

FEDERAL CAPITAL TERRITORY ACT

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FEDERAL CAPITAL TERRITORY ACT

An Act to establish for Nigeria, a Federal Capital Territory and to provide for the constitution of a Federal Capital Development Authority for the purpose of exercising the various powers set out in this Act, to execute other projects connected therewith, to provide for the laws applicable to that Territory and for appeals from the Upper Area Court and the law applicable thereto; and to provide for the delegation to the Minister of Federal Capital Territory of the executive powers vested in the President and those vested in him and the Governor of a State under the applicable laws.

[1976 No.6.]

[4th February, 1976]

[Commencement.]

1. Creation of Federal Capital Territory for Nigeria

(1) There is hereby established a capital territory in and for the Federal Republic of Nigeria to be designated as the Federal Capital Territory, Abuja (hereinafter referred to as the "Federal Capital Territory").

(2) The Federal Capital Territory shall consist of the area described in Part II of the First Schedule to this Act.

[First Schedule.]

(3) The area contained in the Capital Territory shall, as from the commencement of this Act, cease to be a portion of the States concerned and shall henceforth be governed and administered by or under the control of the Government of the Federation to the exclusion of any other person or authority whatsoever and the ownership of the lands comprised in the Federal Capital Territory shall likewise vest absolutely in the Government of the Federation.

2. Boundaries to be better defined

(1) The boundaries of the Federal Capital Territory shall be accurately surveyed and demarcated as soon as may be after the commencement of this Act by or on behalf of the Federal Capital Development Authority and such boundaries of the area described in Part II of the First Schedule to this Act.

(2) The President shall by order published in the Federal Gazette, define the boundaries of the Federal Capital Territory by reference to the limits, distances and bearings demarcated by the Authority which shall have carried out or caused to be carried out the survey referred to in subsection (1) of this section, and forthwith thereafter, references in this Act to the area described in the First Schedule shall be construed as references to the area defined in that order.

[First Schedule.]

3. Establishment of Federal Capital Development Authority

(1) There shall be established an authority to be known as the Federal Capital Development Authority which shall consist of a chairman and eight other members to be appointed by the President.

(2) The Authority shall be a body corporate with perpetual succession and a common seal.

4. Functions and powers of the Authority

(1) Subject to and in accordance with this Act, the Authority shall be charged with the responsibility for-

- (a) the choice of site for the location of the Capital city within the Capital Territory;
- (b) the preparation of a master-plan for the Capital city and of land use with respect to town and country planning within the rest of the Capital Territory;
- (c) the provision of municipal services within the Federal Capital Territory;
- (d) the establishment of infrastructural services in accordance with the master-plan referred to above; and
- (e) the co-ordination of the activities of all ministries, departments and agencies of the Government of the Federation within the Federal Capital Territory.

(2) Subject to other provisions of this Act, the Authority shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities, including, without prejudice to the generality of the foregoing, power-

- (a) to sue and be sued in its corporate name;
- (b) to hold and manage movable and immovable property;
- (c) to construct and maintain such roads, rail ways, sidings, tramways, bridges, reservoirs, water courses, buildings, plant and machinery and such other works as may be necessary for, or conducive to, the discharge of its functions under this Act;
- (d) to purchase or otherwise acquire or take over any assets, business, property, privilege, contract, right, obligation and liability of any person or body (whether corporate or unincorporate) in furtherance of its activities;
- (e) to enter into contracts or partnerships with any person or body (whether corporate or unincorporated) which in the opinion of the Authority will facilitate the discharge of its functions under this Act;
- (f) to train managerial and technical staff for the purpose of the discharge of functions conferred on it by or pursuant to this Act;
- (g) to undertake such research as may be necessary for the performance of its functions under this Act;
- (h) to exercise such other powers as are necessary or expedient for giving full effect to the provisions of this Act.

(3) Except with the general or special approval of the President and as otherwise prescribed by this Act, the Authority shall not have power to borrow money or to dispose of any property.

5. Executive Secretary and other staff of the Authority

(1) There shall be appointed by the President an Executive Secretary to the Authority who shall be the chief executive officer of the Authority and shall be responsible for the day-to-day running of the affairs of the Authority.

(2) The Executive Secretary shall hold office on such terms as to emoluments and otherwise as may be specified in his instrument of appointment.

(3) The Authority may appoint such other persons to be officers and servants of the Authority as it may deem fit.

(4) The remuneration and tenure of office of the officers (other than the Executive Secretary) and employees of the Authority shall be determined by the Authority after consultation with the President.

