

KADUNA STATE URBAN AND REGIONAL PLANNING LAW, 2018

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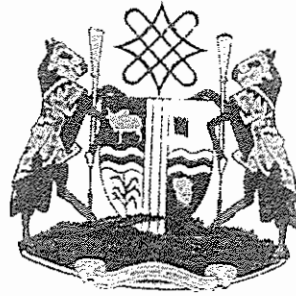
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KADUNA STATE URBAN AND REGIONAL PLANNING LAW, 2018



Kaduna State of Nigeria

Law No. 31 2018

(1st December 2018)

Date of Commencement

BE IT ENACTED by the House of Assembly of Kaduna State as follows:

Enactment

PART I

PRELIMINARY

1. This Law may be cited as the Kaduna State Urban and Regional Planning Law, 2018.

Short Title

2. This Law comes into operation on the^{1st} day ofDecember..... 2018.

Commencement

3. In this Law:

Interpretation

"Authority" means the Local Planning Authority established under this Law;

"Board" means the Local Planning Board;

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

"Commercial development" means any development or use of land or any building on the land for any profit making venture;

"Commissioner" means the Commissioner charged with the responsibilities for matters relating to Works, Housing and Transport in the State;

"Development Control Department" means any department performing the duties of urban planning and development control in the State or Local Government as the case may be;

"Development" means the carrying out of substantial building constituting at least 25% of the total built up area, or engineering, mining or other operations in, on, over or under any land, or the making of any environmentally significant change in the use of land.

"Development permit" means a permission to develop any land or building granted by the Authority empowered to give such permission under this Law;

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

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

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

"Government" includes Federal, State or Local Government and its agencies;

"Governing Board" means the Governing Board established under this Law;

"Industrial development" means any development or use of land or any building on land for the purpose of producing goods and services;

"Institutional development" means any development on land for the purpose of social and community development or other non-profit ventures;

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

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

- (a) district plans which are plans designed for areas where factors in local planning need to be set out comprehensively; and
- (b) action area plans which are plans for areas indicated (or identified) for action by structure plans i.e. where changes by development, re-development, or improvement needs to be affected.

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

"Physical development plan" means any of the plans set out under this Law and includes any schemes, plans or master plans approved under authority of any legislation repealed by this Law or made under any other authority of any legislation approved under this Law;

"Plan" means land use proposal expressed in words and graphics that are georeferenced;

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

"Rural area" means any part of the State which is not declared an urban area;

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

"Tribunal" means the Planning Tribunal established under this Law; and

"Urban area" means any area designated in accordance with section 3 of the Land use Act.

PART II

ESTABLISHMENT, POWERS AND FUNCTIONS OF THE AUTHORITY

4. (1) There is hereby established an Authority to be known as the Kaduna State Urban Planning and Development Authority (KASUPDA) (hereinafter referred to as the Authority). Establishment powers and functions of the Authority
- (2) The Authority shall be:
- a. a body corporate;
 - b. with perpetual succession and a common seal; and
 - c. with powers to sue and be sued in its corporate name.
- (3) The Authority shall exercise the following functions:-
- (a) Formulation of a State Policy for Urban Planning within the framework of National policies;
 - (b) Control of Physical Developments and Outdoor Advertisements in the designated urban areas;
 - (c) Issuance of Planning/Development Permits in the designated urban areas;
 - (d) Preparation and implementation of State, Local, urban and subject plans within the State;
 - (e) Promotion and conduct of research for urban and regional planning;
 - (f) Dissemination of research results for adoption by user organizations;
 - (g) Supervision and provision of technical assistance to local governments in the preparation and implementation of local, rural and subject plans; and
 - (h) Such other functions as may be assigned to it by the Governor.

5. (1) There shall be for the Authority a Governing Board to be appointed by the Governor. Governing Board

(2) the Governing Board shall comprise of the following:

(a) A Chairman who shall have a relevant experience in planning and or other related fields;

(b) One representative of the following professions:

(i) Town planning;

(ii) Architecture;

(iii) Civil Engineering;

(iv) Quantity Surveying;

(v) Land Surveying;

(vi) Law;

(vii) Building; and

(viii) Estate Surveying.

Such representative must be a registered member of the profession.

(c) One representative, not below the rank of a Director from the Ministries, Department and Agencies responsible for matters relating to:

(i) Environmental Protection;

(ii) Water Resource;

(iii) Land Administration;

(iv) Housing;

(v) Local Government;

(vi) Planning and Budget; and

(vii) Justice.

- (d) The Director-General of the Authority; and
- (e) One member from each of the three Senatorial Districts at least one of whom shall be a woman.

6. (1) The Governing Board shall supervise implementation of the functions vested in the Authority under this Law:

- (a) Submit annual reports on its operation to the Governor;
- (b) Have powers to make regulations for the effective performance of the Authority; and
- (c) Perform such other functions as may be assigned to it by the Authority or the Governor.

(2) The Chairman and members shall hold office for a term of four (4) years in the first instance, and shall be eligible for re-appointment for another term of four (4) years only.

