

SECRET



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Office of the Secretary to the State Government
Governor's Office
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Ref: GO/SS/POL/S/72/T.4

Date: 21st May, 2012

The General Manager
Bauchi State Urban Development Board,
Bauchi.

FORWARDING OF ASSENTED COPY OF A LAW

I am directed to inform you that, the Bauchi State House of Assembly has passed a law, a bill to amend the Bauchi State Urban Planning and Development Board Edict P.163 of 1989. I am further directed to forward herewith a copy of the law for your attention and guidance, please.

Abakar W. Suleiman FSM
SECRETARY TO THE STATE GOVERNMENT

Please make copies to distribute to stake holders.

Handwritten signature and date: 23/5/2012

BASHA/FIN/S/5/T

17th April, 2012

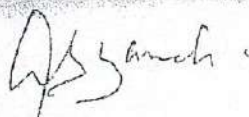
The Secretary to the State Government,
Governor's Office,
Bauchi.

FORWARDING OF AMENDED LAW

I am pleased to inform you that the Bauchi State House of Assembly has passed in to Law a Bill to amend the Bauchi State Urban Planning and Development Board Edict CAP. 163 of 1989.

2. Five clean copies of the said Law is hereby forwarded for His Excellency's assent after which one copy should be returned to the Honourable House for record purpose, please.

3. Thank you.



**BALA ABDULLAHI
CLERK OF THE HOUSE**

"Designated Area" means the areas mentioned in the first schedule;



"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 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;

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

"Enforcement Notice" includes a stop notice, contravention and a demolition notice;

"Governor" means the Executive Governor of Bauchi State;

"Government" means the Bauchi State Government;

"Industrial Development" means any development or use of land or any building on land for the purpose of processing any mineral, extracting or producing by whatever means other than mining other product from another product or substance, repair and working on any mechanized equipment;

"Local Plan" includes plan formulating in detail, within the content of the structure plan, the ways in which the policy and general proposals are to be implemented;

"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;

"State" means the Bauchi State of Nigeria;

"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 Law.

PART 1-

ESTABLISHMENT AND COMPOSITION OF THE BOARD

ESTABLISHMENT OF THE BOARD:

3 (1) There is hereby established a Board to be known as the Bauchi State Urban Planning and Development Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued in its corporate name and to acquire, hold and dispose of any property movable or immovable.

COMPOSITION OF THE BOARD:

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

- a. A chairman;
- b. One representative each of the following professions who shall be 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 Power Holding Company of Nigeria;
 - iii. The State Water Board;
 - iv. Emirate Council, and
- d. One representative each of the:-
 - i. Ministry of Works and Housing;
 - ii. Ministry of Agriculture and Natural Resources;

iii. Ministry of Finance, and;

e. Five representatives from the Local Government in the State in Rotation; and

f. the General Manager of the Board as Secretary.

**APPOINTMENT OF
CHAIRMAN OF
THE BOARD:**

(2) the chairman referred to in Sub-Section 4(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 and shall be appointed by the Governor.

**APPOINTMENT
OF SECRETARY:**

(3) The Secretary referred to in Sub-Section 4(1) (f) of this Section shall be a registered Professional in the built environment with minimum of five years of professional practice who shall conduct its correspondence and keep its records and exercise such other functions as the Board may from time to time direct or as may be conferred on him by this Law or any written Law and who shall be appointed by the Board.

(4) The chairman, secretary and members of the Board shall be paid such remuneration, fees, and allowances as the Governor may determine.

**TENURE OF
OFFICE:**

5. (1) The chairman and other members of the Board shall be appointed and hold office for such period not exceeding three years.

(2) A member may resign his membership by writing a letter of resignation under his hand to the Governor.

**REMOVAL FROM
OFFICE:**

6. (1) A member appointed under Section 4(1) of this Law shall be removed from office by the governor for permanent incapacity or for any other causes or corrupt act.

(2) Where a member has been absent from attending three consecutive meetings of the Board without permission of the Governor in the case of the Chairman or the chairman in the case of other members the governor may revoke the appointment of such member.