6. Compensation payable

(1) Notwithstanding anything to the contrary in any other enactment or by any rule of law, compensation payable in respect of any land comprised in the Federal Capital Territory shall be assessed and computed in accordance with the provisions of this Act.

(2) In computing compensation payable under this Act, account shall be taken of any building or crops on the land acquired for the purpose of this Act, so however that any compensation payable shall be as respects-

(a) land affected by this Act, for an amount equal to the total rent paid by the lessee over the period between the date of the execution of the lease and the date of its determination by the Authority together with interest at the bank rate between the last-mentioned date and the date of payment of compensation;

(b) building on such land, for the amount of the actual cost of construction of the building (less any depreciation) together with interest at the bank rate over the period between the date of acquisition of such building and the date of payment of compensation;

(c) crops on such land, for an amount equal to the fair market value of such crops,

and the cost mentioned in the foregoing provisions of this subsection shall be such as may be determined by the Authority.

(3) Any person who claims any right or interest in any land comprised in the Federal Capital Territory shall submit, in writing, particulars of his claims to the Executive Secretary on or before the expiration of twelve months from the date of commencement of the order made under section 2 of this Act or such longer period as the President may, either generally or in relation to any particular claim or claims, prescribe by notice published in the Federal Gazette.

(4) No claim for compensation shall be entertained by the Authority unless a written notice of the claim in accordance with subsection (3) of this section is served on the Authority within the period specified in the said subsection.

7. Development without Authority's approval prohibited

(1) As from the commencement of this Act, no person or body shall within the Federal Capital Territory carry out any development within the meaning of this Act unless the written approval of the Authority has been obtained by such person or body:

Provided that the Authority may make a general order with respect to the interim development of the land within the Federal Capital Territory and may make special orders with respect to the interim development of any portion of land within any particular area.

(2) The Authority shall have power to require every person who, otherwise than in pursuance of an approval granted or order made under subsection (1) of this section, proceeds with or does any work within the Federal Capital Territory to remove any work performed and reinstate the land or, where applicable, the building, in the condition in which it was before the commencement of such work, and in the event of any failure on the part of any such person to comply with any such requirement, the Authority shall cause the necessary work to be carried out, and may recover the expenses thereof from such person as a debt.

(3) In this section-

"development" means the carrying out of any building, engineering, mining or other operations in, on, over or under land or water, or the making of any material change in the use of any land or buildings thereon or of any stretch of water whatsoever;

"interim development" means such temporary development as may be authorised by the Authority of any land comprised in the Federal Capital Territory between the date of commencement of this Act and the coming into operation of any of the Authority's schemes of development for the particular portion of land.

8. Power to enter premises and obtain information

(1) For the purpose of the efficient discharge of the responsibilities of the Authority under this Act, the Executive Secretary or any other officer or servant of the Authority authorised in that behalf-

(a) shall have a right of access at all times to any land or building within the Federal Capital Territory for the purpose of ascertaining that the provisions of this Act are not being contravened;

(b) may issue a notice calling upon any person whom he has reason to believe is able to give any information respecting the ownership, possession or the boundaries of land within the Federal Capital Territory or any part thereof, or in whose possession or power any document relating to any such matter is alleged to be, to attend before him and give such information or produce such document on a date and at a place mentioned in the notice;

(c) may, by notice in writing served on any person carrying on an industrial, commercial, educational or any other undertaking whatsoever, require that person to furnish in such form as he may direct information on such matters as may be specified by him.

(2) Any person required to furnish information pursuant to subsection (1) of this section, shall within one month from the date of the notice comply with the notice.

9. Offences and penalty therefore

(1) If any person required to furnish information pursuant to section 8 of this Act fails to furnish the information as required under this Act, he shall be guilty of an offence.

(2) If a person in purported compliance with a requirement to furnish information as aforesaid, knowingly or recklessly makes any statement in the return which is false in a material particular, he shall be guilty of an offence.

(3) Any person who wilfully obstructs, interferes with, assaults or resists any officer or servant of the Authority in the execution of his duty under this Act or who aids, incites, induces or abets any other person so to do, shall be guilty of an offence.

(4) Any person found guilty of an offence under this Act shall be liable on conviction to a fine of N500 or to imprisonment for six months or to both such fine and imprisonment.

10. Offences by bodies corporate

Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to, any neglect on the part of any director, manager, secretary or other official of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

11. Accounts and audit

(1) The Authority shall keep proper accounts and proper records in relation thereto and shall prepare in respect of each financial year a statement of accounts in such form as it may direct.