(3) A member may, at any-time resign his membership by sending a notice of resignation in writing to the Governor.

(4) The office of a member shall be declared vacant in any of the following circumstances:

- (a) Is convicted of an offence involving fraud or dishonesty;
- (b) Is Physically or mentally incapacitated;
- (c) Has become bankrupt;
- (d) Is found to have conflicting financial or other interest which is prejudicial to the Authority;
- (e) Is removed in the public interest; and
- (f) Is guilty of gross misconduct.

(5) The Chairman and members of the Governing Board shall be entitled to such remunerations and allowances as may be determined by the Governor.

7. (1) There shall be appointed by the Governor for the Authority, a Director-General, who shall be the Chief Executive Officer, and be responsible for the day-to-day administration of the Authority.

Appointment of
Director-General

(2) The Director General shall possess cognate experience in the public service or private sector with a minimum of 15 years of post-graduate experience.

(3) The Director General shall hold office for a period of 4 years and may be re-appointed for another term of 4 years only.

8. (1) There shall be appointed by the Governing Board a Secretary who shall be a legal practitioner of not less than (10) years cognate experience.

Appointment of
Secretary

(2) The Secretary shall be responsible to the Director General for:

(a) Making arrangements for meetings of the Governing Board;

(b) Preparation of the agenda and minutes of meetings;

(c) Keeping proper records of proceedings of the Authority;

(d) Obtaining professional advice on matters concerning the Authority;

(e) Making arrangement for payment of fees and allowances of members; and

(f) Performing such other duties as may be assigned to him from time to time by the Governing Board or the Director General.

9. The Authority shall have such Departments and units as may be considered necessary for the purpose of carrying into effect the provisions of this law.

Departments and Units

10. The Pension Law in the State shall apply to all the public officers and staff of the Authority.

Pension

PART III

STRUCTURE OF THE AUTHORITY

11. (1) The State shall have the following development plans:

Types of Physical
Development Plans

- (a) a regional plan;
- (b) sub-regional plan;
- (c) an urban plan;
- (d) a local plan; and
- (e) a subject plan.

(2) The Local Government shall have the following plans:

- (a) a rural area plan;
- (b) a local plan; and
- (c) a subject plan.

12. (1) There shall be at least one Zonal Physical Planning Office at each Senatorial District for effective performance of the functions of the Authority.

Zonal Physical Planning
offices

(2) The Zonal Offices shall perform the following functions:

- (a) Supervise the Board with a view to ensuring strict compliance with the provisions of this Law;
- (b) Render such advice to the Authority or the Board as the case may be, on the physical and development needs of their respective zones;
- (c) Have power to issue such queries to the Authority to recommend such sanctions as may be necessary;
- (d) And Undertaking development control activities within its area of Jurisdiction; and
- (e) Exercise such other functions as may be vested in it from time to time by the Authority.

(3) The Director General shall appoint such number of staff as may be necessary for the effective performance of the functions of the Zonal Offices.

(4) Undertaking development Control activities within its area of jurisdiction.

13. (1) There shall be in each Local Government of the State a Local Planning Board. The Local Planning Board shall comprise the following members nominated by the Local Government Council subject to the Approval of the Authority:

Local Planning Board

(a) A Chairman;

(b) Three (3) representatives of the Wards in the Local Government Area at least one of whom shall be a woman to be appointed by the Local Government Council Chairman in consultation with the Director-General;

(c) One representative each of the following professions who shall be a registered member of the relevant profession to be appointed by the Local Government Chairman in consultation with the Director-General, at least two must be women:

(i) Architecture;

(ii) Civil Engineering;

(iii) Land Surveying;

(iv) Law; and

(v) Town Planning;

(d) The Head of Works in the Local Government who shall be the Secretary of the Board.

(e) Two representatives of the Traditional Institution in the Local Government to be appointed by the Local Government Chairman.

14. (1) The Local Planning Board shall be responsible for:

Functions of the Local Planning Board

(i) Preparing rural, local and subject plans;

- (ii) Preparing and submitting annual reports of the activities of the Authority; and
- (iii) Recommend to the Governor where necessary to acquire any land in the area which is:
 - (a) suitable for and required in order to secure the carrying out of development, redevelopment or improvement; or
 - (b) required for a purpose which is necessary to achieve in the interest of the proper planning of an area in which the land is situated.
- (2) The Board shall be bound by the regulations made by the Authority.

PART IV

PROCEDURE FOR PREPARATION OF STATE PHYSICAL DEVELOPMENT PLANS

- 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 Authority shall, during the preparation of the Physical Development Plan, call for submissions from all relevant government agencies, non-governmental organisations and interested members of the public whose contribution shall serve as part of the input towards the preparation of a draft State Physical Development Plan.
- (2) The Authority may make rules as to the manner and method of notice and method of submission of inputs referred to in subsection (1) of this section.
- (3) The Secretary to the Authority shall collate all the submissions made in compliance with the provisions of this section.
- 16. (1) The Authority shall appoint a technical committee for the purpose of analysing collated submissions received under this Law.
- (2) The technical committee shall have the responsibility for evaluating the proposals submitted, preparing and exhibiting

Procedures for
Preparation of State
Physical Development
Plans

Appointment and
Functions of Technical
Committee

the draft State Physical Development Plan for the purposes of this Law.

