

FEDERAL GOVERNMENT STAFF HOUSING BOARD ACT

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FEDERAL GOVERNMENT STAFF HOUSING BOARD ACT

An Act to establish the Federal Government Staff Housing Board to administer a housing loan scheme for Federal Public Officers and for other matters connected therewith.

[1974 No.6.]

[Commencement.]
1972]

[17th May,

1. Establishment of the Federal Government Staff Housing Board

(1) There is hereby established a body to be known as the Federal Government Staff Housing Board (hereinafter referred to as "the Board").

(2) The Board shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its own name.

2. Duty of the Board

It shall be the duty of the Board, within the limit of its resources and in accordance with regulations made by the Board under section 11 of this Act, to grant advances to persons eligible to receive them under this Act for the purpose of-

- (a) building a residential house in Nigeria for use of the applicant or of his family; or
 - (b) purchasing a parcel of land in Nigeria on which such residential house is to be built;
- or
- (c) purchasing a residential house in Nigeria for the use of the applicant or his family;
- or
- (d) improving or extending a residential house in Nigeria for use by the applicant or his family being a house owned by the applicant and to which he has a valid and good title acceptable to the Board,

and for such other matters in connection with anyone or more of the foregoing as the Board may deem fit in the circumstances.

3. Composition of the Board

(1) The Board shall consist of a chairman who shall be the Permanent Secretary, Federal Ministry of Works and Housing, or his deputy, and the following other members that is-

[1977 No. 43.]

- (a) the Chief Federal Lands Officer or his representative;
- (b) the Chief Architect, Federal Ministry of Works and Housing, or his representative;
- (c) the Deputy Accountant-General of the Federation or his representative;
- (d) a Legal Adviser nominated by the Solicitor-General of the Federation;
- (e) a representative of the Staff side of the Federal Public Service Negotiating Council I;
- (f) a representative of the Staff side of the Federal Public Service Negotiating Council II;
- (g) a representative of the Staff side of the Federal Public Service Negotiating Council III;
- (h) the Permanent Secretary of the Federal Civil Service Commission, Establishment Department; and
- (i) a representative of the Armed Forces.

(2) The President may by order published in the Federal Gazette increase or reduce the membership of the Board.

4. Proceedings of the Board

(1) Subject to the provisions of this Act, the Board may regulate its own proceedings and its meetings shall be convened by the chairman as and when required.

(2) The chairman shall preside at meetings of the Board but if the chairman is absent at any meeting the members present shall elect one of their number to preside at that meeting.

(3) Four members of the Board, including the chairman, shall form a quorum.

5. Secretary and other officers and servants of the Board

(1) There shall be appointed by the Board as Secretary, a member of the public service of the Federation who shall be the Chief Executive Officer of the Board and who shall have such qualifications and experience as are appropriate for a person required to perform the functions of his office by virtue of this Act.

(2) The Board may appoint other persons who shall also be members of the public service of the Federation to be officers and employees of the Board as the Board may determine to assist the Secretary in the exercise of his functions.

(3) The remuneration and tenure of office of the Secretary and other officers and servants of the Board shall be determined by the Board after consultation with the Minister.

6. Power of Minister to give directions to the Board and to obtain information

(1) The Minister may give to the Board directions of a general character or relating generally to particular matters (but not relating to any individual case) with regard to the exercise by the Board of its functions under this Act, and it shall be the duty of the Board to comply with such directions.

(2) The Minister may by notice in writing, either generally or otherwise, require the Board or any of its officers or employees to furnish information with respect to the activities of the Board.

7. Persons eligible to receive advances

(1) Subject to subsection (2) of this section, a person shall be eligible to receive an advance from the Board under this Act if-

(a) he is a member of the public service of the Federation;

(b) he holds a pensionable office in such service or is a contributor to a provident fund;
and

(c) he has been confirmed in the service.

(2) In the case where a person has previously obtained a housing loan from public funds, such a person shall be eligible to receive an advance from the Board if-

(a) he is in every other respect eligible for a loan under this Act; and

(b) the loan being applied for would be expended on the residential house in respect of which a loan was previously granted from the public funds; and

(c) the amount of the loan to be granted shall not be more than the difference between the present cost or value of the house (whichever is greater) and that person's current entitlement under this Act.

(3) In this section, "public service of the Federation" means public service of the Federation within the meaning of the Constitution of the Federal Republic of Nigeria 1999 and includes-

[Cap. C23.]

(a) service as a Justice of the Supreme Court, the Court of Appeal, the Federal High Court or any court established by a Federal enactment; and

(b) service in the Nigerian Army, the Nigerian Navy, the Nigerian Air Force, the Nigerian Police Force and the Nigerian Prison Service.

