70. Offences

A person shall be guilty of an offence if he-

(a) executes or causes to be executed any work aimed at the demolition, alteration or extension in any manner which changes the character of a listed building; or

(b) fails to comply with any condition attached to a written consent of the Control Department.

71. Penalty

A person guilty of an offence under section 60 of this Act shall-

(a) on summary conviction be liable to imprisonment for a term not exceeding three months or to a fine not exceeding ₦1,000 or to both such imprisonment and fine;

(b) on conviction on indictment be liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding ₦2,000 or to both such imprisonment and fine;

(c) in the case of a body corporate, to a fine of ₦5,000;

(d) be liable to a fine not exceeding ₦200 for every day the offence continues or to imprisonment for a term not exceeding one month.

72. Control permission to include appropriate provision for preservation and planting of trees

The Control Department shall-

(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; and

(b) without prejudice to the provisions of existing laws under this subject, the Control Department shall make "tree preservation orders", for securing such amenity within its area of jurisdiction.

73. Control of outdoor advertisement

(1) The Control Department shall regulate the dimensions, appearance, display, siting and manner in which an advertisement billboard shall to be affixed to land.

(2) No person shall display an advertisement without the written consent of the Control Department.

74. Maintenance of waste land, etc.

If it appears to the Control Department that the amenity of a part of an area or an adjoining area is seriously injured by the condition of a garden, vacant site or an open land, the Control Department shall serve on the occupier or owner of such land a notice requiring such step for abating an injury as may be specified in the notice to be taken within such period of time as may be specified.

PART IV

Acquisition of land and compensation

75. Power to revoke acquired right of occupancy

(1) Where it appears to the Commission, 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.

[Cap. L5 L.F.N.]

76. Compensation

(1) All matters connected with the payment of compensation for the revocation of a right of occupancy under this Part of this Act 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 Part of this Act shall be paid within a reasonable period.

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

77. Facilitation and execution of approved plan, etc.

Notwithstanding any provisions of this Act, the Control Department may, where it deems fit and necessary-

(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 Act.

78. Recovery of betterment from owners of land or property increased in value

(1) Where by the coming into operation of any provisions contained in a Physical Development Plan or by the execution of any work under a Physical Development Plan, any land or property within the area to which the Physical Development Plan or work relates is increased in value, the Control Department may recover within three years after the date on which the provision came into operation, or within three years after the completion of the development or activity, as the case may be, from any person whose property is thereby increased in value for an amount not exceeding 75 per cent of the increase thereto.

(2) For the purpose of this provision, the Control Department may make rules or regulations.

(3) A claim in respect of an increase in the value of any land or property shall be made by the Control Department by serving upon the person from whom the amount is recoverable, a notice in writing stating the basis of the claim and the amount.

(4) Any sum recoverable under this section may be set off against any claim for compensation payable under this Act.

(5) Where any provision of an existing scheme is revoked or modified by a subsequent scheme, no claim for betterment shall accrue to the Control Department in respect of any land or any property whose value is being increased:
Provided that any outstanding claim due to the Control Department from any person whose land or property is affected by previous scheme before the revocation or modification order shall not thereby be discharged but the payment of the amount recoverable shall remain enforceable as a debt due and payable to the Control Department under this Act.

PART V

Improvement areas - rehabilitation, renewal and upgrading

79. Exercise of powers under this Part

Where a local plan prepared by the appropriate authority for the reasons set out in section 11 of this Act has been approved under section 19 of this Act, the authority may exercise the power set out in this Part of this Act for the purposes of assisting in the implementation of that local plan.

80. Improvement areas

(1) A local plan to which section 11 of this Act applies may designate and the appropriate authority may, after the plan has been approved, by order published in the *Gazette*, declare, any part of the area for which such plan has been made to be an improvement area for the purpose of rehabilitating, renovating and upgrading the physical environment, social facilities and infrastructure 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 Control Department and any other statutory bodies as may be relevant and complimentary to the rehabilitation, renovation or upgrading of the area.