17. Any member of the Public, Local Governments, governmental and non-governmental organizations and professional bodies during the period of exhibition of the draft State Physical Development Plan may submit to the Authority written statements of their objections to anything appearing in the plan. Objections to and Approval of draft Plan
18. (1) The Authority shall prepare schedules of summaries of the objections and comments submitted to it. Authority to Prepare Summary of Objections and Comments
- (2) The Secretary of the Authority shall submit such schedules within a period of two months after the final day of exhibiting the draft State Physical Development Plan to the technical committee which shall review the objections and comments and prepare a revised draft Plan reflecting the objections and comments.
19. The Authority shall, within a period of Thirty (30) days meet to consider the revised draft State Physical Development Plan together with the accompanying schedule of objections and comments. Scrutiny of Comments and Objections
20. Upon consideration of all objections and comments on the Revised plan, the Authority shall prepare and submit a final draft plan, with or without amendments, to the State Executive Council for approval. Submission of Final Draft
21. (1) Upon the receipt of the final draft plan, the State Executive Council shall have powers to:
- (a) approve it wholly;
 - (b) approve part of it; or
 - (c) refer it to the Agency for further consideration and amendment of the whole or part thereof.
- (2) The State Physical Development plan approved, shall be referred to as an "Operative State Physical Development Plan" and shall be published in the Gazette, website and two national dailies.

22. (1) Copies of the Operative State Physical Development Plan, certified by the Governor, shall be deposited with the Authority and the Local Government for the purpose of safe-keeping.
- Deposit of the Operative State Physical Development Plan
- (2) Copies of the plan referred to in subsection (1) of this section shall be made available for sale to members of the public at a price to be determined by the Authority.
23. (1) The Operative State Physical Development Plan shall be reviewed every five (5) years to reflect socio-economic changes in the State.
- Review of the Operative State Physical Plan
- (2) The procedure for the review of the State Physical Development Plan shall be the same with the procedure for the making of a State Physical Development Plan, as specified in this Law.
24. The provisions of the Operative State Physical Development Plan shall be adhered to by the Authority as well as other public, private organisations and individuals.
- Adherence to Provisions of Operative State Physical Development Plan
25. (1) The procedure for making the State Physical development Plan shall be adopted with necessary modifications in the making of the Local or Rural plan and Urban/master plan.
- Procedure for making State, Local, Rural Plan, etc
- (2) The procedure for the making of a town plan, a rural plan, a local plan, and a subject plan shall be in line with the State plans.
26. Subject plans shall be approved by the Authority and the Local Authorities respectively.
- Subject Plans

PART V

APPROVAL OF THE AUTHORITY OR BOARD BEFORE DEVELOPMENT

27. (1) Approval of the relevant Authority or Board shall be obtained for any land development.
- Approval of the Authority or Board before Development
- (2) Every Developer shall submit a development plan for the approval of the relevant Authority or Board. Failure which it shall be subject to removal without notice.

28. Notwithstanding the existence of any law to the contrary, Government and its Agencies involved in development of land shall obtain approval of the relevant Authority or Board before embarking on any development. Government Agency to Obtain Approval of the Authority
29. (1) A Developer (whether private or government) shall apply for a development permit in such manner using such forms and providing such information including plans, designs, drawings and any other information as may be prescribed by regulation made pursuant to this section. Application for a Development Permit
- (2) A plan required to be made under this Law shall be prepared by a registered architect or town planner or engineer and shall be in accordance with the provisions of this Law.
30. An application for a development permit may be rejected if: Grounds of Rejection of a Development Application
- (a) the plan is not in accordance with an approved physical development plan;
- (b) the plan is in the course of preparation;
- (c) in the opinion of the Authority or Board, the development is likely to have major impact upon the environment, facilities, or inhabitants of the community or contents such additional facilities which are not within the estimation of the Physical Development Plan for that community;
- (d) in the opinion of the Authority or Board, the development is likely to cause a nuisance to the inhabitants of the community; or
- (e) the development is not in accordance with any other conditions which may be specified under any regulations made pursuant to this Law.
31. The Authority or Board may consider representations made to it by a person, body or organization to be affected by an intended development. Consideration of Representation by a Developer
32. A developer shall at the time of submitting his application for development, submit to the appropriate Authority or Board a certificate of compliance from Kaduna Environmental Protection Agency of Environmental Impact Assessment (EIA) in respect of developments specified under any regulations made pursuant to this Law. Submission of Environmental Impact Assessment (EIA)