8. Funds of the Board

(1) The funds of the Board shall consist of-

- (a) the funds vested in the Board under section 10 of this Act;
- (b) such funds as may from time to time be provided by the Federal Government; and
- (c) such other sums as may be collected or received by the Board in the execution of its functions under this Act.

(2) Disbursements from the fund shall be made in accordance with the rules made under section 23 of the Finance (Control and Management) Act and, without prejudice to the foregoing, rule 17 of the Public Funds of the Federation (Disbursement) Rules shall continue in force and have effect as if made under this subsection.

[Cap. F26.]

9. Accounts and audit

The Board shall keep proper accounts of its payments, receipts, assets and liabilities and shall submit the same once every year for auditing by the Auditor-General of the Federation.

10. Vesting of assets, etc., in respect of the African Staff Housing Scheme

All assets, liabilities, rights and obligations vested in the Board established under a scheme known as the African Staff Housing Scheme or vested in any person or authority (including the Government of the Federation) in respect of or in connection with the said Scheme (not being assets, liabilities, rights or obligations of a person on account of an advance received under the said Scheme) shall as from the commencement of this Act vest in the Board established by this Act and-

- (a) all pending applications under that Scheme;
- (b) all advances granted; and
- (c) anything whatsoever done,

under or in connection with the said Scheme shall be deemed to have been made, granted or done under this Act.

11. Regulations

The Board may, with the approval of the Minister, make regulations generally for the purposes of this Act; and without prejudice to the generality of the foregoing the regulations may-

- (a) provide for the making of applications for advances;
- (b) prescribe the amount of advance available in any particular case and the conditions applicable to the granting of such advance;
- (c) specify the nature of title to land acceptable to the Board;
- (d) prescribe the manner of repayment of advances granted.

12. Execution of documents by or on behalf of the Board, etc.

(1) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal, may be entered into or executed on behalf of the Board by any person generally or specifically authorised by it for the purpose.

(2) The fixing of the seal of the Board shall be authenticated by the signature of the chairman or some other member authorised generally or specifically by the Board to act for that purpose.

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

13. Interpretation

In this Act, unless the context otherwise requires-

"Board" means the Federal Government Staff Housing Board established by section 1 of this Act;

"Minister" means the Minister charged with responsibility for matters relating to works and housing;

"Secretary" means the Secretary appointed pursuant to section 5 of this Act. 14. Short title

This Act may be cited as the Federal Government Staff Housing Board Act.

FEDERAL GOVERNMENT STAFF HOUSING BOARD ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Federal Government Staff Housing Board Regulations.

FEDERAL GOVERNMENT STAFF HOUSING

BOARD REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATIONS

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SCHEDULE

FEDERAL GOVERNMENT STAFF HOUSING

BOARD REGULATIONS

[L.N. 32 of 1974.]

under section 11

[Commencement.]

[10th May, 1974]

1. Application for advance

An application for an advance shall be in the form specified in the Schedule to these Regulations and shall be addressed to the Secretary through the applicant's Head of Department.

2. Production of offer guaranteeing clear title or vacant possession

(1) An application for an advance to purchase land shall not be considered by the Board unless the applicant produces a written offer of sale from the vendor guaranteeing to transfer a clear title immediately upon completion of the purchase.

(2) An application for an advance to purchase a house shall not be considered by the Board unless the applicant produces a written offer from the vendor guaranteeing vacant possession of the house to the applicant immediately upon completion of the purchase.

3. Board to be satisfied as to general suitability of land or house

(1) The Board shall not grant an advance to purchase land or a house unless it is satisfied as to-

- (a) the size, situation and general suitability of the land or house for residential purposes;
- (b) the value of the land or house as assessed by or on behalf of the Board;
- (c) in the case of a house, the state of repair of the house; and
- (d) the adequacy of the title which the vendor is able to transfer to the applicant.

(2) The Board shall not grant an advance to build a house unless it is satisfied that the applicant has a clear title to the land on which the house is to be built and that the site is suitable in size, location, healthiness and value.

(3) The Board shall not grant an advance in any case in which it is satisfied, after taking into consideration the financial and other circumstances of the applicant, that it will be inexpedient for the Board to grant such advance.

4. Amount of advance

(1) Without prejudice to paragraph (2) of this regulation, the amount of advances that may be granted shall be as follows-

- (a) to build or improve a house, an amount equal to five times the applicant's annual salary or N20,000 whichever is less;
- (b) to purchase a house, the value of the house as assessed by the Board or an amount equal to five times the applicant's annual salary or N20,000 whichever of the three is the least;
- (c) to purchase land, the value of the land as assessed by the Board or an amount equal to the applicant's annual salary, whichever is less.

(2) Notwithstanding the provision of paragraph (1) of this regulation, where the applicant is not less than 45 years old, the advance may be further limited to an amount which the applicant is, in the opinion of the Board, in a position to refund in instalments equated to the number of years by which his age, at the date the advance is approved, falls short of 54 years.

