

Kaduna Land Use Regulations, 2016

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By the authority vested in me by the Constitution of the Federal Republic of Nigeria 1999, and Section 46 (2) of the Land Use Act, CAP L5 Laws of the Federation Nigeria 2004, Section 33 of the Kaduna State Land Registration Law, 1982, Section 27 of the Kaduna Geographic Information Service (KADGIS) Law, 2015, the Kaduna State Designation of Land in Urban Areas Order, 2015, the Kaduna State Tax (Codification and Consolidation) Law, 2016, and of all other powers enabling me in that behalf, I, Nasir Ahmad El-Rufai, Governor of Kaduna State hereby make the following Regulations:

1. General Provisions

- 1.1. The Kaduna Land Use Regulations, 2016, comprising the rules, Regulations and Schedules contained herein provide assurance, certainty and guidance for the general public, professionals, and state government officials in all land related matters in Kaduna State.
- 1.2. The Kaduna Land Use Regulations, 2016, ensure transparency and equity in the processing and execution of all land related applications and transactions by the Kaduna Geographic Information Service (herein referred to as 'KADGIS').
- 1.3. KADGIS and all ministries, departments and agencies in Kaduna State (including Local Governments) shall strictly comply with the rules for the use of the land related data that is contained in the KADGIS Digital Data Repository, for the administration of land and in all land related activities in Kaduna State, as provided for in the First Schedule to these Regulations.
- 1.4. KADGIS will aim to expedite all land related processes and transactions provided that all the information and documentation supplied by the applicant has been properly verified, and all relevant fees, rates and rents have been paid, applications and transactions will be executed within 30 days from the acceptance of the terms and conditions.
- 1.5. KADGIS will provide a *fast track* service for those applicants who require applications and transactions to be concluded quickly, and provided that all the information and documentation supplied by the applicant has been properly verified, and all relevant fees, rates and rents have been paid, including the additional fast track fee, applications and transactions will be executed within 10 days from the acceptance of the terms and conditions.
- 1.6. The Kaduna Land Use Regulations, 2016 are subject to periodic review and revision at the discretion of the Governor, by an Order in the Kaduna State Gazette.

2. Designated Urban Areas, Land Administration Zones and Billing Areas

- 2.1. Kaduna State urban areas as described in the Kaduna State Designation of Land in Urban Areas Order, 2015 are illustrated in Map 1. These urban areas provide the starting point in the classification of the land administration areas and billing zones.

- 2.2. Kaduna State shall have four (4) separate land administration zones: A, B, C and D. Zone A and Zone B shall also have a number of distinct and separate billing areas. Each zone, and each area within each zone shall have different classifications, such as high density, medium density, low density, and industrial areas, and have different billing rates.
- 2.3. Zone A shall comprise the Kaduna Metropolitan Area. Zone A is accordingly subdivided into seven (7) different billing areas. Map 3 shows the Kaduna Metropolitan Area and the provisional demarcation of the 7 different billing areas.
- 2.4. Zone B shall comprise the Zaria Metropolitan Area and the Kafanchan Metropolitan Area. Both Zaria and Kafanchan are accordingly subdivided into two (2) different billing areas.
- 2.5. Zone C shall comprise other local government headquarters and designated urban areas contained therein.
- 2.6. Zone D shall comprise all rural areas and land that falls outside the designated urban areas.
- 2.7. A number of the Schedules to these Regulations make reference to the zones and areas as described and defined in Regulation 2, and a list of district and area names is set out in the Second Schedule to these Regulations.

3. Classification of Land Use and Purpose

- 3.1. The broad classification of Land Uses in Kaduna State and the purpose allowable are listed in the Third Schedule to these Regulations.
- 3.2. No Change of Land Use or amendment to the Purpose clause in the Right of Occupancy is allowed other than in compliance with the Land Use Act, these Regulations, and also subject to the prior consent of the Governor.

4. Right of Occupancy

- 4.1. All land holders and other claimants of title or occupation in Kaduna State shall obtain a new digital Statutory or Customary Right of Occupancy.
- 4.2. KADGIS shall prepare, register and administer both the Statutory and Customary Right of Occupancy. The Statutory Certificate of Occupancy shall be signed by the Governor, Kaduna State. The Customary Certificate of Occupancy shall be signed by the Chairman of the Local Government Authority.
- 4.3. Failure to obtain a new digital Statutory or Customary Right of Occupancy may result in the forfeiture of all land and buildings contained therein to the Kaduna State Government or relevant Local Government.

- 4.4. The deadline set by the Kaduna State Government for all land owners, claimants or occupiers to apply for the new digital Certificate of Occupancy is the 29th December 2017.

5. Form of the new Digital Certificate of Occupancy

- 5.1. The new digital Certificate of Occupancy issued by KADGIS shall be in the form specified in the Ninth Schedule hereto.
- 5.2. The new digital Certificate of Occupancy is the only official document that certifies the bearer as the holder of the Right of Occupancy. The new digital Certificate of Occupancy is the only transactional document that banks, other financial institutions and law enforcement agencies may accept as the only document evidencing title to the land describe therein.
- 5.3. The new digital Certificates of Occupancy uses a special unique security paper; the data printed on the certificates shall be automatically generated from the secure KADGIS Digital Data Repository and features unique coding, and its digital equivalent shall be in permanent custody in the KADGIS Digital Data Repository.
- 5.4. The back page of the new digital Certificate of Occupancy shall contain Schedule A, setting out the location and the demarcation of the boundaries of the land parcel, and Schedule B, which shall name a maximum of 20 the joint owners or tenants-in-common, if any.