33. (1) The Authority or relevant Board may:
- (a) approve or reject an application for development permission; or
 - (b) delay approval of an application subject to fulfilment of stipulated conditions.
- (2) The Authority or Board may delay the approval of an application for development permit if circumstances so require that:
- (a) the developer may at its own expense:
 - (i) provide public infrastructure and facilities;
 - (ii) provide necessary commercial facilities;
 - (iii) provide necessary social, recreational, communal facilities; or
 - (iv) pay a sum of money in lieu, to the Authority or Board for providing the facilities mentioned in sub-paragraphs (i) and (ii) of this section.
 - (b) The developer enters into an agreement with an individual, corporate or unincorporated body in respect of any matter the Authority or Board deems to be necessary for the development;
 - (c) The Developer pays such fee or other charges imposed by the Authority or Board; and
 - (d) The developer shall comply with any other condition stipulated by regulations made under this Law.
- (3) In reaching its decision under sub-section (1) and (2) of this section, the Authority or Board shall comply with:
- (a) The policy and proposal of an approved plan applicable to a locality within its area of jurisdiction;
 - (b) A proposed plan or an approved plan under review; and

(c) Any other consideration particularly applicable to a locality pursuant to regulations made under this Law.

(4) Subject to such directives as may be given by the State or Local Government, the Authority or Board may delay the approval of an application for development permission for a period of time not exceeding three (3) months.

(5) The Authority or Local Planning Board's decision on an application for development permit shall be communicated to the applicant in writing.

(6) Where the Authority or Board decides not to approve an application it shall give reasons for its decision.

(7) The Authority or Board's decision shall be conclusive evidence of information stated therein.

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

34. (1) The Authority or Board shall enforce all the rights and duties attached to a development permit against a developer.

Enforcement of right and duties attached to a Development Permit valid for one year

PROVIDED that where a developer transfers or assigns his interest, the Authority or Board shall enforce all the rights and duties attached to a development permit against a holder of a right or occupier for the time being.

(2) A development permit granted to a developer shall remain valid for 12 months from the date of communication of the approval of a development permit to a developer.

(3) Where a developer fails to commence development within twelve (12) months, the development permits shall be subject to re-validation by the Authority which issued the original permit upon payment of any relevant fees and charges.

35. The conditions attached to the grant of a development permit by the Authority shall not conflict with the conditions attached to a grant of a Certificate of Occupancy or a Customary Right of Occupancy.

Conditions for grant of Development Permit to Conform with Conditions of Issue of Certificate of Occupancy

36. (1) Conditions attached to the grant of a development permit may be altered, amended, varied or withdrawn by the Authority or Board which shall serve a notice of its intention on the holder for the time being of a development. Alteration, Amendment, etc, of Condition Attached to Grant of Development Permit
- (2) The notice required to be served by subsection (1) of this section shall state the reason for the proposed action of the Authority or Board.
- (3) The Authority or Board shall consider any representation made to it by the developer or the holder for the time being of a development permit.
- (4) The Authority or Board's decision on subsection (1) of this section shall be communicated in writing to a developer or a holder for the time being of a development permit.
37. A dissatisfied developer or holder for the time being of a development permit may appeal to a tribunal set up to hear appeals under this Law within 28 days of service of a notice under this section by the Authority or Board. Appeals against Alteration, Amendment, etc, of Conditions Attached to Grant of a Development Permit
38. (1) A development permit already granted and communicated to a developer or holder for the time being may be withdrawn by the Authority or Board which shall serve a notice of its intention to revoke the development permit. Withdrawal of Development Permit by the Authority/Board
- (2) The notice in subsection (1) of this section shall state the reasons for the withdrawal of the development permit.
- (3) The Authority shall consider any representation made to it by a developer.
39. (1) A dissatisfied developer or holder for the time being of a development permit may appeal against the decision of the Authority in the first instance to the Governing Board or any constituted Authority of the Governing Board. Appeal against withdrawal of a Development Permit
- (2) An appeal against the Local Planning Board's decision shall be made to the Director-General.
- (3) An appeal against the decision of the Governing Board shall be made to a tribunal set up to hear appeals under this Law within 28 days of service of a notice under this section by the Authority.

40. In the exercise of its functions under section 33 of this Law, the Authority shall:
- (a) have regard to all matters and conditions specified by the provisions of this Law prior to granting a development permit; and
 - (b) take into account matter of over-riding public interest as provided for in section 27 (2) & (3) of the Land Use Act.

Conditions for withdrawal of Development Permit

41. Compensation shall be payable for the withdrawal of a development permit to a developer or the holder for the time being of a development permit if:
- (a) development commenced; and
 - (b) the developer has incurred any expense or has suffered a loss during the process of obtaining the development permit.

Compensation payable for withdrawal of development permit

42. (1) The amount of compensation payable under section 41 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 withdrawal and shall not be in the form of payment of damages or in excess of the sum incurred by the developer.
- (2) No compensation shall be payable under this section if:
- (a) a development is not in accordance with the terms and conditions under which the development permit was granted;
 - (b) the right of occupancy of the land on which a development was to take place has been cancelled or withdrawal on the ground that the applicant did not comply with the requirements of the Land Use Act; and
 - (c) a claim for compensation is made after 28 days from the date a notice of withdrawal is served on the developer or the holder for the time being of a development permit.