(3) The appropriate authority shall, before declaring an area to be an improvement area, satisfy itself that the purpose set out in subsection (2) of this section is reasonably likely to be achieved.

81. Consultation and co-operation in improvement areas

(1) The appropriate authority shall, before declaring any part of an area to be an improvement area-

(a) use its best endeavour to inform, by such means as it deems fit, the residents of the proposed improvement area of-

- (i) the purposes and contents of the proposed improvement;
- (ii) the powers vested in the authority; and
- (iii) the facilities which would be made available and benefits to be derived in the area

(b) hold meetings with the local government of the area or any other associations in the area to--

(i) ascertain the views of the residents on the proposed improvement area and the exercise of powers relating thereto;

(ii) set up liaison or consultative committees between the authority and representatives of the residents to monitor the progress of the rehabilitation, renovation or upgrading in the area;

(c) inform other relevant statutory authorities of the proposed improvement area and invite their views and comments thereon;

(d) take into account the views and comments made under paragraphs (b) and (c) of this subsection and from other interested parties on the proposed improvement area.

(2) The appropriate authority shall, after declaring an area to be an improvement area-

(a) hold regular meetings with the committees established under subsection

(1) (b) (ii) of this section;

(b) assist or join other persons and authorities in assisting a resident or group of residents within the area to draw up and implement plans for the improvement of the neighbourhood;

(c) generally advise and assist the residents of the area to take full advantage of the improvement concerned.

82. Powers of the authority in an improvement area

The appropriate authority shall, in an improvement area, have power to-

(a) prepare an improvement area plan showing what ways and over what period of time the area is to be improved and may, where necessary, include a plan for the re-distribution of rights of occupancy of plots of land within the area or part thereof; or

(b) grant, guarantee or otherwise facilitate the granting of loans to persons or groups of persons-

(i) to assist in the improvement, repair or renovation of houses within the area as may be directed by the appropriate authority; or

(ii) to provide, improve, repair or renovate social and community facilities within the area; or

(c) subject to section 51 of this Act, demolish or order the demolition of a building or part thereof and, where appropriate, recover the cost of the demolition from the owner of the building or part thereof; or

(d) improve, repair or renovate or order the improvement, repair or renovation of a building or part thereof and, where appropriate, recover the cost of the improvement or repair from the owner of the building or part thereof; or

(e) pay compensation promptly, on such terms and conditions as may be prescribed, to a person who suffers a loss or damage through the exercise by the authority of its powers in the area.

83. Restriction on power to demolish

The power of an authority to demolish or order the demolition of a building or part thereof under this Part of this Act 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 or is likely to become a danger to the health of its occupiers or occupiers of adjacent buildings;

(b) the building is in such a state of disrepair that it is or is likely to become a danger to public safety and cannot at a reasonable cost be repaired;

(c) two or more contiguous buildings are badly laid out and so congested that without the demolition of one or more of them that part of the improvement area cannot be improved;

(d) it is in connection with the provision of infrastructural facilities of the area.

84. Exercise of power of repair, demolition and renovation

(1) The appropriate authority shall, before ordering the repair, demolition or renovation of a building or part thereof-

(a) inspect the building or part thereof to ascertain its condition and situation;

(b) where the proposed order is one of repair of a building or part thereof, prepare a schedule of necessary regulations which shall inform the owner or occupier of the building-

(i) of the proposed order and the reason therefor;

(ii) the date and time when and place where the authority shall consider any representations or objections to the proposed order;

(iii) of such other matters as may be prescribed by regulations;

(c) affix a notice of the proposed order onto a conspicuous part of the building to which the order relates;

(d) appoint a committee of members of the authority to hear, consider and report on any representation or objection which may be made orally and in writing by the owner or occupier or his duly authorised representative;

(e) where the proposed order is for the demolition of a building or part thereof, prepare an estimate of the compensation payable to the owner occupier of the building.