6. Responsibility of the Title Holder and Joint Ownership

- 6.1. The title holder named in the Right of Occupancy will be solely responsible for the payment of all fees, rates, and rents arising from the grant of Right of Occupancy, which shall include: the Initial Bill, the annual Ground Rent and any penalty fees or charges that may arise or become payable. All Fees, Rents, Rates, and Penalties are set out in the Schedules to these Regulations.
- 6.2. Joint owners or tenants-in-common of the title to land are not provided for; however, in recognition of the common interest of husbands, wives and families, other interested parties will be listed in Schedule B of the Certificate of Occupancy, securing the rights of all parties.
- 6.3. Schedule B of the Certificate of Occupancy will name a maximum of twenty (20) joint owners or tenants-in-common; any other names will be retained in the KADGIS Digital Data Repository and application to view these names can be made to KADGIS upon payment of the appropriate fees.
- 6.4. Schedule B incurs additional preparation fees as set out in the Fourth Schedule to these regulations.

7. Applying for a Right of Occupancy

A number of different processes shall be used for applying for a Right of Occupancy. The process to be used will be dependent upon the status of the ownership and the type of documentation that the applicant holds. In summary:

- 7.1. Applicants holding proof of ownership, such as a sale agreement, who live in a planned or unplanned high density area, and where no previous Statutory or Customary title exists, shall follow the Systematic Property Registration Programme (see Regulation 14).
- 7.2. Applicants holding a Statutory or Customary Certificate of Occupancy, or an Offer Letter which has been accepted, shall follow the Systematic Recertification Programme (see Regulation 15).
- 7.3. Applicants holding proof of ownership, such as a sale agreement, and a Registered Deed of Assignment, or who still need to perfect an Assignment, shall follow the Systematic Recertification Programme (see Regulation 15).
- 7.4. Applicants holding proof of ownership, such as a sale agreement, who are occupants of a plot of land within a planned, unapproved layout, shall apply for a new title under the Systematic Regularisation Programme (see Regulation 16).
- 7.5. Applicants holding proof of ownership, such as a sale agreement, who live in an urban or rural area, and where no previous Statutory or Customary title exists, shall apply for a new title under Regular Property Registration (see Regulation 17).
- 7.6. Applicants seeking to obtain land that will be secured by Right of Occupancy shall apply for a Direct Allocation of Land (see Regulation 18).

8. Forms, Guidelines, Processing Fees and Acknowledgement Letter

- 8.1. Application Forms for Right of Occupancy are available for Individuals and Organisations (including companies); see Regulations 14 – 18.
- 8.2. Application Forms are available for *Development Lease Agreements* (see Regulation 19) and *Quarry Lease Agreements* (see Regulation 20).
- 8.3. Application Forms for Transactions, changes to Land Use, and changes to the Plot size are available, and provide for the following purposes: *Deed of Assignment; Deed of Gift; Power of Attorney; Deed of Mortgage; Deed of Release; Devolution Order; Change of Name; Change of Land Use/Purpose; and Sublease* (see Regulation 21).
- 8.4. Standard Forms are available for the use of applicants who require *Affidavits* to support *Proof of Ownership* and to establish a *Legal Guardian*.
- 8.5. Standard Forms provide applicants with a quick and easy way to provide alternate documentation in support of their application. All Standard Forms shall be sworn before a Commissioner of Oaths at the High Court or a Magistrate Court.
- 8.6. Guidelines are available for all applications and in the use of the Standard Forms.

- 8.7. All Application Forms, Standard Forms and Guide lines are available *free of charge* and can be collected from the KADGIS Service Centre in Kaduna, and other Kaduna State Government and Local Government offices as listed in the Tenth Schedule to these Regulations.
- 8.8. Application forms, Standard Forms and Guidelines can be viewed and downloaded at www.kadgis.org. and www.kadgis.kdsg.gov.ng.
- 8.9. All applicants (Individuals and Organisations) shall provide identification documents as follows:
- 8.9.1. For individuals accepted photo identification documents include: *International Passport; National ID Card; Drivers Licence; Voter Registration Card; and Tax Identification Card;*
- 8.9.2. For organisations: a certified true copy of the *Certificate of Incorporation Form C02, Form C07, Memorandum and Articles of Association, Tax Identification Number, VAT Number, and a valid Tax Clearance Certificate;*
- 8.9.3. For educational (including schools, training centres, colleges and universities), medical (including hospitals, clinics and surgeries), religious institutions (including mosques and churches) and Non-Governmental Organisations a *Certificate of Registration* by the appropriate Federal and Kaduna state government agency.
- 8.10. No person under the age of 18 shall obtain a Right of Occupancy; however, a Legal Guardian may be appointed to represent persons under the age of 18 years, and a sworn Affidavit to that effect shall be submitted with any application.
- 8.11. Application processing fees shall be paid before or at the point of submission of the application. The application processing fees are set out in the Fourth Schedule to these Regulations. Application processing fees are not refundable.
- 8.12. Applications that require the submission of original documents and the payment of an Application Processing Fee will be corroborated by the conveyance of an Acknowledgment Letter at the point of submission.
- 8.13. The Acknowledgement Letter only confirms the submission of the application form, the documents, and the proof of payment of the application processing fee. All information contained in the application form and the documentation submitted shall then be subject to further vetting and verification.