(2) The Authority shall as soon as may be after the end of the financial year to which the accounts relate cause its accounts to be audited by auditors appointed from the list of auditors and in accordance with guidelines prepared by the Auditor-General for the Federation.

(3) The auditors shall on completion of the audit of the accounts of the Authority for each financial year prepare and submit to the Authority the following two reports, that is to say-

(a) a general report setting out the observations and recommendations of the auditors on the financial affairs of the Authority generally for that year and on any important matters which the auditors may consider necessary to bring to the notice of the Authority; and

(b) a detailed report containing the observations and recommendations of the auditors on all aspects of the operations of the Authority for that year.

12. Annual reports to President

The Authority shall prepare and submit to the Presidents not later than 30 June in each financial year, a report in such form as the President may direct, on the activities of the Authority during the immediate preceding year, and shall include in the report a copy of the audited accounts of the Authority for that year and of the reports mentioned in section 11 (3) of this Act.

13. Applicable laws in the Federal Capital Territory

(1) In addition to any law having effect, or made applicable throughout the Federation, the laws set out in the Second Schedule to this Act shall as from 9 May, 1984 apply in the Federal Capital Territory.

[Second Schedule.]

(2) Where any of the laws set out in the Second Schedule had effect in the former Federal Territory of Lagos and any such law, whether by reason of the creation of States in Nigeria or otherwise howsoever, had become obsolete, such laws shall by virtue of this Act be reviewed and shall apply in the Federal Capital Territory as provided in subsection (1) above.

(3) The laws set out in the Second Schedule to this Act and applying in the Federal Capital Territory by virtue of subsection (1) of this section shall have effect with such modifications as may be necessary to bring them into conformity with the Constitution of the Federal Republic of Nigeria and, in particular-

[Second Schedule.]

(a) references in any such laws to Region, State or Federal Territory of Lagos shall, unless the context otherwise requires, be construed as reference to the Federal Capital Territory;

(b) functions conferred by any such law on the Governor, Premier, Military Governor or Administrator, Minister or any Commissioner in the Government of a State shall, without prejudice to the exercise of those functions by the President and until other provision in respect of any such function is made by the authority having power to do so, vest in the Minister charged with responsibility for the Federal Capital Territory.

(4) The President may by order published in the Federal Gazette make such changes in the text of the laws set out in the Second Schedule to this Act as would bring those laws into conformity with the provisions of this Act.

14. Regulations

The President may make regulations generally for carrying into effect the provisions of this Act.

15. Interpretation of applicable laws

The Interpretation Act shall apply for the interpretation of the laws set out in the Schedule to this Act.

[Cap. 123.]

16. Appeals from decisions of Upper Area Courts, etc.

Notwithstanding anything to the contrary contained in the Area Court Edict 1967 and the Sharia Court of Appeal Law made applicable to the Federal Capital Territory by section 13 of this Act, any party aggrieved by a decision of an order of an Upper Area Court Grade I or 11-

[Cap. 122 L.N.N. 1963.]

(a) on any matter involving a question of Islamic Law, may appeal therefrom to the Sharia Court of Appeal;

(b) in a criminal matter, may appeal therefrom to the High Court;

(c) in a civil matter, other than a matter involving a question of Islamic Law, may appeal therefrom to the High Court.

17. Application of High Court Law of Northern Nigeria

Section 45 of the High Court Law of Northern Nigeria made applicable to the Federal Capital Territory Abuja by section 13 of this Act, shall apply to appeals from an Upper Area Court or any Area Court.

[Cap. 49 L.N.N. 1963.]

18. Delegation of powers to the Minister for the Federal Capital Territory

As from the 28th May, 1984, the President has delegated to the Minister of the Federal Capital Territory the following functions, that is to say-

(a) any function or power conferred on the chairman of the Federal Capital Development Authority under this Act;

(b) any executive power of the Federal Government vested in the President pursuant to section 299 (a) or any other section of the Constitution of the Federal Republic of Nigeria and exercisable within the Federal Capital Territory;

(c) any function or power conferred by any law set out in the Second Schedule to this Act vested in the Governor or Military Governor of a State; and

(d) such other functions as the President may from time to time confer on the Minister.

19. Exemption from such delegation

The powers delegated to the Minister under the provisions of section 1 of this Act shall not include-

(a) the exercise within the Federal Capital Territory of any executive or other functions of the Federation, by the President, the Judicial Service Commission or any other Federal Government authority;

(b) any power expressly excepted under any other law, instrument or otherwise howsoever.