(3) Where a member is temporarily incapacitated by illness and cannot perform the functions of his office or is temporarily absent from Nigeria for a period of not less than three months the Governor may appoint any person he deems fit to hold temporarily the office held by such temporarily incapacitated or absent member and the person so appointed shall be entitled to perform all functions and enjoy all rights and privileges of a member.

CO-OPTION OF MEMBERS:

7. (1) When on any occasion, the Board is desirous to obtain the advice of a person upon any matter, the Board may co-opt that person to be a member of such meetings.

(2) The person so co-opted shall have all rights and privileges of a member save that he shall not be entitled to vote upon any question.

VACATION OF OFFICE:

8. The office of a member shall become vacant upon his:-

a. Death;

b. Conviction for any criminal offence involving fraud, dishonesty or moral turpitude;

c. Resignation;

d. Removal by the Governor for misbehavior or any other case.

PART II FUNCTIONS AND POWERS

FUNCTIONS OF THE BOARD:

9.(1) 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 provision of technical assistance to local governments;
- f. The consultation and co-ordination with the Federal Government and Local Government in the preparation of physical plans;
- g. The preparation and submission of annual progress report in the operation of the National physical plan as it affects the State;
- h. The review of the annual report submitted to it by the Authority;
- i. Provide public Amenities and promote commercial, industrial or Agricultural projects;
- j. The physical resettlement and organisation of the informal sector of our economy in all the Urban Areas of the State.
- k. To carry in to effect of any such scheme under this Law.

- (2) The functions conferred by any enactment on any organs of the Bauchi State Government in so far as is related or connected with Urban Planning Development shall, as from the Commencement of this Law be vested upon and be discharged by Bauchi State Urban Planning and Development Board.

**POWERS OF
THE BOARD:**

10. (1) The Board shall have power:-
- a. To control and manage all assets vested, or to be vested in the Board under the provision of this Law;
 - b. To construct and maintain Roads, Footways, Bridges, Drains, Sewers and Water course;
 - c. To acquire, construct or repair any works, plans or apparatus which are necessary or desirable for the purpose of the Board;
 - d. To enter into such contract as may be necessarily advantageous or expedient for the performance of its function under this Law;
 - e. To carry on in association with other bodies and persons (including companies, government authorities, or Local Governments) or as managing Agents, any activity which is necessary or desirable for the performance of its functions under this Law;
 - f. To acquire, purchase, lease, whatsoever, whether movable or immovable, required for or in connection with the purpose of its functions and to sell, dispose of or otherwise deal with such property or any part thereof;
 - g. To accept or acquire and hold any security of any kind in any form whatsoever;
 - h. To surrender, re-transfer or re-assign any security held by the Board whether upon exchange for another security or upon discharge;

- i. In relation to any security held by the Board, to exercise any power, right or privilege in respect thereof which a private individual would be capable of exercising in like circumstances;
- j. To make, draw, accept or endorse negotiable instruments;
- k. To insure its property against all forms of risks;
- l. To perform such other functions as may from time to time be assigned to it by the Governor as are incidental to or necessary for proper execution of its functions;
- m. In carrying out its functions under this Law the Board may do so alone or in conjunction with any Ministry, Department or Local Government;
- n. To delegate or authorize any of its members, officers, employees, servants or agents to act on its behalf in any matter relating to the performance of any of its functions.

(2) All Land reserved, situated within the Right of way in all Urban Centers of Bauchi State is subject to the Development Control of the Board for the purpose of Land expansion, drainage expansion, Utility provision, parking spaces and any other such uses as may conform to safety, comfort and commercial activities of localities.

**LOCAL TOWN
PLANNING
AUTHORITY:**

**COMPOSITION OF
THE AUTHORITY:**

11. (1) There is hereby established for each of the Local Government Areas of the State a body to be known as the Local Town Planning Authority herein after referred to as "Authority".

(2) The Local Town Planning Authority shall comprise the following members that is:-

- a. A chairman,
- b. Not more than three (3) District Heads in the Local Government Area;
- c. One representative each of the following professions who shall have at least Diploma or its equivalent the relevant profession:-
 - i. Town Planning;
 - ii. Architecture;
 - iii. Civil Engineering;
 - iv. Land Surveying, and
 - v. Law.
- d. The works supervisor of the Local Government;
- e. The Education supervisor of the Local Government; and
- f. A secretary appointed by the Local Town Planning Authority who shall be the Chief Executive of the Authority;

(3) The Chairman referred in sub-section (2) (a) of this section shall have been a qualified town planners practice for a minimum of five years.

