

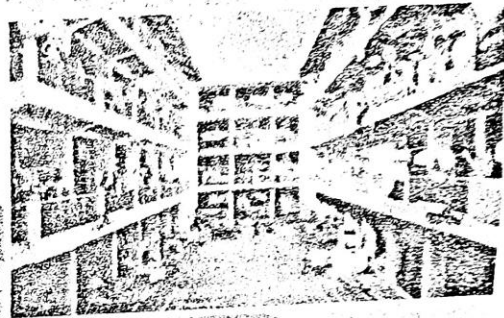


THE NIGERIAN URBAN AND REGIONAL PLANNING LAWS

DECREE NO. 88, 1992

&

DECREE NO 18, 1999 (AMENDMENT)



CAP. N138 LFN 2004

**TOWN PLANNERS REGISTRATION
COUNCIL OF NIGERIA**

Established by Decree No. 3 of 1988

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Nigerian Urban and Regional Planning Decree 1992 A1017

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(291E)

NIGERIAN URBAN AND REGIONAL PLANNING
DECREE 1992



Decree No. 88

(15th December 1992)

Commencement.

THE FEDERAL MILITARY GOVERNMENT
hereby decrees as follows:-

PART 1 - PLAN PREPARATION AND ADMINISTRATION

**A: TYPES AND LEVELS OF PHYSICAL
DEVELOPMENT PLANS**

1.-(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.

Types of plans

(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

Responsibilities
of the Federal
Government.

2. 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 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.-(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 Decree, 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. Without prejudice to provisions of sections 2 and 3 of this Decree, 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.

Responsibilities of
Local Government.

C: EXECUTION

5. 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-

Establishment
certain bodies

- (a) a National Urban and Regional Planning Commission (hereafter in this Decree referred to as "the Commission");
- (b) a State Urban and Regional Planning Board (hereafter in this Decree referred to as "the Board") in each of the State of the Federation and the Federal Capital Territory, Abuja, and

- (c) a Local Planning Authority (hereafter in this Decree referred to as "the Authority") in each of the Local Government Area and the Area Councils of the Federation.

Composition of the Commission

6.-(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 Housing,
- (ii) the Federal Ministry of Agriculture, Water Resources 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 Environmental Protection Agency,
- (vii) the Federal Ministry of Transport and Communication,
- (viii) the National Electric Power Authority,
- (ix) the Nigerian National Petroleum Corporation, and
- (x) the Nigerian Telecommunication PLC;

- (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

(f) 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, Commander-in-Chief of the Armed Forces from time to time, determine.

7. The Commission shall perform the following functions, that is

Functions of the Commission

- (a) the formulation of national policies for urban and regional planning;
- (b) the initiation, preparation and implementation of the National physical 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.-(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. 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.-(1) The Authority shall comprise the following members that is the Composition of the Authority.

- (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;

Functions of the
Board

(d) the works supervisor of the Local Government;

(e) the Educations 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.

Functions of Authority.

11.-(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.

Power of delegation.

12.-(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 Decree 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.-(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.

Procedures for preparation of National Physical Development Plans.

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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. The Commission shall have power to appoint a technical committee for the purposes of analyzing collated submissions received under Section 13 of this Decree.

(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 Decree.

15.-(1) Any member of the public, Federal, State, Local Government, 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—

- define the nature and reason for the objections; and
- suggest alterations and amendments to be made to remove the objections.

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

16.-(1) The Commission shall prepare and submit to the Secretary of the Commission a summary of the objections and comments received in accordance with the provisions of subsection (1) of this section.

(2) The Secretary of the Commission shall within a period of two months after the date of the receipt of the draft National Physical Development Plan submit to the Commission a report on the objections and comments received and the Commission shall prepare a revised draft Plan which shall take account of these objections and comments.

17. The Commission shall, within a period of two months after the date of the receipt of the draft National Physical Development Plan, submit to the Minister a report on the objections and comments received and the Commission shall prepare a revised draft Plan which shall take account of these objections and comments.

submission of Final draft Plan for approval. 18. 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.

approval of plan by the Legislative body may- 19.-(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.

of the 20.-(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.

of the 21.-(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 Decree.

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

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

25.-(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 shall be approved by the Commission, the Board and the Authority respectively. Subject Plans.

PART II - DEVELOPMENT CONTROL

27.-(1) The Commission, the Board and the Authority shall respectively establish a department to be known as a Development Control Department (hereafter in this Decree referred to as "the control department"). Establishment and jurisdiction of Development 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 (1) Approval of the relevant Development Control Approval of Department shall be required for any land development Planning

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

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

Application for a development permit

30.-(1) A developer (whether private or government) shall apply for 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 Decree shall be prepared by registered Architect or Town Planner or Engineer and shall be in accordance with the provisions of this Decree.