20. Interpretation

In this Act, unless the context otherwise requires-

"the Authority" means the Federal Capital Development Authority established by section 3 of this Act;

"building" includes any structure whatsoever on land;

"Constitution" means the Constitution of the Federal Republic of Nigeria;

"Minister" means the Minister of the Federal Capital Authority.

21. Short title

This Act may be cited as the Federal Capital Territory Act.

SCHEDULES

FIRST SCHEDULE

Boundaries of The Federal Capital Territory

The boundaries of the Federal Capital Territory shall (subject to section 2) be as follows, that is-

Starting from the village called Izom on 7° E Longitude and 9° 15' Latitude, project a straight line westwards to a point just north of Lehu on the Kemi River; then project a line along 6° 47 $\frac{1}{2}$ ' E outwards passing close to the villages called Semasu, Zui and Bassa down to a place a little west of Abagi in Kwara State; thence project a line along parallel 8° 27 $\frac{1}{2}$ ' N Latitude to Ahinza village 7° 6'E (on the Kanama River); thence project a straight line to Buga village on 8° 30'N Latitude and 7° 20'E Longitude; thence drawn a line northwards joining the villages of Odu, Karshi and Karu. From Karu the line shall proceed along the boundary between the Niger and Plateau State as far as Karu; thence the line should proceed along the boundary between Kaduna and Niger States up to a point just north of Bwari village; thence the line goes straight to Zuba village and thence straight to Izom.

SECOND SCHEDULE

[Section 13.]

Laws Applicable to the Federal Capital Territory

Federal Capital Territory Act

<i>Serial No.</i>	<i>Chapter or Number</i>	<i>Short title</i>
6	L.L. of N.W. State of Nigeria 1967	Area Courts Edict 1967
7	L.L. of N.N. 1963 Cap. 13	Bills of Sale Law
8	L.L. of N. 1958 Cap. 23	Births, Deaths and Burials Act
9	L.L. of N. 1960 No.3,	Borstal Institutions and Remand Centres 1960
10	L.L. of N. 1960 No. 29	Borstal Training (Lagos) Act 1960
11	L.L. of N.N.1963Cap.16	Boy Scout Association Law
12	L.L. of N. 1958 Cap. 28	Building Lines Regulation Act
13	L.L. of N. 1990 Cap. 42	Capital Gains Tax Act
14	L.L.of N.N.1963Cap.18	Carp Cultivation (Control) Law
15	L.L. of N. 1958 Cap. 32	Children and Young Persons Act
16	L.L. of N. 1965 No. 11	Children and Young Persons (Amendment) Act 1965
17	L.L. of N. 1961 No. 52	Children and Young Persons (Harmful Pub- lications) Act 1961
18	L.L. of N. 1961 No. 33	Civil Liability (Miscellaneous Provisions) Act 1961
19	L.L. of N. 1958 Cap. 29	Co-operative Societies Act
20	L.L. of N.N. 1963 Cap. 27	Coroners Law
21	L.L. of N.N. 1963 Cap. 89	Penal Code Law
22	L.L. of N.N. 1963 Cap. 30	Criminal Procedure Code Law
23	L.L. of N.N. 1963 Cap. 29	Crimes (Prevention) Law
24	L.L. of N. 196 I No. 66	Defamation Act 1961
25	L.L. of N. 1990 Cap. 93	Defamatory and Offensive Publications Act
26	L.L. of N. 1958 Cap. 50	Destruction of Mosquitoes Act
27	L.L. of N.N. 1963 Cap. 33	District Courts Law
28	L.L. of N. 1958 Cap. 55	Dogs Act

SECOND SCHEDULE-
continued

<i>Serial No.</i>	<i>Chapter or Number</i>	<i>Short title</i>
29	L.L. of N.N. 1963 Cap. 36	Education Law
30	L.L. of N. 1958 Cap. 59	Employment of Ex-Servicemen Act
31	L.L. of N. 1958 Cap. 60	Entertainment Tax Act
32	L.L. of N. 1962 No. V	Escort of Prisoners and Other Persons 1962
33	L.L. of N.N. 1963 Cap. 42	Explosives Law
34	L.L. of N. 1961 No. 34	Fatal Accidents Act 1961
35	L.L. of N. 1963 No. II	Fire Service Act 1963
36	L.L. of N. 1958 No. 70	Folded Woven Goods Act
37	L.L. of N. 1990 Cap. 150	Food and Drugs Act
38	L.L. of N.N. 1963 Cap. 44	Forestry Law
39	L.L. of N.N. 1963 Cap. 46	Goldsmiths Law
40	L.L. of N.N. 1963 Cap. 48	Hides and Skins Law
41	L.L. of N.N. 1963 Cap. 49	High Court Law
42	L.L. of N.N. 1963 Cap. 50	Hospital Fees Law
43	L.L. of N. 1958 Cap. 83	Ill iterates Protection Act
44	L.L. of N. 1963 No.1 0	Judicial, etc. Officers and Appeals by Prose- cutors Act 1963
45	L.L. of 1958 Cap. 77	Land Development (Provision for Roads) Act
46	L.L. of N.N. 1958 Cap. 97	Land Registration Law
47	L.L. of N. 1961 No. 64	Law Reform (Contacts) Act 1961
48	L.L. of N. 1961 No. 63	Law Reform (Torts) Act 1961
49	L.L. of N. 1958 Cap. 89	Law (Miscellaneous Provisions) Act
50	L.L.of N.1958Cap.103	Legitimacy Act
51	L.L. of N. 1958 Cap. 104	Leprosy Act
52	L.L. of N.N. 1963 No. 64	Liquor Law