(2) Where the authority, after consideration of the report of the committee appointed under paragraph (d) of subsection (1) of this section, confirms the proposed order, with or without modifications or alterations, it shall serve a notice of the order and the reasons therefor in such forms as may be prescribed by regulations on-

(a) the owner or occupier of the building;

(b) the person who made representations or objections to the proposed order.

(3) An aggrieved owner, occupier or interested party of a building which is the subject of a demolition order may appeal against-

(a) the order, to the Planning Tribunal established under section 86 of this Act for the determination of the object; and

(b) the Planning Tribunal's decision, to the High Court of the State, or of the Federal Capital Territory, Abuja, as the case may be.

(4) An order made under this section shall take effect where-

(a) there is no appeal against the order, at least 28 days after its service on the owner or occupier of the building; or

(b) there is appeal against the order, at least 28 days after the appeal has been finally determined or dismissed.

(5) The authority shall not enter to repair, renovate or demolish, a building or part thereof which is the subject of an order until-

(a) after the period stated in the notice of the proposed order has expired;

(b) where there is an appeal against the repair, renovation or demolition, until the appeal has been finally determined or dismissed.

85. Provision of alternative accommodation, etc.

(1) Where the authority proposes to make an order for the demolition of a building or part thereof used for human habitation it shall-

(a) provide a person likely to be displaced from his home by the order-

(i) alternative accommodation or site and materials for building an alternative accommodation;

(ii) assistance in the planning and construction of the alternative accommodation;

(iii) assistance in moving to and settling in the alternative accommodation;
or

(iv) financial assistance by way of a grant, loan or guarantee either directly or through other authorities, on such terms and condition as the authority- shall deem fit; and

(b) allow the person to move to and settle in the alternative accommodation before effecting demolition.

(2) For the purposes of this Part of this Act, the word "**authority**" means the Commission, the Board and the Authority.

PART VI

Appeals

86. Establishment of the Urban and Regional Planning Tribunal

There is hereby established, in each State of the Federation and the Federal Capital Territory, Abuja, a tribunal to be known as the Urban and Regional Planning Tribunal (in this Act referred to as to as "the Tribunal") which shall have the jurisdiction, power and authority conferred on it by this Act and by any regulations made thereunder.

87. Composition of Tribunal

(1) The Tribunal shall consist of-

(a) a chairman who shall be a registered town planner with 15 years post-qualification experience;

(b) an architect;

(c) a legal practitioner knowledgeable in Planning Law;

(d) an engineer; and

(e) a land surveyor.

(2) The Minister or the Governor, as the case may be, shall appoint-

(a) the chairman of the Tribunal, on the recommendation of the Town Planners Registration Council;

(b) the other members of the Tribunal, on the recommendation of the professional body concerned;

(c) the secretary to the Tribunal who shall be a town planner with at least 5 years post-qualification experience.

88. Tenure of office

(1) The chairman and members of the Tribunal shall hold office for three years and shall be eligible for re-appointment for such further terms as the Minister or Governor may, from time to time, determine.

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

(a) he has completed his tenure of office; or

(b) he resigns his appointment in writing under his hand to the Minister or Governor; or

(c) without good cause, declines to hear a case during a session of the Tribunal on three consecutive occasions; or

(d) he is adjudged bankrupt; or

(e) he is found insane; or

(f) his appointment is revoked by the Minister or Governor; or

(g) he dies.

(3) For purposes of subsection (2) (c) of this section, "**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 an interest of a proprietary or pecuniary nature in the case, directly or indirectly.

(4) The chairman and members of the Tribunal shall be paid such remuneration, fees and allowances as the Minister or Governor shall, from time to time, approve.

89. Rules of procedure

The Attorney-General of the Federation shall have power to make rules of procedure for the Tribunal.

90. Repeal and savings

(1) The Town and Country Planning Act is hereby repealed.

(2) The repeal of the enactment specified in subsection (1) of this section shall not affect any action taken, anything done or purported to be done under or pursuant to that enactment.