Grounds for rejection of development application.

31. 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 Decree.

Consideration of representation by a developer.
Submission of detailed environmental impact statement.

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

33. 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 lettable space, or

Approval and rejection of a development permit.
Delay of approval of an application subject to conditions.

(C) permission for a major recreational development application for development permit may approve or reject an application for development permit.

(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 Decree.

(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 Decree.

(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 permit for a period of time not exceeding 3 months.

Time limit for delaying approval

Decision of the

Control Department shall be in writing
Control Department
to give reasons for
its decision.
Control Department's
decision is conclusive
evidence of facts so
stated.

(5) The Control Department's decision on an application for development permit shall be communicated to the applicant in writing.
(6) Where the Control Department decides not to approve an application it shall give reasons for its decision.
(7) The Control Department's decision shall be conclusive evidence of information stated therein.
(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.-(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.

(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 Department which issue the original permit.

36. 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.-(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 permit.

(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 development permit.

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

38. 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.-(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.-(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. In the exercise of its functions under section 34 of this Decree the Control Department shall

(a) have regard to all matters and conditions specified by the provisions of this Decree 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.

42. 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

Appeals against alteration, amendment, etc., of conditions attached to grant of a development permit. Revocation of permit by the Control Department.

Appeal against revocation of a development permit

Conditions for revoking a development permit

Cap. 202 LFN.

Non-payment of compensation for revocation.

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

43.-(1) The amount of compensation payable under section 43 of this Decree shall be such as to reimburse the developer or holder for the time being of 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 canceled or revoked on the ground that the applicant did not comply with the requirements of the Land Use Act; or

Cap. 202 LFN.

(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.

Time limit for payment of compensation.

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

Dispute arising from compensation payable.

45. 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.

Service of enforcement notice.

ENFORCEMENT

47.-(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 unauthorized development took place before the commencement of this Decree.

Alteration, variation, etc.

48.-(1) An enforcement notice served pursuant to subsection (1) of section 47 may direct the developer to alter, vary or

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

(3) Before issuing or serving an enforcement notice, the Control Department shall consider the provisions of subsection (1) of this section.

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

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

(c) consider the over-riding public interest in the use of the land.

49. Where there is no existing operative development, the Control Department may assist the developer of such development by locating him on another site.

50.-(1) An enforcement notice served by the Control Department shall-

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

(b) state the reasons for the proposed enforcement;

(c) consider any representation made to the Control Department by the developer.

(2) An enforcement notice may require the developer to remove, or discontinue a development to enable the land to become a lawful development or becomes a lawful development which an adjoining land has been put.

51. A Control Department or its authorized officer may, on an order of the Planning Tribunal or High Court, require the holder for the time being of a development permit who fails to comply with the order.

52. A developer or holder for the time being of a development permit shall be liable for all expenses reasonably incurred by the Control Department in the enforcement of this Decree.

Non-payment of compensation for revocation.

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

43.-(1) The amount of compensation payable under section 43 of this Decree shall be such as to reimburse the developer or holder for the time being of the 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 canceled or revoked on the ground that the applicant did not comply with the requirements of the Land Use Act; or

(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.

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Time limit for payment of compensation.

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Service of enforcement notice.

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Alteration, variation, etc. of a development.

48.-(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. 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.

Re-location of a developer.

50.-(1) An enforcement notice served under section 47 of this Decree 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. 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.

Enforcing an

52. 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 Decree.

Developing

Nigerian Urban and Regional Planning

53. 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 Decree:

Provided that where the development or use is a minor development or use, the Control Department shall have the power to use without reference of the matter to a court of Law.

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

55. 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 Decree.

56. 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.

57. 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.

58. A person who fails to comply with the terms of an enforcement notice or disregard a stop-work order issued and served pursuant to this Decree is guilty of an offence and liable on conviction to a fine of not exceeding ₦10,000 in the case of an individual and in the case of a corporate body to a fine not exceeding ₦50,000.

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

63. A developer shall re-imburse the Control Department for all expenses reasonably incurred in exercise of its powers under section 62 of this Decree.

PART III: ADDITIONAL CONTROL IN SPECIAL CASES

64. (a) In the performance of its functions under this Decree 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. A building may be included in the Control Department's list if—

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

Demolition

Control Department power to demolish a defective building.

Cost of demolition to be paid by developer

Compiling a list of building of special architectural or historical interest, etc

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