(4) The Secretary referred to in Sub-Section (2) (f) of this Section shall be a qualified Town Planner with a minimum of three years professional practice;

(5) The Chairman, Secretary and Members of the Local Town Planning Authority shall be paid such remuneration, fees, and allowances as the Governor may from time to time approve.

**FUNCTIONS OF THE
LOCAL TOWN
PLANNING
AUTHORITY:**

12. (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 and shall also have power to create units for convenient administrative purpose.

PART III - PLAN PREPARATION AND ADMINISTRATION

**STATE AND
LOCAL PHYSICAL
DEVELOPMENT
PLANS:**

13. (1) There shall be at the State level the following Development plans:
 - a. A regional plan;
 - b. A sub-regional plan;
 - c. An urban plan;
 - d. A local plan; and a subject plan.
- (2) There shall also be at Local Government level the following development plans:
 - a. A town plan;
 - b. A rural area plan;
 - c. A local; and
 - d. A subject plan.

**RESPONSIBILITIES
OF THE STATE
GOVERNMENT:**

14. (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 Sub-Section (1) of this Section, a State government shall exercise the function of formulation of a State policy for urban and regional planning within the framework of national policies:

PROCEDURES FOR PREPARATION AND APPROVAL OF PHYSICAL DEVELOPMENT

PROCEDURE FOR PREPARATION OF PHYSICAL PLAN:

15. (1) For the purpose of securing integration, consistency and coherence within and between all levels of the Physical Development Plans in the State, the Board shall, during the preparation of the State Physical Development Plan call for submissions from all relevant government organization, non-governmental organizations and interested members of the public whose contribution shall serve as part of the input towards the preparation of a draft Physical Development Plan. And this is with the view to securing proper sanitary conditions, amenity and convenience, and of preserving building or objects of architectural, historical or artistic interest and places of natural interest or beauty and generally of protecting existing amenities whether in urban rural portions of the area.

(2) The General Manager may make rules as to the manner and methods of notice and submission to be made in pursuant to Sub-Section (1) of this Section and shall collate all the submissions made in compliance with the provisions of this section.

APPOINTMENT AND FUNCTIONS OF TECHNICAL COMMITTEE:

16. - The Board shall have power to appoint a technical committee for the purposes of analyzing and evaluating collated submissions received under Section 15 of this Law.

OBJECTIONS TO DRAFT PLANS BY THE PUBLIC:

17. Any member of the public, State, Local Government, government and non-governmental organizations and professional bodies during the period of exhibition of the draft Physical Development Plan may submit to the Board 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.

**BOARD TO
PREPARE
SUMMARY OF
OBJECTIONS:**

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

(2) The General Manager of the Board shall submit such schedules within the period of two months after the final day of exhibiting the draft Physical Development Plan to the Technical Committee which shall review the objections and comments and prepare a revised draft plan which shall take account of these objections and comments.

**SCRUTINY OF
OBJECTIONS:**

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

**FINAL DRAFT
FOR APPROVAL:**

20. (1) After the consideration of all objections and comments on the revised plan, the Board shall prepare and submit a final draft plan, with or without amendments, to the Governor or any person the Governor so delegated for approval:

(2) 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 Board for further consideration and amendment of the whole or part thereof.

(3) A plan approved under Sub-Section (1) of this Section shall be referred to as an "Operative Physical Gazette and in at least two widely read National daily newspapers".

**DEPOSIT OF
DEVELOPMENT
PLANS:**

21 (1) Copies of the Operative Physical Development Plan, certified by the Governor or any officer so delegated by the Governor, shall be deposited with the Board, the State and Local Government with counterpart copy of the Plan, for purpose of safe keeping;

(2) Copies of the Plan referred to in Sub-Section (1) of this Section shall be made available for sale to members of the public at a price to be determined by the Board.

22. (1) The Operative Physical Development Plan shall be reviewed every five years to reflect socio-economic changes in the State;

(2) The procedure for the review of the State Physical Development Plan shall be as they relate to the procedure for the making of a Physical Development Plan as specified in this Law

(3) The provisions of the Operative Physical Development Plan shall be adhered to by the Board and the Authority as well as other public, private organizations and individuals.