(3) Fees chargeable for stamp duties, registration of title, preparation of plans and other incidental expenses in respect of an advance, shall be payable by the borrower but the Board may, at the request of the borrower, pay such fees if the total loan to be granted does not exceed the amount of the advance to which the applicant is entitled under paragraph (1) of this regulation.

5. Further advance

An applicant who has been granted an advance to purchase land may be granted a further advance to build a house thereon but the amount of the advance shall be such that the amount outstanding at

any time shall not exceed a total of five times the applicant's annual salary or N20,000 whichever is less.

6. Deposit where cost of building exceeds advance

Where an application is for an advance to build or complete the building of a house and the estimated completed cost of the house exceeds the amount of the advance to which the applicant is entitled under regulation 4 of these Regulations, the Board shall only grant the advance if-

(a) the difference between the advance required and the estimated cost of the building is deposited with the Board; or

(b) a certificate is received from an officer appointed by the Board that the value of the work executed and fixed in position is not less than the difference between the advance and the estimated completed cost of the building.

7. Mode of payment of advance

Advances for the purpose of building, improving or extending a house shall be paid out in two instalments only.

8. Land or house to be mortgaged to the Board

A person who has received an advance to purchase land or to build, improve or purchase a house under these Regulations, shall mortgage the land or building as a first mortgage to the Board and shall deposit the title deeds to the land or house with the Secretary.

9. Plans, specifications, etc.

Plans, specifications and bills of quantities required for the purposes of these Regulations shall be prepared under the direction of an architect and shall be submitted to the Board for approval.

10. Interest on advances

All advances made under these Regulations shall bear interest at a rate to be determined from time to time by the Accountant-General of the Federation.

11. Repayment of advances

Advances under these Regulations shall be payable as follows-

(a) in the case of advances to purchase land, within a period of not more than five years, the first instalment being paid in the month following the month of payment for the land;

(b) in the case of advances to build, extend or purchase a house, within a period of not more than 25 years, the first instalment being paid in the month following the completion, extension or improvement or purchase of the house:

Provided that the Board may at its discretion, order the repayment of an advance or part thereof or any instalment repayment thereof at any stage before the completion or extension of the house or purchase of the land or house, if it considers that there is an unreasonable delay in the completion or extension of the house or transaction relating to the purchase of the land or house.

12. Monthly instalments to be a charge on applicant's income

Repayment of an advance together with interest thereon shall be by consecutive equated monthly instalments and shall be a standing charge on the salary or income of the borrower over the period of the advance.

13. Variation of monthly instalments

(1) The Board may, upon application by the borrower, agree that the amount of monthly repayment be increased so as to effect a speedier repayment but the method of repayment shall remain by consecutive equated monthly instalments.

(2) Repayment of the advance in whole or in part, together with interest, may be made by the payment of lump sums, so however that if the repayment is not made in full, the amount of the monthly instalments of repayment of the balance shall be recomputed.

14. Compounding of advances in certain cases

Where building operations are commenced within twelve months of the receipt of an advance to purchase land and a further advance is granted for the purpose of the building, the outstanding balance of the first advance shall, on the completion of the house, be compounded with the subsequent one and the compounded advance shall be repayable thereafter as though it were a single advance to build a house.

15. Deductions from pensions, gratuities

(1) A pensionable officer shall be required by the Board to agree to deduction being made from any pension or gratuity which may be granted to him upon retirement if he retires before completing the repayment of any advance granted to him or from any gratuity which may be granted to his personal representatives in the event of his death whilst in the public service.

(2) An officer who contributes to a provident fund shall be required by the Board to provide, as security for an advance to him, any sum outstanding to his credit in such provident fund.

16. Resignation

In the event of a person resigning his appointment or being dismissed from the public service before any advance received is fully repaid, the Board may thereupon exercise its right of foreclosure under the mortgage unless-

(a) the outstanding balance of the advance is paid upon such resignation; or

(b) arrangements satisfactory to the Board are made by the borrower to liquidate the advance.

17. Death

In the event of an officer dying before the repayment of an advance granted to him is completed, the Board may exercise its right of foreclosure under the mortgage unless arrangements satisfactory to the Board are made by the officer's personal representatives for the repayment of the advance.

18. Special power to order repayment of advance

Where it appears to the Board that any sum, being the whole or part of an advance, has not been applied for the purposes for which the advance was granted, the Board may order such sum to be repaid to the Board within the time mentioned in the order, and any sum so ordered to be repaid shall thereupon become a debt due to the Board.

19. Insurance

(1) A house built, improved, extended or purchased under these Regulations shall be insured by the Board, at the borrower's expense, with the National Insurance Corporation of Nigeria (or any other insurance company sponsored by the Federal Government) against damage by fire, flood and lightning for its full established value or actual cost throughout the period of repayment of the advance.