9. The Offer Letter, Acceptance Letter, and the Initial Bill

- 9.1. Once the applicant's information and documentation have been vetted and verified by KADGIS the Offer Letter containing the terms and conditions of the grant of Right of Occupancy shall be prepared, together with the Acceptance Letter and the Initial Bill. The offer remains valid for acceptance within 60 days only.

- 9.2. Should KADGIS have cause to doubt the authenticity or accuracy of any information submitted by an applicant or of any document submitted in support of the application, the applicant shall be notified and invited to resolve any conflict or disparity within thirty (30) days.
- 9.3. The Initial Bill comprises the Ground Rent (see Regulation 10) for the remaining days in the first year (calculated from the date of Acceptance), the Premium Fee (see Regulation 11), Compensation, the GIS Charting Fee (Schedule A), the preparation fee for Schedule B (in the case of applications with multiple owners or tenants-in-common), and the fees for preparation and registration of the Certificate of Occupancy. The GIS Charting, Preparation and Registration fees are set out in the Fourth Schedule of these Regulations.
- 9.4. The applicant will be informed when the Offer Letter, Acceptance Letter and Initial Bill are ready for collection at KADGIS or other authorised government offices (see the Tenth Schedule to these Regulations), or delivery by registered mail, courier or email.
- 9.5. The applicant shall review the Offer Letter, and if satisfied with the Terms and Conditions of grant, sign the Acceptance Letter, and deliver to KADGIS by hand, registered mail, courier, or email the signed Acceptance Letter together with the proof of payment of the Initial Bill.
- 9.6. KADGIS shall then prepare the Certificate of Occupancy for the signature of the Governor and registration within 30 days of receipt of the signed Acceptance Letter.

10. Ground Rent

- 10.1. Ground Rent shall be due and payable in respect of land comprised in each grant of title within Kaduna State on the first day of January in each year.
- 10.2. It shall be the responsibility of the holder of a Right of Occupancy to pay such Ground Rent on or before the first day of January each year without any notice or demand from the Kaduna State Government (or from any Local Government).
- 10.3. The Ground Rent payable in respect of each type of property shall be in the amount set forth against that type of property in the Fifth Schedule to these Regulations.
- 10.4. Notwithstanding the foregoing, the Ground Rent payable in respect of each type of property occupied by public institutions, offices and other facilities of the Local Governments, Kaduna State Government and the Federal Government engaged in non-commercial activities shall be set at zero.

11. Premium Fee

- 11.1. A Premium Fee is charged on applications where primary infrastructure has been or shall be provided, including access roads, storm water drainage, and water and electricity connections.

- 11.2. The Premium Fees shall be held in a dedicated account in the Kaduna Internal Revenue Service for appropriation towards this purpose.
- 11.3. The Premium Fee is a one off charge as detailed in the Sixth Schedule to these Regulations.

12. Acceptance and Withdrawal of Offer for Right of Occupancy

- 12.1. An offer for a grant of Statutory Right of Occupancy is valid for acceptance within a period of sixty (60) days.
- 12.2. The applicant must pay the Initial Bill, and return the signed Acceptance Letter, together with proof of payment, within the sixty days' during which the offer remains valid for acceptance.
- 12.3. Failure to accept the offer within sixty (60) days of the issue of the Offer Letter will result in the automatic Withdrawal of the Offer Letter through the lapse of time and without further notice.
- 12.4. The Governor may, at his discretion, withdraw the Offer Letter at any time prior to acceptance in accordance with the provisions of the Land Use Act, 2004.
- 12.5. The Applicant may make an Appeal against the Withdrawal of the Offer Letter, and the Governor may allow the applicant to make a new application for a grant of Right of Occupancy.
- 12.6. The Applicant shall submit an application form to Appeal the Withdrawal together with proof of payment of the Application Processing Fee and the Appeal Decision Preparation Fee. If the Appeal is successful, the applicant may be required to pay a Penalty before a new grant of Right of Occupancy will be prepared (see the Fourth Schedule to the Regulations).

13. Revocation of Right of Occupancy

- 13.1. It is the sole responsibility of the title holder to pay the annual Ground Rent without demand on or before the 1st day of January. Failure to do so may result in the revocation of the Right of Occupancy.
- 13.2. It is the sole responsibility of the title holder to comply with all the Terms and Conditions of the Right of Occupancy, including the Land Use and Purpose clause. Failure to do so may result in the revocation of the Right of Occupancy.
- 13.3. In the case that any interest in land, or the Right of Occupancy has been obtained with the use of fraudulent information or documentation, or by withholding information or documentation, the Right of Occupancy shall be revoked and the person(s) responsible may be subject to criminal prosecution.

- 13.4. The Applicant may make an Appeal against a Revocation of the Right of Occupancy, and the Governor may allow the applicant to make a new application for a grant of Right of Occupancy.
- 13.5. The Applicant shall submit an application to Appeal the Revocation and pay the Application Processing Fee and Preparation of the Appeal Decision. If the Appeal is successful, the applicant may be required to pay a Penalty for a new grant of Right of Occupancy (see the Fourth Schedule to the Regulations).