**REVIEW OF
OPERATIVE
PHYSICAL PLAN:**

23. (1) The procedure for making the 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 inline with the state plan.

**PROCEDURE FOR
MAKING
REGIONAL SUB-
REGIONAL,
RURAL etc:**

Authority respectively which shall include:-

- a. The preparation and implementation of regional, sub-regional, urban and subject plans within the State;
- b. The promotion and conduct of research in urban and regional planning;
- c. The dissemination of research results for adoption by user organization; and
- d. The provision of technical assistance to Local Governments in the preparation and implementation of local, rural and subject plans.

PART IV

IMPROVEMENT AREAS - REHABILITATION, RENEWAL AND UPGRADING

26. Where a local plan prepared by the appropriate authority as set out in this Law has been approved, the authority may exercise the power set out in this Part of this law for the purposes of assisting in the implementation of that local plan.

27. (1) A local plan to which section 12 of this law 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.

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

a. Use its best endeavour to inform, as it deems fit, the residents of the proposed improvement area of:

- i. The purpose 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 resident 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 areas;

c. Inform other relevant statutory authorities of the proposed improvement area and invite their views and comments thereon;

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

- a. Hold regular meetings with the relevant stakeholders;

b. Assist or join other persons and authorities in assisting a resident or group of residents within the area to draw up an implementation plans for the improvement of the neighborhood:

c. General advice and assist the resident of the area to take full advantage of the improvement concerned.

29. (1) The appropriate authority shall in an improvement area, have power to 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:

a. 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

b. Improved repair or renovate or order the improvement, repair or renovation of a building or part thereof; or

c. 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.

POWERS OF THE
AUTHORITY IN AN
IMPROVEMENT AREA:

RESTRICTION ON
POWER TO
DEMOLISH:

30. The power of an authority to demolish or order the demolition of a building or part thereof under this Law 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.

EXERCISE OF POWER
REPAIR, DEMOLITION
RENOVATION:

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

- a. Inspect the buildings 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 reasons thereof;
 - II. The date and time when and place where the authority shall consider any representations or objections to the proposed order;
- 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 authorized representative;

e. Where the proposed order is for the demolition of a building or part thereof; prepare and estimate for 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 Sub-Section (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 thereof in such forms as may be prescribed by regulations on:

a. The owner or occupier of the building;

b. The person who made presentations 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 the order, to the Planning Tribunal established under this Law for the determination of the objection; and from the Planning Tribunal's decision, to the High Court of the State.

(4) An order made under this Section shall take effect where there is no appeal against the order, at least 28 days after its service on the owner or occupier of the building.

(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.

PROVISION OF
ALTERNATIVE
ACCOMMODATION
ETC:

32. (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.

PART V.

DEVELOPMENT CONTROL

ESTABLISHMENT
AND JURISDICTION
OF DEVELOPMENT
CONTROL DEPARTMENT:

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

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

(3) 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.

POWER AND FUNCTIONS OF THE DEVELOPMENT
CONTROL DEPARTMENT

APPROVAL OF
PLANNING AUTHORITY
BEFORE DEVELOPMENT:

34. (1) Approval of the relevant development control department shall be required for any land development.

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

APPLICATION FOR
A DEVELOPMENT
PERMIT: APPLICATION
FOR A DEVELOPMENT
PERMIT:

35. (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 anybody or agency without obtaining an approval from the relevant development control department.

(3) A plan required to be made under this Law shall be prepared by registered Architect, Town Planner or Engineer and shall be in accordance with the provision of the Law.

36. 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 addition 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 Law.
- f. The control department may approve or reject an application for development permission.

ROUNDS FOR
EJECTION OF
PARTMENT
PLICATION:

CONSIDERATION OF
REPRESENTATION BY
DEVELOPER:

37. The control department may consider representations made to it by a person, body or organization to be affected by an intended development.

SUBMISSION OF
DETAILED
ENVIRONMENTAL
IMPACT
STATEMENT:

38. 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
- c. Permission for a major recreational development.

