

## **SUBSIDIARY LEGISLATION**

### *List of Subsidiary Legislation*

1. Urban and Regional Planning Tribunal (Federal Capital Territory, Abuja) (Procedure) Rules.

### **URBAN AND REGIONAL PLANNING TRIBUNAL (FEDERAL CAPITAL TERRITORY, ABUJA) (PROCEDURE) RULES** [S.1. 8 of 1997.]

under section 89

[16th June, 1997.]

[Commencement.]

#### **1. Reference to Tribunal**

In any case where the secretary of the Tribunal is of the opinion that a *prima facie* case is shown against-

(a) a developer; or

(b) the Control Department;

(c) any other person,

he shall prepare a report of the case and formulate any appropriate charge or charges and forward them to the Tribunal together with all the documents considered by the Tribunal.

#### **2. Chairman to convene the Tribunal**

The secretary shall refer the report and the charges to the chairman of the Tribunal who shall convene a meeting of the Tribunal, as set up in accordance with rule 3 of these Rules.

#### **3. Composition of the Tribunal**

The Tribunal shall consist of-

(a) a chairman who shall be a registered town planner with 15 years post-qualification experience;

(b) an architect;

(c) a legal practitioner knowledgeable in planning laws;

(d) an engineer;

(e) a land surveyor; and

(f) a secretary to the Tribunal who shall be a town planner with at least 5 years post-qualification experience.

#### **4. Parties to the proceedings before the Tribunal**

(1) The parties to the proceedings before the Tribunal shall be-

(a) a representative of the Control Department;

(b) the owner or occupier whose conduct is the subject matter of the proceedings;  
and  
(c) if the Tribunal so directs, the Local Planning Authority, who may be represented by a legal practitioner.

(2) The owner or occupier whose conduct is the subject matter of the proceedings may appear either in person or be represented by a legal practitioner and the Tribunal may also employ the services of a legal practitioner to present the case before it.

**5. Fixing of hearing day and service of notice, etc., thereof by the secretary**

(1) On the direction of the chairman of the Tribunal, the secretary shall fix a day for the hearing of the case and shall serve notice thereof on each party to the proceedings as specified in the Schedule to these Rules.

(2) The secretary shall serve on each party, other than the Local Planning Authority, copies of the report and all the charges prepared by the Control Department and all the documents considered by the panel. Service of any document on the owner or occupier whose conduct is the subject matter of the proceedings may be effected either by handing the documents to him personally or by sending it by registered post to the address.

**6. Hearing in absence of parties**

(1) If any party fails to appear at the hearing, the Tribunal may, upon proof of service on such party of the notice of hearing, proceed to hear and determine the case in his absence.

(2) Any party to a proceeding before the Tribunal who fails to appear at the hearing, may within fourteen days from the pronouncement of the findings and directions of the Tribunal and upon giving notice to every other party and to the secretary, apply to the Tribunal for a re-hearing. The Tribunal, if satisfied that it is just that the case should be re-heard, may grant the application on such terms and costs or otherwise as it thinks fit.

**7. Hearing of witnesses and reception of documents**

The Tribunal may, in the course of its proceedings, hear such witnesses and receive such documentary evidence as in its opinion may assist it in arriving at a conclusion as to the truth or otherwise of the allegations of misconduct referred to it by the Control Department.

**8. Amendment of charges before the Tribunal**

If in the course of the proceedings it appears to the Tribunal that the charges forwarded to it by the Control Department require to be amended or added to, the Tribunal may permit such amendments or additions, as it shall think fit.

**9. Holding of proceedings in public**

The proceedings of the Tribunal shall be held, and its findings and directions shall be pronounced, in public.

**10. Adjournment**

The Tribunal may, of its own motion, or upon the application of any party, adjourn hearing on such terms as to costs or otherwise as the Tribunal may think fit.