Non-payment of compensation for withdrawal

43. Compensation payable under this section shall be paid not later than 6 months after a claim for compensation had been received by the Board or Authority. Time limit for payment of compensation
44. In the event of a dispute arising as to the amount of compensation payable to a developer, the dispute may be referred to the Tribunal. Dispute arising from compensation payable
45. An appeal against the decision of a Tribunal in respect of an amount payable to a developer shall lie as of right to the High Court in the State. Appeal against the decision of a Planning Tribunal
46. The Authority 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. Service of Enforcement Notice
47. (1) An enforcement notice served pursuant to section 44 may direct the developer to alter, vary, remove or discontinue a development. Alteration, variation, etc, of a Development
- (2) The Authority may impose additional conditions as it may deem fit in each circumstance.
- (3) Before issuing or serving an enforcement notice in accordance with the provisions of this Law, the Authority 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; and
- (c) consider the over-riding public interest without prejudice to paragraph (b) of this section.
48. Where there is no existing Operative Development Plan and a developer has already developed residential building, the Authority may assist the developer of such residential building by re-locating him to another site. Re-location of a Developer
49. (1) An enforcement notice served under section 46 of this Law by the Authority shall: Form of an Enforcement Notice
- (a) be in writing;

- (b) state the reasons for the proposed action of the Authority; and
- (c) consider any representation made by a developer or on behalf of a developer.

50. The Authority or its authorised agent shall enforce an order of the Planning Tribunal or High Court against a developer or holder for the time being of a development permit who fails to comply with such an order. Enforcing an order
51. A developer or holder for the time being of a development permit shall be liable for all expenses reasonably incurred by the Authority or any its officers or agents, as the case may be, in enforcing the provisions of section 48 of this Law. Developer liable for expenses incurred by the Authority
52. Where it appears to the Authority that: Issuance of stop-work order for unauthorised Development, etc
- (a) an unauthorised development is being carried out; and
 - (b) where a development does not comply with a development permit issued by the Authority or Board, the Authority or Board shall issue a stop-work order pending the service of an enforcement notice.
53. A stop-work order shall take immediate effect upon service on a developer or the occupier of the development for the time being. Stop-work order to take effect on service
54. A stop-work order shall comply with the provisions of section 52 of this Law and shall, in addition, inform the developer or occupier of: Information to be contained in a stop-work order
- (a) the development which is required to be stopped; and
 - (b) the work to be done on the site to conform with the development permit issued thereto.
55. The Authority or Board shall give time not exceeding 7 days within which the developer shall be required to comply with the provisions of section 53 of this Law. Reasonable time to be given to a Developer to comply with a stop-work order
56. A stop-work order shall cease to have effect if within 14 days of its issue the enforcement notice is not served on a developer. Effect of failure to serve enforcement notice within 14 days of service of a stop-work notice
57. Where an enforcement notice is served in respect of a development to which a stop-work order is served, the tribunal may on the Extension of time within which to comply with a stop-work order

application of the Authority or Local Planning Board, extend the period of time within which a stop-work order shall remain in force.

58. A person who fails to comply with the terms of an enforcement notice or disregards a stop-work order issued and served pursuant to this Law commits an offence and is liable on conviction to a fine of not less than one hundred thousand naira only (₦100,000.00) in the case of an individual in a rural area and in the case of a corporate body to a fine of not less than five hundred thousand naira only (₦500,000.00) in a rural area and one million naira only (₦1,000,000.00) in the case of an individual in an urban area and in the case of a corporate body to a fine of not less than five million naira only (₦5,000,000.00) in an urban area.

Penally

59. Where a developer contravenes the provisions of a planning law or any regulation made pursuant to this law, the Authority or Board shall have the power to require the developer to:

Contravention notice

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

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

Demolition

(2) The Authority or Board shall have power to demolished any structure or development erected without permission.

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

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

Authority or Board's power to demolish a defective building

62. A developer shall reimburse the Authority or Board for all expenses reasonably incurred in exercise of its powers under this Law. Cost of demolition to be paid by developer

PART VI

ADDITIONAL CONTROL IN SPECIAL CASES

63. (a) In the performance of its functions under this Law in relation to control of advertisements, wasteland, trees and building of special architectural or historical interest, the Authority shall compile a list of such buildings of special architectural or historical interest. Compiling a list of building of special architectural or historical interest, etc
- (b) In carrying out its functions under paragraph (a) of this section, the Authority may also compile a list of buildings of special architectural and historical interest from individuals and corporate bodies.
64. A building may be included in the Authority's list if: Conditions for including a Building in the Authority's list
- (a) the building is of historical or special architectural interest;
- (b) its exterior contributes to the architectural or historical interest of a building or a group of buildings of which it forms a part;
- (c) a desirable man-made object or structure is fixed to the building or a part of the land comprised with the cartilage of the building.
65. The Authority may before compiling a list, consult such persons as may appear appropriate as having special knowledge of, or interest in a building of architectural or historical interest. Authority to consult persons with special knowledge, etc
66. The Authority shall deposit a list of buildings of special architectural or historical interest with the appropriate Local Government. Deposit of list of special architectural or historical interest
67. The Authority shall cause to be published in the State Gazette a list of buildings of special architectural or historical interest. Publication in the Gazette
68. A listed building may be demolished, altered or extended if the Authority gives a written consent for the execution of works on the listed building. Demolition, alteration, etc., of a listed building
69. A person commits an offence if he: Offences

- (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 Authority or Board.