DELAY OF
APPROVAL OF AN
APPLICATION
SUBJECT TO CONDITIONS:

39. (1) The control department may delay the approval of an application for development permit if circumstances so required that:

- a. The developer at his own expense:
 - i. Shall provide public infrastructure and facility; or
 - ii. Shall provide necessary commercial facility; and
 - iii. Shall provide necessary social, recreational, communal facility.

- 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 Law.

(2) In reaching its decision under Sub-Section (1) of this Section the control department shall comply with:-

- a. The policy and proposed 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 in particular and applicable to a locality by a regulation made by or pursuant to the provisions of this Law.

**TIME LIMIT
FOR DELAYING
APPROVAL:**

- (3) Subject to such directives as may be given by the State or local governments, a control department may delay the approval of an application for development permission for a period of time not exceeding three (3) months.
- (4) The control department's decision on an application for development permit shall be communicated to the applicant in writing.
- (5) Where the control department's decides not to approve an application it shall give reasons for its decision.

(6) The control department's decision shall be conclusive evidence of information stated therein.

(7) 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.

ENFORCEMENT OF RIGHTS AND DUTIES ATTACHED TO A DEVELOPMENT PERMIT:

4. (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 THREE YEARS:

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

- a. Remain valid for three years from the date of communication of the approval of a developments permit to a developer; and
- b. Where a developer fails to commence development within three years, the development permit shall be subject to re-validation by the control department which issue the original permit.

CONDITIONS FOR GRANT OF PERMIT AND CONFIRMATION AND AMENDMENT E.T.C. OF CONDITIONS OF GRANT OF PERMIT:

40. 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.

ALTERATION, REVOCATION, AMENDMENT E.T.C. OF CONDITIONS OF GRANT OF PERMIT:

41. (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 Sub-Section (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 in Sub-Section (1) of this Section shall be communicated in writing to a developer or holder of a development permit for the time being in force.

42. 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 notice under this Section by the control department.

43. In the exercise of its functions under Section 19 of this Law the control department shall:-

- a. Have regard to all matters and condition specified by the provision of this Law prior to granting a development permit; and
- b. Take into account matters of over-riding public interest as provided by the land use act.

44. 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 to contract; or

APPEAL AGAINST
REVOCATION,
REVOCATION E.T.C.
DEVELOPMENT
PERMIT:

CONDITIONS FOR
REVOKING A
DEVELOPMENT
PERMIT:

COMPENSATION
PAYABLE FOR
REVOCATION OF
A DEVELOPMENT
PERMIT:

suffered a loss during the process of obtaining the development permit.

**ON-PAYMENT
OF COMPENSATION
OR REVOCATION:**

45. (1) The amount of compensation payable under Section 25 of this Law shall be such as to reimburse the developer or holder for the time being 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 stipulated in the development permit granted; 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.

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

47. 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.

ENFORCEMENT

48. (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 Sub-Section (1) of this Section notwithstanding that the unauthorized development took place before the commencement of this Law.

**TIME LIMIT FOR
PAYMENT OF
COMPENSATION:**

**SERVICE OF
ENFORCEMENT
NOTICE:**

ALTERATION,
VARIATION E.T.C.
OF A DEVELOPMENT:

49. (1) An enforcement notice served pursuant to Section 49 of this Law may direct the developer to alter, vary, remove or discontinue a development.

(2) Before issuing or serving an enforcement notice in accordance with the provisions 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 Sub-Section.

RELOCATION OF A
DEVELOPER:

50. 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 relocating him on another site.

FORM OF AN
ENFORCEMENT
NOTICE:

51. (1) An enforcement notice served under Section 49 of this Law 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.

ISSUANCE OF
STOP WORK ORDER
FOR UNAUTHORIZED
DEVELOPMENT E.T.C:

53. (1) Where it appears to the control department that:-

- a. An unauthorized 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 33 of this Law. Provided that where the development or use is a minor development or use, the control department shall have the power to order the developers to alter, remove or discontinue the development or use without reference of the matter to a Court of Law.

STOP WORK ORDER
TO TAKE EFFECT
ON SERVICE:

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

(3) 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.

(4) The control department shall give a reasonable time not exceeding one month within which the developer shall be required to comply with the provisions of Sub-Section (1) of this Section.