(2) The insurance policy shall be taken out in the joint names of the Board and the borrower.

(3) The cost of the premiums in respect of the insurance shall be deducted from the salary of the borrower.

20. Letting

(1) Where a borrower who has received an advance to build, improve or purchase a house lets or sublets the house or any part thereof when the advance has not been fully repaid, the Board may require him to enter into an agreement with the Board whereby a proportion of the rent collected may be paid to the Board.

(2) Any sum paid to the Board pursuant to paragraph (1) of this regulation shall be credited to the borrower's account.

21. Structural alterations

Except with the prior approval of the Board, no structural alteration to any house in respect of which an advance has been obtained shall be undertaken during the period when any part of the advance remains to be repaid.

22. House to be kept in proper repair

A person who has received an advance from the Board to build, improve, extend or purchase a house, shall keep the house in a proper state of repair during the period of the repayment of the advance.

23. Supplementary powers

Notwithstanding anything to the contrary in these Regulations, the Board may grant an advance for any of the purposes specified in these Regulations, subject to such other terms and conditions as the Board may at its discretion determine.

24. Interpretation

In these Regulations, unless the context otherwise requires-

"applicant" means an officer who has applied for an advance pursuant to these Regulations;

"the Board" means the Federal Government Staff Housing Board established under section 1 of the Act;

"clear title" means the best title obtainable in any particular case and is one which, in the opinion of the Board, is good and reasonable security for a loan under these Regulations;

"Secretary" means the Secretary to the Federal Government Staff Housing Board appointed under section 5 of the Act.

25. Short title

These Regulations may be cited as the Federal Government Staff Housing Board Regulations.

SCHEDULE

Federal Government Staff Housing Board Application form

[Regulation 1. (FGSHB 1).]

1. (a) Surname Mr/Mrs/Miss)
(b) Other names (in full).....
2. (a) Ministry or Department
(b)
Section/Division.....
3. Date of
birth.....
4. Age
.....
5. (a) Date of original appointment.....
(b) Is appointment pensionable, or subject to a contributory provident
fund.....
(b) Number of years served in (b).....
- 6 Rank.....
7. (a) Present salary.....
(b) Salary scale
(c) Incremental date
8. If a married woman, state:
(a) Name and official address of
husband.....
(b) Whether or not husband is a civil
servant.....
(c) Number of
children.....
(d) Ages.....
.....
9. (a) Whether confirmed in a pensionable
appointment.....
(b) If so, Gazette or other
particulars.....

10. If a contributor to the provident fund, please state:
- (a) Name of provident fund
- (b) Registration number in provident fund.....
- (c) Amount standing to your credit in provident fund.....
11. (a) Residential address
- (b) Name and address of landlord
- (c) Rent payable
12. Purpose for which advance is required: (Put X where appropriate):
- (a) Building a residential house.....
- (b) Purchasing a residential house.....
- (c) Completing the building of a residential house
- (d) Improving or extending your residential house
- (e) Purchasing a parcel of land.....
13. Amount of advance required.....
14. Number of years proposed for repayment of advance.....
15. (a) Description of property
- (b) Town or village where situated
- (c) Division/province where situated
- (d) State where situated
16. Title to land:
- (a) Freehold or leasehold
- (b) Type of title hold (statutory, customary, etc.)
- (c) Type of document (land certificate, deed of conveyance, certificate of occupancy, etc.).....
- (d) Description and registration particulars of title-deeds
17. Particulars of owner/vendor/lessor:

(a)

Name

.....

(b) Postal address

18. Type of building or improvement/extension required

19. Have you, currently, an advance:

(a) To purchase a vehicle?

If so, please furnish:

(i) Repayment conditions

(ii) Balance outstanding

(iii) Any other particulars

(b) For any other purpose? .

If so, please furnish:

(i) Repayment conditions

(ii) Balance outstanding

(iii) Any other particulars

20. Do you-

(a) Own any landed property anywhere in the country?.....

If so, please furnish:

(i) Location and description

(ii) Amount of rent derived therefrom

(b) Have any source of income other than your salary?

(c) Hold an insurance policy on your life?

If so, for what sum and with which company?

21. Other particulars which may assist the Board in assessing the merits of your application

Declaration of applicant

I hereby declare that the particulars furnished in the above statement are true; that the house is required for the residential purpose of myself and/or family; that I fully understand the conditions under which the money will be advanced as embodied in the Regulations; that I will undertake not to sublet the house nor to make any alterations to the buildings without the Board's approval.

.....
Signature

Date

Rank

Certificate of head of department

I CERTIFY that the particulars furnished by Mr/Mrs/Miss

in the above statement are true to the best of my knowledge and belief; that the work and conduct of the applicant have been uniformly satisfactory, and that I can recommend the applicant as being worthy in every respect of the loan for which he applies.

.....
nature

Date

Title

Sig