70. A person who commits an offence under section 69 of this Law shall: Penalty

- (a) on summary conviction be liable to imprisonment for a term of not less than three (3) months or to a fine of not less than one hundred thousand naira only (₦100,000.00) or both;
- (b) on conviction on an indictment be liable to imprisonment for a term of not less than twelve (12) months or to a fine of not less than two hundred thousand naira only (₦200,000.00) or both;
- (c) in the case of a body corporate to a fine of not less than five hundred thousand naira only (₦500,000.00);
- (d) be liable to a fine of not less than one hundred thousand naira only (₦100,000.00) for every day the offence continues or to imprisonment for term of not less than three (3) months.

71. The Authority or Board shall:

Authority or Boards
permission to include
appropriate provision for
preservation and planting
of trees

- (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 Authority or Board shall make "tree preservation order" for securing such amenity within the State.

72. (1) The Authority or Board shall regulate the dimensions, appearance, display, sitting and manner in which an advertisement billboard shall be affixed to land.

Control of outdoor
advertisement

- (2) No person shall display an advertisement without the written consent of the Authority or Board.

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

PART VII

IMPROVEMENT AREAS-REHABILITATION, RENEWAL AND UPGRADING

74. Where a local plan prepared by the appropriate authority for the reasons set out in section 11 of this Law has been approved under section 21 of this Law, 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.
- Exercise of powers under this Part
75. (1) In accordance with an approved local plan to which section 11 of this Law applies, the appropriate authority may, 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.
- Improvement area
- (2) The rehabilitation, renovation and upgrading may be brought about through the combined efforts of the residents of the area concerned, the Authority 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.
76. (1) The appropriate authority shall, before declaring any part of an area to be an improvement area:
- Consultant and Co-operation in Improvement Areas
- (a) Use its best endeavour to inform, by such means as it deems fit the residents, of the proposed improvement area of;

- (i) The purposes and contents of the proposed improvement;
 - (ii) The powers vested in the authority; and
 - (iii) The facilities which would be made available and benefits to be derived in the area.
- (b) Hold meetings with the local government of the area or any other associations in the area to;
- (i) Ascertain the views of the residents on the proposed improvement area and the exercise of powers relating thereto;
 - (ii) Set up liaison or consultative committees between the authority and representatives of the residents to monitor the progress of the rehabilitation, renovation or upgrading in the area;
- (c) Inform other relevant statutory authorities of the proposed improvement area, collate their views and comments thereto;
- (d) Take into account the views and comments made under paragraphs (b) and (c) of this subsection and from interested parties on the proposed improvement area.
- (2) The appropriate authority shall, after declaring an area to be improvement area:
- (a) hold regular meetings with the committees established under subsection (1) (b) (ii) of this section;
 - (b) assist or join other persons and authorities in assisting a resident or group of residents within the area to draw up and implement plans for the improvement of the neighbourhood; and
 - (c) generally advise and assist the residents of the area to take full advantage of the improvement concerned.

77. (1) The Authority shall, in an improvement area, have power to:

Powers of the Authority
in an Improvement Area

- (a) prepare an improvement area plan showing what ways and over what period of time the area is to be improved and may, where necessary, include a plan for the re-distribution of rights of occupancy of plots of land within the area or part thereof;
- (b) 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; and
 - (ii) to provide, improve, repair or renovate and community facilities within the area.
- (c) subject to section 58 of this Law, demolish or order the demolition of a building or part thereto and, where appropriate, recover the cost of the demolition from the owner of the building or part thereof;
- (d) improve repair or renovate or order the improvement, repair or renovation of a building or part thereof and, where appropriate, recover the cost of the improvement or repair from the owner of the building or part thereof; and
- (e) pay compensation promptly, on such terms and conditions as may be prescribed, to a person who suffers a loss or damage through the exercise by the authority of its powers in the area.

78. The power of the Authority to demolish or order the demolition of a building or part thereof under this Part, shall not be exercised unless:

Restriction on power to demolish

- (a) the building falls so far below the standard of other building 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 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 more of them that part of the improvement area cannot be improved; and
- (d) it is in connection with the provision of open spaces, sports and recreational facilities for the area.

79. (1) The Authority shall, before ordering the repair, demolition or renovation of a building or part thereof:

Exercise of power of repair, demolition and renovation

- (a) inspect the building or part thereof to ascertain its condition and situation;
- (b) where the proposed order is one of repair of a building or part thereof, prepare a schedule of necessary regulations which shall inform the owner or occupier of the building;
 - (i) of the proposed order and the reason thereof;
 - (ii) the date, time, when and place where the authority shall consider any representations or objections to the proposed order;
 - (iii) of such other matters as may be prescribed by regulations;
- (c) affix a notice of the proposed order onto a conspicuous part of the building to which the order relates;
- (d) appoint a committee of members of the authority to hear, consider and report on any representation or objection which may be made orally or in writing by the owner or occupier or his duly authorised representative; and
- (e) where the proposed order is for the demolition of a building or part thereof, prepare an estimate of the compensation payable to the owner or occupier of the building.