14. Systematic Property Registration Programme

- 14.1. Systematic Property Registration Programme (SPRP) field teams will visit planned and unplanned high density urban and rural districts and provide assistance to the public to complete and submit application forms to obtain an appropriate Right of Occupancy.
- 14.2. In urban areas (Zone A, B and C) a Statutory Right of Occupancy will be issued. In rural areas a Customary Right of Occupancy (Zone D) will be issued on behalf of the Local Government Authority. Applicants in Zone D may choose to obtain a Statutory Right of Occupancy.
- 14.3. The application form must be completed in full and submitted to the KADGIS field team together with:
 - 14.3.1. evidence of proof of ownership; the minimum requirement is a signed sale agreement. Where no such agreement exists or has been lost or stolen, the applicant shall submit an Affidavit sworn before a Commissioner of Oaths(see Regulation 8).
 - 14.3.2. in the case of individuals proof of identity; accepted photo identification documents include: *International Passport; National ID Card; Drivers Licence; Voter Registration Card; and Tax Identification Card;* and submitted with a recent passport sized photograph;
 - 14.3.3. corporate bodies, companies and organisations are not permitted to apply for a Right of Occupancy under the Systematic Property Registration Programme; corporate bodies companies and organisations need to apply using the Regular Application Process, with all documentation as set out in Regulation 8;
 - 14.3.4. schools, clinics, religious institutions and Non-Governmental Organisations are not permitted to apply for a Right of Occupancy under the Systematic Property Registration Programme; schools, clinics, religious institutions and Non-Governmental Organisations shall apply using the Regular Application Process, with proof of Registration from the appropriate Federal and Kaduna State government agency.
- 14.4. KADGIS shall thereafter verify the information and documentation submitted in support of the application.

- 14.5. Should KADGIS have cause to doubt the accuracy or authenticity of any information or document submitted in support of the application, it shall notify and invite the applicant to resolve any conflict or disparity within thirty (30) days.
- 14.6. Upon verification of the information and documentation the application will be put forward to the Governor for approval; thereafter the applicant will receive an offer of grant of statutory Right of Occupancy, the Initial Bill and Acceptance Letter.
- 14.7. The Initial Bill under the Systematic Property Registration Programme comprises the Certificate of Occupancy preparation and registration fee (see the Fourth Schedule to these Regulations).
- 14.8. Within 30 days of submission of the signed acceptance letter and proof of payment of the Initial Bill KADGIS will print the Certificate of Occupancy for the Governor's signature and then convey to the applicant.
- 14.9. Any Right of Occupancy obtained through this programme will be revoked if it subsequently transpires that the same property is found to have an existing valid title.

15. Systematic Recertification Programme

- 15.1. All holders of a Statutory or Customary Right of Occupancy within Kaduna State shall on or before the 29th day of December, 2017 submit a Recertification Application Form to KADGIS. The Governor may at his discretion increase the application processing fee during the time bound recertification exercise.
- 15.2. The process detailed in Regulation 15.3 shall apply in relation to recertification of all Statutory or Customary Rights of Occupancy within Kaduna State in both urban and rural land.
- 15.3. The recertification application form must be completed in full and submitted to KADGIS directly or through the Kaduna State Government and Local Government offices listed in the Tenth Schedule to these Regulations, together with the following:
 - 15.3.1. evidence of payment of the application processing fee; the Recertification application processing fee shall be applied as detailed in the Fourth Schedule to these Regulations;
 - 15.3.2. the original Statutory or Customary Certificate of Occupancy or a certified true copy of the Statutory or Customary Certificate of Occupancy, which shall be surrendered;
 - 15.3.3. where the applicant is holding an old original Offer Letter and who did not receive a Certificate of Occupancy, the applicant shall submit the original Offer Letter;
 - 15.3.4. where the applicant is holding a Right of Occupancy that has been acquired from the original owner, the applicant is required to provide the original or

certified true copy of the Certificate of Occupancy together with the Registered Deed of Assignment;

- 15.3.5. For individuals evidence of identity; accepted photo identification documents include: *International Passport; National ID Card; Drivers Licence; Voter Registration Card; and Tax Identification Card*; and submitted with a recent passport sized photograph;
 - 15.3.6. For organisations: a certified true copy of the *Certificate of Incorporation Form C02, Form C07, Memorandum and Articles of Association, Tax Identification Number, VAT Number, and a valid Tax Clearance Certificate*;
 - 15.3.7. For educational (including schools, training centres, colleges and universities), medical (including hospitals, clinics and surgeries) and religious institutions (including mosques and churches) and Non-Governmental Organisations a *Certificate of Registration* by the appropriate Federal and Kaduna state government agency.
- 15.4. Where the applicant is holding a Right of Occupancy in the name of the original owner, but does not have a Registered Deed of Assignment, the applicant shall:
- 15.4.1. submit an Assignment (which shall include the signature of the original owner), and pay the additional processing and fixed registration fees (see the Fourth Schedule to these Regulations);
 - 15.4.2. and where the applicant is unable to secure the signature of the original owner for the Assignment, KADGIS shall take out an advertisement in a national and local newspaper, requesting any party who may have an interest in the land to be titled to make their claim known; if no claim is made within twenty-one (21) days of the advertisement the recertification application shall proceed;
 - 15.4.3. the applicant shall fulfil all other requirements under Regulation 15.3.
- 15.5. Where the applicant has not perfected a Merger, Sub-Division, Change of Land Use/Purpose, or Extension to Plot, the applicant shall be given the opportunity to perfect the change provided that:
- 15.5.1. the changes are within the prescribed town planning regulations, and that town planning approval has been obtained;
 - 15.5.2. the applicant pays the prescribed penalty fee;
 - 15.5.3. obtain and complete the KADGIS File Update Form, and pay the additional processing and consent fees (see the Fourth Schedule to these Regulations);
 - 15.5.4. the applicant shall fulfil all other requirements under Regulation 15.3.
- 15.6. The holder of a Power of Attorney is required to re-certify the title under the name of the Donor. All requirements under Regulation 15.3 shall be fulfilled.