**11. Penalty for giving false evidence**

If any person wilfully gives false evidence on oath before the Tribunal during the course of any proceedings, or wilfully makes a false statement in any affidavit sworn for the purpose of any such proceedings, the Tribunal may refer the matter to the Attorney-General of the Federation for necessary action.

## **12. Findings of guilty**

If, after the hearing, the Tribunal adjudges that an offence has been committed under the provisions of the Act and such regulations made thereunder the Tribunal shall record such findings.

## **13. Penalties**

The Tribunal shall, in pursuance to sections, 59, 60, 70 and 71 of the Act, have power to order a party to the proceedings who has been found guilty to comply with the provisions set out thereunder.

## **14. Visit to *locus in quo***

The Tribunal may during the hearing of a matter before it and before its final order visit the premises or development site which is the subject matter of the dispute before it for adjudication.

## **15. Extension of time within which to comply with a stop-work order**

In pursuance of section 58 of the Act, the Tribunal may, if it deems fit and on application of the Control Department, extend the period of time during which a stop-work order shall remain in force.

## **16. Costs**

The Tribunal may, without finding an owner or occupier guilty of an offence under the Act, nevertheless order any party to pay the costs of the proceedings if, having regard to his conduct and to all the circumstances of the case, the Tribunal shall think fit so to order.

## **17. Time within which to obey order of Tribunal**

A person directed by an order of the Tribunal to pay money to the Local Planning Authority or to do any other act shall within 21 days thereafter effect the order to pay or perform the act.

## **18. Appeal**

In furtherance of the provisions of section 46 of the Act, an appeal shall lie as of right from the decision of the Tribunal to the High Court of the Federal Capital Territory, Abuja.

## **19. Publication of directions of Tribunal**

Subject to the provisions of the Act any direction given by the Tribunal shall be published in the *Gazette* as soon as such direction takes effect.

## **20. Record of proceedings**

(1) Shorthand notes of proceedings may be taken by a person appointed by the Tribunal and any party who appeared at proceedings shall be entitled to inspect the transcript thereof.

(2) The secretary shall supply to any person entitled to be heard upon an appeal against the direction of the Tribunal and to the High Court of the Federal Capital Territory, Abuja, but to no other person, a copy of the transcript of such notes on payment of such charges as may be determined by the secretary.

(3) If no shorthand notes be taken, the chairman of the Tribunal shall take a note of the proceedings and the provisions of these Rules as to inspection and taking of copies shall apply to such notes accordingly.

**21. Dispensing with provisions**

The Tribunal may dispense with any requirement of these Rules respecting notices, affidavits, documents, service or time in any case where it appears to the Tribunal to be just to do so.

**22. Extension of time**

The Tribunal may in any given case extend the time to do anything under these Rules.

**23. Exhibits and books**

The Tribunal may order that any books or other exhibits, produced or used at a hearing, be retained by the secretary until the time within which an appeal may be entered has expired, and if notice of appeal is given until the appeal is heard or otherwise disposed of.

**24. Interpretation**

In this Rules, unless the context otherwise requires-

**"Act"** means the Nigerian Urban and Regional Planning Act 1992; [1992 No. 88.]

**"secretary"** means a person appointed to act as the secretary of the Urban and Regional Tribunal Federal Capital Territory, Abuja.

**25. Citation**

These Rules may be cited as the Urban and Regional Tribunal (Federal Capital Territory, Abuja) (Procedure) Rules 1997.

SCHEDULE

*Notice of hearing by the Tribunal*

In the matter of A.B., a \*Developer/\*Owner/\*Occupier

and

In the matter of the Nigerian Urban and Regional Planning Act 1992

TAKE NOTICE that the report and charges prepared by the secretary to the Tribunal in the above matter are fixed for hearing by the Urban and Regional Planning Tribunal of the Federal Capital

Territory, Abuja at ..... on the ..... day of 20 .

.....

*Secretary to the Tribunal*

\* Delete whichever is not applicable.