(5) A stop-work order shall inform the developer the development which is required to be stopped and needs to be done in conformity with the development permit.

NOTICE:

disregard stop-work order issued and served pursuant to this Law is guilty of an offence and liable on conviction to a fine not exceeding ₦ 10,000 in the case of an individual and in the case of corporate body to a fine not exceeding ₦ 50, 000.00.

CONTRAVENTION NOTICE:

55. Where a developer contravenes the provisions of this 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 its 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; and
- d. To re-instate a piece of land to the state in which it was prior to the commencement of building.

DEMOLITION:

56. (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 general public.

(2) Notice served pursuant to Sub-Section (1) of this Section shall contain a date not later than one month on which the control department shall take steps to commence demolition action on the defective structure. Provided that after the expiration of the time given the control department shall take necessary action to effect the demolition of the defective structure.

EXERCISE OF POWER:

57. Where a local plan prepared by the appropriate authority for the reasons set out by this Law and has been approved, the authority may exercise the power vested in it for the purpose of assisting in the implementation of that local plan.

ESTABLISHMENT OF THE URBAN AND PLANNING TRIBUNAL:

58. There is established in Bauchi State Tribunal to be known as the

authority conferred on it by this Law and any regulations made by the House of Assembly or any Authorized body.

**COMPOSITION OF
THE TRIBUNAL:**

59. (1) The Tribunal shall consist of:-

- a. A chairman who shall be a legal registered town planner with 10 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 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.

**TENURE OF
OFFICE**

60. (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 Governor may, from time to time, determine.

(2) The office of the 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 Governor;
- c. Without good cause, declines to hear a cause 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 revoked by the 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 Governor shall, from time to time, approve.

61. The Attorney - General of the State shall have power to make rules of procedure for the tribunal.

DEVELOPMENT CONTROL IN SPECIAL CASES

T IV.

ELATION AND
IT OF LIST:

62. The Control Department shall compile and deposit lists of building of special architectural or historical interest with the appropriate State or Local Government Areas.

ICATION IN
TE:

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

ENCES:

64. 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.

NALTY:

65. A person guilty of an offence under Section 62 of this Law shall:-

- a. On summary conviction be liable to imprisonment for a term not exceeding three months or to a fine not exceeding ₦ 1,000:00 or to both such imprisonment and fine; or
- b. Conviction on indictment be liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding ₦ 2,000:00 or to both such imprisonment and fine;
- c. And in the case of a body corporate, to a fine of ₦ 5,000:00; or
- d. Be liable to a fine not exceeding ₦ 200:00 for every day the offence continues or to imprisonment for a term not exceeding one month.

MISSION
PROVIDE FOR
PRESERVATION AND
PLANTING OF TREES:

66. 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.

PART VII. - ACQUISITION OF LAND AND COMPENSATION

POWER TO
REVOKE
CERTIFICATE OF
OCCUPANCY:

67. (1) Where it appears to the Board or Authority that it is necessary to obtain any land in connection with planned Urban 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.

MAP 202 LFN:

(2) Any right of occupancy held in pursuant of Sub-Section (1) of this Section shall be revoked in accordance with the relevant provisions of the Land Use Act.

COMPENSATION:

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

(2) 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 Law without the payment of any compensation.

LITIGATION
ON EXECUTION
APPROVE

69. Notwithstanding any provision of this Law, the Control Department may, where it deems fit:-

- a. Facilitate the execution of the approved plan.
- b. Make payment of reasonable compensation to any person who sustain a damage or suffers any loss by reason of his land being affected by:
 - I. injurious affection,
 - II. disturbance,
 - III. severance, and
 - IV. displacement.

after 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 law.

VIII. - ADMINISTRATIVE ORGANIZATION OF THE BOARD

MENT:

70. The Chief Executive officer of the Board shall be it General Manager who shall be a professional in the built environment with sound experience and management skills and shall have ultimate responsibility for the carrying out of the policies and decisions of the Board in accordance with the provisions of this Law.

CAFF
THE

71. (1) Subject to the provisions of this Section , the Board shall have power to appoint and exercise disciplinary control over such officers, servants and agents as it may think necessary for the discharge of the Boards functions under this Law and to determine their terms and conditions of service as to remuneration or otherwise.