- 15.7. A bank(or other financial institutions) holding a Deed of Mortgage is required to recertify the title under the name of the Mortgagor. All requirements under Regulation15.3shall be fulfilled.
- 15.8. Upon submission of the application form together with the items listed in Regulation15.3above, KADGIS shall produce an Acknowledgement Letter, which contains a list of all documents submitted, and where the original or certified true copy of the Certificate of Occupancy is submitted, cancel the said original or certified true copy, and return a copy thereof, marked "cancelled", to the applicant.
- 15.9. KADGIS shall thereafter verify the information and the documentation submitted in support of the application for recertification.
- 15.10. Should KADGIS have cause to doubt the accuracy or authenticity of the applicant's title or of any information or document submitted in support of the application, it shall notify and invite the applicant to resolve any conflict or disparity within thirty (30) days.
- 15.11. Within 30 days of the verification of the applicant's information and documentation, KADGIS will prepare the Recertification Bill, comprising the GIS Charting Fee, the Certificate of Occupancy preparation and registration fees (see the Fourth Schedule to these Regulations),any accrued outstanding Ground Rent, and any other outstanding fees or charges.
- 15.12. KADGIS will calculate outstanding Ground Rent based on the date of the original offer letter, taking into account payments made and registered in the applicant's land file.
- 15.13. The Kaduna State Government hereby waives any accrued and outstanding Ground Rent accumulated prior to 2004.
- 15.14. For all outstanding Ground Rent from the first day of January 2004 till the date of the recertification the rate used to calculate accumulated Ground Rent payable shall be the approved rates as detailed in the Fifth Schedule to these Regulations.
- 15.15. KADGIS will print a new digital Certificate of Occupancy, which shall be signed by the Governor and registered within thirty days of the payment of the Recertification Bill.
- 15.16. Unless otherwise extended by a resolution of the State Executive Council the Systematic Recertification Programme shall close at the end of business on Friday, 29thday of December 2017.
- 15.17. Any applications received after 29th day of December 2017shall not be entertained.
- 15.18. After the 29th day of December 2017 any right of occupancy which has not been recertified (excluding those recertification applications received by KADGIS where the applicant is in possession of an Acknowledgement Letter) will be revoked, with the land parcel and any buildings therein reverting immediately to the Kaduna State Government or the respective Local Government as appropriate.

- 15.19. Any revoked interest may be recertified with a fresh grant upon receipt of a new application and the payment of all fees and a penal rent at least equal to the accrued outstanding Ground Rent of the revoked title, subject to the approval of the Governor.

16. Systematic Regularisation Programme – Planned, Unapproved Layouts

- 16.1. All owners or occupiers of properties within planned, unapproved layouts in Kaduna State shall Regularise their properties on or before the 29th day of December, 2017. Application for a new digital Certificate of Occupancy shall be made under this Systematic Regularisation Programme.
- 16.2. In the first instance a review of the unapproved layouts which have been developed during previous years will be undertaken by officials from KADGIS and KASUPDA. The review will establish if the layout complies with minimal town planning regulations. Adjustments to the layout may be made to comply with minimal town planning regulations.
- 16.3. Once KADGIS and KASUPDA have approved these layouts the owners or occupiers of properties within the now approved layout will be given the opportunity to regularise their occupation under this Systematic Regularisation Programme.
- 16.4. KADGIS field teams will visit the layouts and provide assistance to the property owners and occupiers to complete and submit application forms to obtain an appropriate Right of Occupancy.
- 16.5. The application form must be completed in full and submitted to the KADGIS field team together with the following:
- 16.5.1. evidence of payment of the application processing fee; the Regularisation application processing fee shall be applied as detailed in the Fourth Schedule to these Regulations;
 - 16.5.2. evidence of proof of ownership; the minimum requirement is a signed sale agreement. Where no such agreement exists or has been lost or stolen the applicant shall submit an Affidavit sworn before a Commissioner of Oaths (see Regulation 8).
 - 16.5.3. for individuals evidence of identity; accepted photo identification documents include: *International Passport; National ID Card; Drivers Licence; Voter Registration Card; and Tax Identification Card*; and submitted with a recent passport sized photograph;
 - 16.5.4. for organisations: a certified true copy of the *Certificate of Incorporation Form C02, Form C07, Memorandum and Articles of Association, Tax Identification Number, VAT Number, and a valid Tax Clearance Certificate*;