<i>Serial No.</i>	<i>Chapter or Number</i>	<i>Short title</i>
53	L.L. of N. 1966 No. 88	Limitation Act 1966
54	L.L. of N.N. 1963 Cap. 68	Local Loans (Registered Stock) Law
55	L.L. of Niger State 1976	Local Government Edict 1976
56	L.L. of N. 1958 Cap. 122	Lunacy Act
57	L.L. of N. 1958 Cap. 124	Moneylenders Act
58	L.L. of N. 1990 Cap. 233	Motor Vehicle (Third Party) Insurance Act
59	L.L. of N. 1990 Cap. 264	National Library Act
60	L.L. of N. 1990 Cap. 291	Newspapers Act
61	L.L. of N. 1964 No. V	Newspapers (Amendment) Act 1964
62	L.L. of N. 1990 Cap. 333	Oaths Act
63	L.L. of N. 1961 No. 51	Obscene Publications Act 1961
64	L.L. of N. 1958 Cap. 146	Pawnbrokers Act
65	L.L. of 1961 No. 23	Personal Income Tax (Lagos) Act 1961
66	L.L. of N. 1958 Cap. 152	Poisons and Pharmacy Act
67	L.L. of N. 1959 Cap. 158	Printing Presses Regulation Act
68	L.L. of N.N. 1953 Cap. 102	Produce Adulteration Law
69	L.L. of N.N. 1963 Cap. 104	Produce Sales Tax Law
70	L.L. of N.N. 1963 Cap. 100	Private Hospital Law
71	L.L. of N. 1958 Cap. 164	Public Collections (Regulation) Act
72	L.L. of N. 1958 Cap. 165	Public Health Act
73	L.L. of N. 1990 Cap. 379	Public Officers Protection Act
74	L.L. of N. 1958 Cap. 171	Publications Act
75	L.L. of N. 1958 Cap. 176	Recovery of Premises Act
76	L.L. of N. 1958 Cap. 178	Registration (Births, Deaths and Marriages) Act
77	L.L. of N. 1958 Cap. 181	Registration of Titles Act

<i>Serial No.</i>	<i>Chapter or Number</i>	<i>Short title</i>
78	L.L. of N.N. 1963 Cap. 117	Riot Damages Law
79	L.L. of N. 1958 Cap. 184	Road Traffic Act
80	L.L. of N. 1961 No. 36	Road Traffic (Amendment) Act 1961
81	L.L. of N. 1958 Cap. 187	Sales by Auction Act
82	L.L. of N.N. 1963 Cap. 122	Sharia Court of Appeal Law
83	L.L. of N. 1990 Cap. 407	Sheriffs and Civil Process Act
84	L.L. of N. 1990 Cap. 411	Stamp Duties Act
85	L.L. of N. 1958 Cap. 45	State Lands Act
86	L.L. of N.N. Cap. 129	Survey Law
87	L.L. of N.N. Cap. 130	Town and Country Planning Law
88	L.L. of N. 1958 Cap. 207	Unlicensed Guides (Prohibition) Act
89	L.L. of N. 1958 Cap. 208	Vaccination Act
90	L.L. of N. 1962 Vol. VI	Vehicle Licences Act 1962
91	L.L. of N.N. 1958 Cap. 213	Water Works Act
92	L.L. of N.N. 1963 Cap. 140	Wild Animals Preservation Law
93	L.L. of N.N. 1963 Cap. 141	Yellow Fever and Infectious Diseases (Immunisation) Law

FEDERAL CAPITAL TERRITORY ACT

SUBSIDIARY LEGISLATION

No subsidiary Legislation