(2) Where the authority, after consideration of the report of the committee appointed under paragraph (d) of subsection (1) of this section, confirms the proposed order, with or without modifications or alterations, it shall serve a notice of the

order and the reasons thereto in such forms as may be prescribed by regulations on the:

- (a) owner or occupier of the building; and
- (b) person who made representations to the proposed order.

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

- (a) the order, to the Tribunal established under this Law for the determination of the subject matter; and
- (b) the Tribunal's decision, to the High Court of the State as the case may be.

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

- (a) there is no appeal against the order, at least 28 days after its service on the owner or occupier of the building; and
- (b) there is appeal against the order, at least 28 days after the appeal has been finally determined or dismissed.

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

- (a) after the period stated in the notice of the proposed order has expired; and
- (b) where there is an appeal against the repair, renovation or demolition, until the appeal has been finally determined or dismissed.

80. Where the Authority proposes to make an order for the demolition of a building or part thereof used for human habitation it shall:

Provision of alternative Accommodation, etc

- (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 planning and construction of the alternative accommodation;
 - (iv) monetary compensation on such terms and condition as the authority may deem fit; and
- (b) allow the person up to 90 days to move to and settle in the alternative accommodation before effecting the demolition.

PART VIII

APPEALS

81. There is hereby established in the State a tribunal to be known as the Urban Planning Tribunal (in this Law referred to as "the Tribunal") which shall have the jurisdiction, power and authority conferred on it by this Law and any regulations made hereunder. Establishment of the Urban Planning Tribunal
82. (1) The Tribunal shall consist of: Composition of the Tribunal
- (a) a Chairman who shall be a registered town planner with at least 15 years' post-qualification experience;
 - (b) an architect;
 - (c) a legal practitioner knowledgeable in Planning Law;
 - (d) a civil/structural engineer; and
 - (e) a land surveyor.
- (2) The Governor shall appoint:
- (a) the Chairman of the Tribunal;
 - (b) the other members of the Tribunal, who shall be registered members of their relevant professional bodies; and
 - (c) the Secretary to the Tribunal who shall be a legal practitioner with at least five (5) years post-qualification experience.

83. (1) The Chairman and members of the Tribunal shall hold office Tenure of office for four (4) 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 Chairman or a member of the Tribunal shall become vacant if:
- (a) he has completed his tenure of office;
 - (b) he resigns his appointment in writing under his hand to the Governor;
 - (c) without good cause, declines to hear a case during a session of the Tribunal on three consecutive occasions;
 - (d) he is adjudged bankrupt;
 - (e) he is found to be physically or mentally incapacitated;
 - (f) his appointment is terminated by the Governor.
- (3) For purpose of subsection (2) (c) of this section, **“good cause”** means
- (a) illness certified as such by a qualified medical practitioner;
 - (b) 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.

PART IX

FINANCIAL PROVISIONS

84. (1) The Authority shall maintain an account from which shall be Funds of the Authority defrayed all expenditures incurred by it.

(2) There shall be paid and credited into the account of the Authority:

(a) such sums as may be appropriated to it in the budget by the State House of Assembly;

(b) all such monies paid to the Authority by way of grants, donations, gifts, fees, subscriptions, interest and royalties; and

(c) all other sums which may become payable to the Authority in respect of any matter incidental to the discharge of its functions.

85. The Authority shall prepare and submit to the Governor not later than 30th June in each year, an estimate of its income and expenditure for the next succeeding year. Estimate of Income and Expenditure

86. (1) The Authority shall cause to be kept proper books of accounts and any other financial records in respect of its functions. Book of Accounts

(2) The Authority shall prepare in respect of each financial year statement of account in such forms as the Governor may approve.

87. The Authority shall cause the statement of accounts to be audited not later than six (6) months after the end of each financial year by an Auditor appointed from the list of Auditors approved by the Auditor-General of the State. Statement of Account to be audited

88. The Authority may consult with the private sector, labour unions, universities, research institutions, non-governmental organizations and such other bodies as may be considered expedient in promoting plan formulation, acceptability and implementation. Consultation

PART X

MISCELLANEOUS PROVISIONS

89. The Authority shall be represented on the Boards and Governing Councils of such bodies as the Governor may approve. Representation of the Authority

90. (1) No suit shall be commenced against the Authority, before the expiration of one month after written notice of intention to commence the suit shall have been served on the Authority. Pre-action Notice

(2) The notice referred to in subsection (1) of this section shall clearly and explicitly state the cause(s) of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief(s) which he claims.