(2) The exercise of powers vested in the Board by Sub-Section (1) of this Section shall be subject to the provisions of any regulations or rules that may be made under Section 15 or 16 of the Law.

IENT
NSFER
OYEES:

72. The Board may employ on secondment such officers of the

- a. the pensions, gratuities and retirement allowances to be granted to pensionable employees of the Board and their dependents;
- b. the gratuities and retirement allowances to be granted to non-pensionable employees of the Board and their dependents;
- c. all matters ancillary to the matters mentioned in paragraphs (a) and (b).

75. The funds and resources of the Board consist of:-

- a. such sums or other property whatsoever as may from time to time be advanced by way of loan or granted to the Board by the Government, any Local Government, statutory corporation, any institution of any such Government, any international agency, any private foundation or any person whatsoever;
- b. all sums earned in respect of any service provided by the Board;
- c. any investments or other property whatsoever acquired by or vested in the Board and all money earned or arising there from;
- d. all sums received or falling due to the Board in respect of the repayment of any loan made by the Board or the interest payable in respect thereof;
- e. all other sums or other property which may in any manner whatsoever become payable to or vested in the Board.

76. (1) Subject to the provisions of this Section, the Board may, by using debentures, stock or other securities, or in any other manner, borrow sums required by it for meeting any of its obligations or discharging any of its function under this Law.

(2) The power of the Board to borrow shall be exercisable only with the approval of the Governor as to the amount of the loan, the sources of and the terms on which the borrowing may be effected, and the approval given for the purposes of this Sub-Section may either be general or limited to a particular borrowing.

public service of the State or the service of any other State, Local Government as may, with the agreement of such officers, be Seconded to the service of the Board in accordance with the procedure applicable to the Secondment of such officers.

73. The Board may, subject to the provisions of this Law, make regulations with respect to appointment, promotion, transfer and dismissal of, and exercise of disciplinary control over the Board's employees, and without prejudice to the generality of the foregoing provisions, make regulations for any of the following matters:-

- a. the qualifications to be required for appointment;
- b. the method of appointment (including probation and confirmation);
- c. the form of any agreement to be entered into between the Agency and its employees;
- d. the terms and conditions of service (including, without prejudice to the generality of that expression, the salaries and allowances, the grant of advances, the provisions of quarters, leaves, medical and dental treatments);
- e. the procedure and requirements for promotions;
- f. the maintenance of discipline (including dismissal and the termination of appointment);
- g. the transfer of employees between the Board and Government of the State, any other State, Local Government Authority or any other statutory corporation;
- h. such other matters relating to departments procedure and duties and responsibilities of employees as the Board considers best provided for by regulation.

74. The Board, may, with the approval of the Governor make rules, with respect to the Board's employees, for:-

(3) The approval of the Governor for the purposes of this Section may be subject to such conditions, as he may specify.

(4) A person lending money to the Board shall not be bound to inquire whether the borrowing of money is within the power of the Board.

(5) All sums received by the Board shall be credited to the funds of the Board.

77. The Board may invest money standing to its credit and not for the time being required for the purposes of its functions in stocks, debentures, shares or any other securities whatsoever and the Board may sell, dispose of or otherwise deal with all or any of such securities.

ACCOUNTS AND REPORTS

78. (1) The Board shall:-

5:

- a. cause to be kept proper accounts in respect of its functions under this Law and of other records in relation thereof; and
- b. prepare in respect of each financial year a statement of its accounts;

(2) The accounts of the Board for each financial year shall be audited within a reasonable time after the end of the financial year by auditors who shall be appointed by Board from a list of auditors supplied by the State Auditor-General.

(3) Soon after the receipt of the audit report the board shall forward a copy of the report to the State Auditor-General for his comment.

(4) The Auditor-General shall forward his comment on the report submitted to him under subsection (3) of this section to the Governor within one month of its receipt.

ATE 80. Before the commencement of each financial year the Board shall prepare an estimate of its revenue and expenditure for the coming financial year and submit same to the Governor for his approval, and he shall have power to disallow or reduce the provision under any item in the estimate as he may consider necessary.

ORT 81. (1) The Board shall, within four months after the end of each financial year, make to the Governor a report, in such form and containing such particulars as he may from time to time direct, dealing with the activities of the Board during that financial year.