- 16.5.5. for educational (including schools, training centres, colleges and universities), medical (including hospitals, clinics and surgeries) and religious institutions (including mosques and churches) and Non-Governmental Organisations a *Certificate of Registration* by the appropriate Federal and Kaduna state government agency.
- 16.6. KADGIS shall thereafter verify the information and documentation submitted in support of the application.
- 16.7. Should KADGIS have cause to doubt the accuracy or authenticity of any information or document submitted in support of the application, it shall notify and invite the applicant to resolve any conflict or disparity within thirty (30) days.
- 16.8. Upon verification of the information and documentation the application will be put forward to the Governor for approval; thereafter the applicant will receive an offer of grant of Right of Occupancy, the Initial Bill and Acceptance Letter.
- 16.9. The Initial Bill under the Systematic Regularisation Programme will comprise the GIS Charting Fee, and the Certificate of Occupancy preparation and registration fees (see the Fourth Schedule to these Regulations).
- 16.10. Within 30 days of submission of the signed acceptance letter and proof of payment of the Initial Bill KADGIS will print the Certificate of Occupancy for the Governor's signature, registration and then convey to the applicant.

17. Regular Application for Right of Occupancy

- 17.1. Where the applicant has never held a Right of Occupancy for any property claimed or occupied, the applicant shall use this Regular application process to obtain a new grant of Right of Occupancy.
- 17.2. The application form must be completed in full and submitted to KADGIS together with the following:
 - 17.2.1. evidence of payment of the application processing fee; the Regular application processing fee shall be applied as detailed in the Fourth Schedule to these Regulations;
 - 17.2.2. proof of ownership documentation shall include a sale agreement, a Registered Deed of Assignment and any other requirements as set out in guide lines that may be issued by KADGIS from time to time;
 - 17.2.3. for individuals evidence of identity; accepted photo identification documents include: *International Passport; National ID Card; Drivers Licence; Voter Registration Card; and Tax Identification Card;* and submitted with a recent passport sized photograph;

- 17.2.4. for Organisations: a certified true copy of the *Certificate of Incorporation Form C02, Form C07, Memorandum and Articles of Association, Tax Identification Number, VAT Number, and a valid Tax Clearance Certificate*;
- 17.2.5. for educational (including schools, training centres, colleges and universities), medical (including hospitals, clinics and surgeries) and religious institutions (including mosques and churches) and Non-Governmental Organisations a *Certificate of Registration* by the appropriate Federal and Kaduna state government agency.
- 17.3. Upon submission of the application form together with the items listed in Regulation 17.2 above, KADGIS shall convey an Acknowledgement Letter, which contains a list of all documents submitted by the applicant. KADGIS shall thereafter verify the information and documentation submitted in support of the application.
- 17.4. Should KADGIS have cause to doubt the accuracy or authenticity of any information or document submitted in support of the application, it shall notify and invite the applicant to resolve any conflict or disparity within thirty (30) days.
- 17.5. Upon verification of the information and documentation the application will be put forward to the Governor for approval; thereafter the applicant will receive an offer of grant of statutory Right of Occupancy, the Initial Bill and Acceptance Letter.
- 17.6. Within 30 days of submission of the signed Acceptance Letter and proof of payment of the Initial Bill KADGIS will print the Certificate of Occupancy for the Governor's signature, register, and then convey to the applicant.

18. Application for a Direct Allocation of Land

- 18.1. From time to time Kaduna State will make land available for allocation to applicants who apply for a Direct Allocation of Land.
- 18.2. The application form must be completed in full and submitted to KADGIS together with the following:
 - 18.2.1. evidence of payment of the application processing fee; the Direct Allocation application processing fee shall be applied as detailed in the Fourth Schedule to these Regulations;
 - 18.2.2. for individuals evidence of identity; accepted photo identification documents include: *International Passport; National ID Card; Drivers Licence; Voter Registration Card; and Tax Identification Card*; and submitted with a recent passport sized photograph;
 - 18.2.3. for organisations: a certified true copy of the *Certificate of Incorporation Form C02, Form C07, Memorandum and Articles of Association, Tax Identification Number, VAT Number, and a valid Tax Clearance Certificate*;

- 18.2.4. for educational (including schools, training centres, colleges and universities), medical (including hospitals, clinics and surgeries) and religious institutions (including mosques and churches) and Non-Governmental Organisations a *Certificate of Registration* by the appropriate Federal and Kaduna state government agency.
- 18.3. Upon submission of the application form together with the items listed in Regulation 18.2 above, KADGIS shall convey an acknowledgement letter, which contains a list of all documents submitted to the applicant. KADGIS shall thereafter verify the information and documentation submitted in support of the application.
- 18.4. Should KADGIS have cause to doubt the accuracy or authenticity of any information or document submitted in support of the application, it shall notify and invite the applicant to resolve any conflict or disparity within thirty (30) days.
- 18.5. Within 60 days of the verification of the applicant's information and documentation, and subject to the availability of land to allocate, the applicants name will be placed on an Allocation List and forwarded to the Governor for consideration.
- 18.6. Upon the Governors approval the applicant will receive an offer of grant of statutory Right of Occupancy to the allocated plot of land, the Initial Bill and Acceptance Letter.
- 18.7. Where the applicant does not accept the offer and requests a Replacement plot of land the Offer Letter will be Withdrawn. The applicants request shall be accommodated when a Replacement plot of land becomes available. An Allocation List shall be prepared, and upon the Governors approval the applicant will receive an offer of grant of statutory Right of Occupancy for the Replacement plot of land, the Initial Bill and Acceptance Letter.
- 18.8. Within 30 days of submission of the signed Acceptance Letter and proof of payment of the Initial Bill KADGIS will print the Certificate of Occupancy for the Governor's signature, register, and then convey to the applicant.