91. The provisions of the Public Officers (Protection) Law cap 126, Laws of Kaduna State, 1991, shall apply in relation to any suit instituted against the Authority or its employees. Public Officers Protection

92. The validity of any proceedings of the Board shall not be affected by any vacancy in the membership of the Board or any defect in the appointment of a member to the Board, or by reason that a person not entitled to do so, took part in the proceedings. Validity of Proceedings

93. (1) The Common Seal of the Authority shall be such as may be determined by the Board, and the affixing of the common seal shall be authenticated by the signatures of the Director-General and the Secretary, or of some other members authorised generally or specifically by the Board to act for that purpose. Common Seal

(2) Any document purporting to be a document duly executed under the common seal of the Authority shall be received in any Court and shall, unless the contrary is proved, be deemed to be so executed.

94. The Authority may, with the approval of the State Executive Council, make Regulations as may be necessary for the proper and effective performance of its functions under this Law. Powers to make Regulation

95. (1) Within 30 days of being appointed to the Board, each member shall make a declaration of interest in a manner as may be prescribed under this Law. Declaration of Interest

(2) Without limiting the generality of subsection (1) of this section, an "interest" shall include:

(a) being a member of a body or being in a position of general control or management of a body which is involved in any business of the Authority;

(b) being employed by any employer who is involved with a similar business of the Authority;

(c) conducting any business for own account, which is affected by any business of the Authority;

- (d) any contract for goods, services or works between the Authority and a firm in which a member is a partner, or a company of which a member is a director; and
- (e) any decision of the Authority which might reasonably be regarded as affecting the well-being or financial position of a member or the well-being or a financial position of a relevant person.

(3) For the purposes of subsection (2) (e) of this section, a relevant person is:

- (a) a family member of a member or a person with whom a member has a close association; and
- (b) any person or body who employs a member or remunerates a member, or any firm of which a member is a partner, or any company of which a member is a director.

(4) A member of the Board shall, prior to the discussion of any matter in which such member has an interest, declare such interest to the Board and such declaration shall be recorded in a declaration of interests register.

(5) A member of the Board shall not take part in any deliberation of the Board with regard to any matter in which such member has declared an interest.

96. (1) The Board shall, within six (6) months after the entry into force of this Law, adopt a Code of Ethics for its members and the employees of the Authority.

Code of Ethics

(2) The Code of Ethics shall;

- (a) Specify general rules of conduct;
- (b) Specify a procedure for a declaration of interests;
- (c) Impose a general duty on all members and employees to act impartially and in the best interest of the Authority;
- (d) Specify procedures to be followed for a breach of the Code;

(3) The Director-General shall ensure that the contents of the Code of Ethics are widely publicized within the Authority and shall be deemed to form part of any contract between the Authority and its employees.

97. (i) The Governing Board shall hold such number of meetings, at least once in every quarter of the year and submit reports of any such meeting to the Secretary to the Government. Meetings

(ii) At every meeting of the Board where the Chairman is absent, the members present shall appoint one from amongst them to preside over the meeting.

(iii) Where the Authority desires to obtain the advice of any person on any particular matter, it may co-opt such a person to be a member for those meetings as may be required.

(iv) The quorum for meetings of the Board shall be a simple majority of members including the presiding Chairman.

(v) At a meeting of the Board issues requiring a vote shall be determined by a simple majority of the members present, and where there is a tie, the Chairman shall have a casting vote.

(vi) The Board, Committee or any ad-hoc subcommittee may make standing orders for the purpose of regulating its own proceedings.

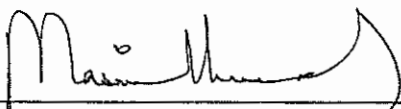
98. The rights, interest, obligations, assets and liabilities of the Kaduna State Urban Planning and Development Agency before the commencement of this Law under any contract or instrument are hereby vested in the Kaduna State Urban and Regional Planning or to such body as may be approved by the Governor. Transfer of Rights and Obligations

99. (1) The Authority shall retain suitable and qualified staff of the defunct Agency as approved by the Governor, for the effective discharge of its responsibilities. Powers to retain and employ Staff

(2) The Staff so employed shall be paid such salaries and allowances as is applicable in the Public Service of the State.

100. The Kaduna State Urban Planning and Development Agency Law No. 12 of 2015 is hereby repealed. Repeal

DATED AT KADUNA this ^{1st} day of December 2018.

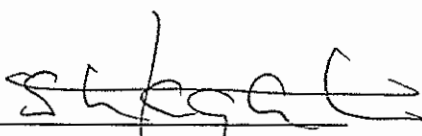

Malam Nasir Ahmad el-Rufa'i,
Governor, Kaduna State.

EXPLANATORY NOTE

(This note does not form part of this Law and has no legal effect).

The purpose of this Law is to establish the Kaduna State Urban Planning Authority to exercise Physical Planning responsibilities within the framework of the National Physical Development Plan.

This printed impression has been carefully compared with the Bill which has passed the Kaduna State House of Assembly and found to be true and correctly printed copy of the said Bill.


HON. AMINU ABDULLAHI SHAGALI
(Speaker)


BELLO ZUBAIRU IDRIS Esq.
(Clerk to the Legislature)