(2) Every annual report made by the Board under subsection (1) of this section shall contain particulars of all directions given under this law by the Governor to the Board during the financial year.

(3) A copy of the annual report made to the Governor under subsection (1) of this section and the Audit report together with the Auditor General's comment on the report shall be laid before the Governor of the State within four months after the end of the financial year.

T: 82. (1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not require to be under seal may be.

UMENTS entered in to or executed on behalf of the Board by the secretary or by any person generally or specially authorized by the Board for that purpose.

(2) Any document purporting to be document duly executed or issued under the seal of the Board or on behalf of the Board shall unless the contrary is proved to be deemed to be a document so executed or issued as the case may be.

on
vernor 83. The Governor may give the Board directions of a general character or relating generally to particular matters with regard to the exercise by the Board of its functions under this law and it shall be the duty of the Board to comply with such directions.

ation of 84. Subject to other provisions of this law, the law shall apply to

the areas specified in the first schedule which may by order be varied by the Governor.

85. The Bauchi State Urban Planning and Development Board is hereby Amended.

FIRST SCHEDULE

BAUCHI
KATAGUM
MISAU
ALKALERI
DARAZO
DASS
TAFAWA BALEWA
TORO
GAMAWA
JAMA'ARE
NINGI
SHIRA
BOGORO
KIRFI
ITAS/GADAU
WARJI
GIYADE
ZAKI
DAMBAM
GANJUWA

SECON SCHEDULE

MEETINGS AND PROCEDURE

1. (1) The Board shall hold such and many meetings as may be necessary for the due fulfillment of its functions, however, that it shall hold at least two meetings every year.

(2) At a meeting of the Board:-

(a) The Chairman shall, if present, be the chairman of the meeting.

(b) If and so long as the chairman is not present or if the office of the chairman is vacant, the members of the Board shall choose one of their members to be chairman of that meeting.

(3) Every question at a meeting of the Board shall be determined by majority of the votes of the members present and voting on the question, and in the case of an equal division of votes, the chairman of the meeting shall have a second or casting vote.

(4) Any five members of the Board may by notice in writing signed by them request the chairman to call a special meeting of the Board for purposes set out in such notice and the Chairman shall there upon call a special meeting.

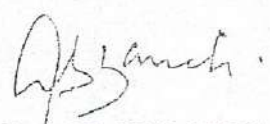
2. Ten members (including the chairman shall there upon call a special meeting) shall form a Quorum at any meeting of the Board.

SEAL 3. (1) The Board shall after its establishment provides itself with a common seal.

(2) The common seal of the Board shall be authenticated by the signature of the General Manager or any other member authorized by the Board to act in that behalf and the signature of the secretary of the Board.

4. Subject to the provisions of this Law the Board may make Standing Orders for the purpose of regulating its procedures.

printed impression has been compared by me with the Law
been passed by the Bauchi State House of Assembly and found
a true and correctly printed copy of the said Law.

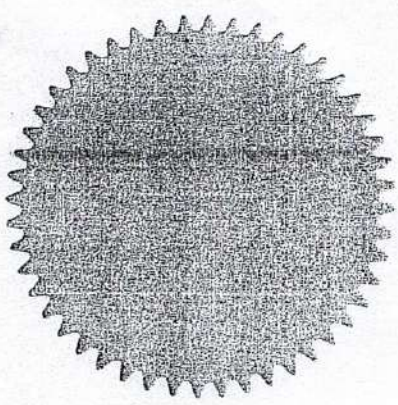


(BALA ABDULLAHI)
CLERK OF THE HOUSE

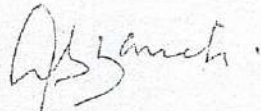
this 30 day of APRIL 2012



(MALAM (DR.) ISA YUGUDA)
EXECUTIVE GOVERNOR
BAUCHI STATE



printed impression has been compared by me with the Law
been passed by the Bauchi State House of Assembly and found
e a true and correctly printed copy of the said Law.



(BALA ABDULLAHI)
CLERK OF THE HOUSE

to this 30 day of APRIL 2012



(MALAM (DR.) ISA YUGUDA)
EXECUTIVE GOVERNOR
BAUCHI STATE