19. Development Lease Agreement

- 19.1. Development Lease Agreements will be available for commercial and residential developments on land of 5,000 square metres or more (or over 50 housing units in the case of residential developments), and the Premium Fee shall be deferred, payable by the ultimate title holder.
- 19.2. Development Lease Agreements will be subject to a minimum investment commitment by the developer for the provision of the secondary infrastructure and/or construction of buildings, and a specified time period within which the secondary infrastructure and/or construction of buildings must be completed.
- 19.3. The application form must be completed in full and submitted to KADGIS together with the following:

- 19.3.1. evidence of payment of the application processing fee; the Development Lease Agreement application processing fee shall be applied as detailed in the Fourth Schedule to these Regulations;
 - 19.3.2. for individuals evidence of identity; accepted photo identification documents include: *International Passport; National ID Card; Drivers Licence; Voter Registration Card; and Tax Identification Card*; and submitted with a recent passport sized photograph;
 - 19.3.3. for organisations: a certified true copy of the *Certificate of Incorporation Form C02, Form C07, Memorandum and Articles of Association, Tax Identification Number, VAT Number, and a valid Tax Clearance Certificate*;
 - 19.3.4. for educational (including schools, training centres, colleges and universities), medical (including hospitals, clinics and surgeries) and religious institutions (including mosques and churches) and Non-Governmental Organisations a *Certificate of Registration* by the appropriate Federal and Kaduna state government agency;
 - 19.3.5. a project plan setting out the land use and purpose for the development, and the scope of works for the secondary infrastructure and/or buildings;
 - 19.3.6. an approved Environmental Impact Assessment and Environmental Management Plan that shall address all environmental problems that may arise from the implementation of the project plan, including noise, air, and water pollution;
 - 19.3.7. evidence of the capacity to deliver the investment required for the secondary infrastructure and/or construction of buildings as specified in the applicant's project plan scope of works.
- 19.4. Upon submission of the application form together with the items listed in Regulation 19.3 above, KADGIS shall convey an Acknowledgement Letter, which contains a list of all documents submitted to the applicant. KADGIS shall thereafter verify the information and documentation submitted in support of the application.
 - 19.5. Should KADGIS have cause to doubt the accuracy or authenticity of any information or document submitted in support of the application, it shall notify and invite the applicant to resolve any conflict or disparity within thirty (30) days.
 - 19.6. Within 60 days of the verification of the information and documentation, and subject to the availability of land to allocate, the application will be put forward to the Governor for a Direct Allocation of Land suitable for the development as specified in the applicant's documentation; thereafter the applicant will receive an offer of grant of the Development Lease, the Initial Bill and Acceptance Letter.

- 19.7. Within 30 days of submission of the signed Acceptance Letter and proof of payment of the Initial Bill the developer shall submit a properly planned layout to be approved by KADGIS.
- 19.8. Within 30 days of the layout approval KADGIS will print the Development Lease Agreement for the Governor's signature, register, and then convey to the developer.
- 19.9. Failure to comply with the investment commitment and/or the failure to complete the secondary infrastructure or construction of buildings before the expiry of the time period as set out in the Development Lease shall result in the Revocation of the Development Lease and the automatic forfeiture of any investment or works.
- 19.10. The parties acquiring or purchasing the commercial or residential properties from the developer must, upon acquisition or purchase, immediately apply for a new grant of Right of Occupancy using the Regular Application Process (see Regulation 17); the ultimate title holder shall then be responsible for the payment of the Premium charge as detailed in the Sixth Schedule to these Regulations.

20. Mining or Quarry Lease Agreement

- 20.1. The Holder or Operator of a Federal Mining or Quarry Lease Agreement shall register such Agreement with KADGIS, and apply for a KADGIS Mining or Quarry Lease Agreement. The Term of the KADGIS Mining or Quarry Lease Agreement shall be the same as the Federal Mining or Quarry Lease Agreement. The Conditions of the KADGIS Mining or Quarry Lease Agreement shall include the payment of annual Ground Rent.
- 20.2. The application form must be completed in full and submitted to KADGIS together with the following:
 - 20.2.1. evidence of payment of the application processing fee; the Mining or Quarry Lease Agreement Lease Agreement application processing fee shall be applied as detailed in the Fourth Schedule to these Regulations;
 - 20.2.2. for individuals evidence of identity; accepted photo identification documents include: *International Passport; National ID Card; Drivers Licence; Voter Registration Card; and Tax Identification Card*; and submitted with a recent passport sized photograph;
 - 20.2.3. for organisations: a certified true copy of the *Certificate of Incorporation Form C02, Form C07, Memorandum and Articles of Association, Tax Identification Number, VAT Number, and a valid Tax Clearance Certificate*;
 - 20.2.4. a Certified True Copy of the Federal Mining or Quarry Lease Agreement;
 - 20.2.5. a perimeter survey of the land as described in the Federal Mining or Quarry Lease Agreement;