91. Interpretation

In this Act, unless the context otherwise requires-

"Authority" means the Local Planning Authority established by section 5 (c) of this Act;

"Board" means the State Urban and Regional Planning Board established by section 5 (b) of this Act;

"building" means any structure (whether of a temporary nature or not), erected or made on, in, over or under any land;

"commercial development" means any development or use of land or any building

on the land for any of the following purposes-

(a) a shop;

(b) an office;

(c) hotel, guest house, night club, restaurant and way side stall;

(d) a warehouse and other similar storage facilities;

(e) a cinema theatre, sports stadium and a building providing indoor recreational and leisure facilities for a charge;

(f) a market; and

(g) any development or use of land or building on the land for any purpose incidental to any of the above purposes;

"Commission" means the National Urban and Regional Planning Commission established by section 5 (a) of this Act;

"Control Department" means any agency performing the duties of urban and regional planning and development control at the Federal, State and local government level;

"development" means the carrying out of any building, engineering, mining or other operations in, on, over or under any land, or the making of any environmentally significant change in the use of any land or demolition of buildings including the felling of trees and the placing of free-standing erections used for the display of advertisements on the land and the expression **"develop"** with its grammatical variations shall be construed accordingly;

"development permit" means a permission to develop any land or buildings granted by the authority empowered to give such permission under this Act;

"development plan" means a plan indicating the manner in which an area of land should be developed;

"dwelling-house" means a building erected or converted for use primarily to provide living accommodation for one or more persons;

"enforcement notice" includes stop notice, contravention notice and a demolition notice;

"industrial development" means any development or use of land or any building on land for the purpose of-

(a) processing any mineral;

(b) extracting or producing by whatever means other than mining one product from another product or substance;

(c) repair and working on any mechanised equipment;

"Institutional development" means any development on the land for any of the following purposes-

(a) social welfare and community development, i.e. education, health care, religion and charity etc.;

(b) offices for party political organisations, trade unions, employees; association and any other organisation whose principal purpose is participating in public affairs;

(c) sports and social clubs but not clubs offering overnight accommodation for a charge for more than twenty persons;

(d) museums and art galleries

(e) swimming pools available for use by members of the public with or without payment of a charge; and

(f) any development or use of land for any purposes incidental to any of the above purposes;

"land" includes any building and any other thing attached to the earth or permanently fastened to any thing so attached, but does not include minerals;

"local plan" includes plan formulating in detail, within the context of the structure plan, the ways in which the policy and general proposals are to be implemented and includes any or a combination of the following-

(a) district plans which are plans designed for areas where factors in local planning need to be set out comprehensively; and

(b) action area plans which are plans for areas indicated (or identified) for action by structure plans i.e. where changes by development, redevelopment, or improvement need to be affected;

"metropolitan plan" means general policy and proposals for the physical, spatial and environmental development of a very large town or metropolitan area which may or may not extend over more than one planning authority's jurisdiction;

"Minister" means the Minister charged with responsibility for matters relating to urban and regional planning;

"physical development plan" means any of the plans set out in section 1 of this Act and includes any schemes, plans or master plans approved under authority of any legislation repealed by this Act or made under any other authority of any legislation approved under this Act;

"plan" means land use proposal expressed in words and graphics;

"plan area" means the area of land designated by the planning authority with power to designate as the area for which a physical development plan is to be or has been made;

"region" means an area of land less than the country but more than a town area, having distinctive characteristics that distinguish it from other areas;

"regional plan" means statement of general policy and proposals for the development plan designed to channel the growth of such a region in desirable directions;

"rural area" means any part of the country which is not declared an urban area;

"structure" means any permanent or semi-permanent construction in which persons may reside, work or carry on other activities;

"Tribunal" means the Urban and Regional Planning Tribunal established under section 86 of this Act;

"urban area" means any area designated in accordance with section 3 of the Land Use Act.

[Cap. L5 L.F.N.]

92. Citation

This Act may be cited as the Nigerian Urban and Regional Planning Act 1992.