- 20.2.6. a project plan setting out the land use and purpose for the development, and the scope of works for the secondary infrastructure and/or buildings;
- 20.2.7. An approved Environmental Impact Assessment and Environmental Management Plan that shall address all environmental problems associated with mining or quarrying, including noise, air, and water pollution during the operation of the Mining or Quarry Lease Agreement, and to provide for the rehabilitation of the land before the expiry of the Mining or Quarry Lease Agreement.
- 20.3. Upon submission of the application form together with the items listed in Regulation 21.2 above, KADGIS shall convey an Acknowledgement Letter, which contains a list of all documents submitted to the applicant. KADGIS shall thereafter verify the information and documentation submitted in support of the application.
- 20.4. Should KADGIS have cause to doubt the accuracy or authenticity of any information or document submitted in support of the application, it shall notify and invite the applicant to resolve any conflict or disparity within thirty (30) days.
- 20.5. Within 60 days of the verification of the information and documentation the application the applicant will receive an offer of grant of the Mining or Quarry Lease Agreement, the Initial Bill and Acceptance Letter.
- 20.6. Within 30 days of submission of the signed Acceptance Letter and proof of payment of the Initial Bill the Operator shall submit a properly planned layout to be approved by KADGIS.
- 20.7. Within 30 days of the layout approval KADGIS will print the Mining or Quarry Lease Agreement for the Governor's signature, register, and then convey to the Operator.

21. Miscellaneous Land Transactions

- 21.1. All Land Transactions which include any changes in ownership, the size of the plot, the land use or the land purpose shall be prepared (and where necessary Registered) using the KADGIS Digital Data Repository. This Regulation 21 sets out the Land Transaction instruments and their permitted use.
- 21.2. All Land Transaction application processing fees, rates and charges are shown in the Fourth Schedule to these Regulations.
- 21.3. Deed of Assignment: shall be used to register a change in ownership. The applicant seeking to register a Deed of Assignment requires the signature of the original owner and additional proof of ownership such as a sale agreement.
- 21.4. Deed of Gift: to be used to transfer ownership where there is no consideration out of affection/goodwill.

- 21.5. Power of Attorney: shall be used to assign certain rights pertaining to the property to a third party. This may be used in cases such as the owner engaging a lawyer or estate agent to manage and rent a property. Powers of Attorney shall be time bound. Irrevocable Powers of Attorney are not allowed.
- 21.6. Deed of Mortgage: shall be used when the title holder borrows money from a financial institution and secures the loan by giving the title document as collateral.
- 21.7. Deed of Release: shall be used by the financial institution to redeem the title document.
- 21.8. Devolution Order: shall be used to register the interest of a third party in the case of the demise of the substantive title holder.
- 21.9. Change of Name: shall be used when the individual or company holding a Right of Occupancy has a legal change of name.
- 21.10. Change of Land Use/Purpose: shall be used to change land use/purpose clause in the Right of Occupancy as permitted under Schedule 7 to these Regulations.
- 21.11. Sublease: shall be used to register long term rentals or leases.
- 21.12. Revocation: shall be registered where the Right of Occupancy has been extinguished.

22. Compulsory Acquisition and Compensation

- 22.1. From time to time the Kaduna state government shall by compulsory order acquire land for overriding public interest, and for the strategic economic development of the state. Customary or Statutory title holders or claimant to the land will be compensated for such compulsory acquisition.
- 22.2. The mode of acquisition and the Notice thereof shall be as provided for by Land Use Act, CAP L5, Laws of the Federation Nigeria, 2004.
- 22.3. Where land is compulsorily acquired, each Head of Household within the land acquired shall receive a compensation payment according to the Seventh Schedule to these Regulations.
- 22.4. In the case of land acquired for the purposes of residential development each Head of Household with one (1) hectare of land shall be offered one plot of land in the new layout. The plot shall be in a medium density area (approximately 700 square metres) and offered on a first right of refusal basis. This is in addition to the provisions of Regulation 23 on compensation payment.
- 22.5. In the case of land acquired for the purposes of residential development to the extent that is feasible existing settlements may be incorporated in the new layout, subject to urban renewal in compliance to minimum town planning standards.

23. Standard Valuation Rates

At the commencement of each financial year the Commissioner of Finance shall publish in the Kaduna State Gazette the standard valuation rates applicable for all classes of property for that year.

24. Development Permission

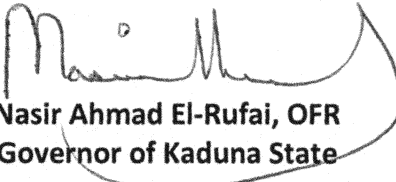
Development permission shall be obtained from KASUPDA in accordance with Nigerian and Kaduna State Urban and Regional Planning Laws and KASUPDA Regulations, and with reference to any updates that shall be published in the Kaduna State Gazette.

25. Land Use Violation Charges

- 25.1. The charges and penalties set forth against each act of contravention in the Fourth Schedule hereto shall be payable upon the declaration of KADGIS or KASUPDA of such contravention.
- 25.2. Each charge and/or penalty shall, unless otherwise stated, be payable for every year in which the contravention continues provided that where a contravention continues for more than 30 days in a calendar year, the annual charge or penalty shall be payable in respect of that year.
- 25.3. Where the penalty and/or charge payable in respect of a contravention is based on the market value of a property, the determination of such market value shall be subject to the Standard Valuation Rates (see Regulation 23).

26. **Citation These Regulations may be cited as the Kaduna Land Use Regulations, 2016.**

Made at Kaduna this 29th day of December, 2016


Nasir Ahmad El-Rufai, OFR
Governor of Kaduna State