

STATE LANDS ALLOCATION REGULATIONS

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A.S.L.N. No.
15 of 1977,
22 of 1977, 2
of 1978.

A Law to Regulate the Allocation of Land by Government.

made under section 37

[7th March, 1977]

Citation.

1. These regulations may be cited as the State Lands Allocation Regulations.

Interpretation.

2. In these Regulations—

“Commissioner” means the Commissioner charged with responsibility for matters relating to Land;

“Chief Land Officer” means the Chief Land Officer in the Ministry charged with responsibility for matters relating to land;

“individual” means a person of the age of 21 years or above and includes a wife in a monogamous family but excludes wives other than one in a polygamous family;

“Land Officer” means Land Officer in the Ministry charged with the responsibility for matters relating to Land;

“Permanent Secretary” means the Permanent Secretary charged with responsibility for matters relating to land;

5. Employer's Name and Address.....
.....

I certify that the above information is true and correct.

.....
*Signature and official Stamp
of Employer*

FOR OFFICIAL USE

(Please leave this space blank)

- (a) two copies shall be sent to the Land Officer in charge of the area where the plot to be allocated is situate;
- (b) two copies together with the application fee referred to in regulation (6) shall be sent to the Permanent Secretary.

(2) The Land Officer shall send one copy of the application to the Chief Land Officer who shall transmit same to the Permanent Secretary with his comments; the other copy shall be retained by the Land Officer for record purposes.

(3) The Permanent Secretary shall retain one of the copies sent direct to him by the applicant and shall use this copy to compile a master list of applicants. The other copy shall be forwarded to the Chairman, Board of Internal Revenue.

Fees to
accompany
application.

6. An application for a plot shall be accompanied by a non-refundable fee of thirty naira, or any such amount as may be prescribed from time to time by the Commissioner in the relevant advertisement for allocation of plots, which shall be paid to the Permanent Secretary:

Provided that an applicant who pays the above prescribed application fee in response to any advertisement for allocation of plots but failed to secure an allocation shall not within a period of two years from the date of the advertisement in response to which he paid the application fee be required to apply for an allocation of a subsequent advertisement for allocation of plots but shall have his name placed on the waiting list of applicants for the said period of two years and thus be eligible to be considered for allocation of a plot.

Eligibility
tests.

7. The following eligibility tests shall apply to all applications for plots—

- (a) An applicant in the private sector shall be required to produce satisfactory evidence or receipts showing that he had paid his income tax during the three financial years immediately preceding the date of his application and the amount paid in each year. For an applicant in the public sector either a certificate of tax payment for three years immediately preceding the application, or a certificate by the Permanent Secretary or Head of his Department showing that he is an officer of that Ministry or Department and stating his salary grade, shall suffice.

- (b) An applicant shall satisfy the Prescribed Authority that he has or can raise the capital necessary for the proper development of the plot.
- (c) In the allocation of plots priority may be given to persons who at the time of application have no plots on State lands.

8. An application for an industrial plot shall be submitted in the manner prescribed in sub-paragraph (1) of regulation 5. In addition, the following provisions shall apply—

Allocation for industrial purposes.

- (a) An industrial plot shall only be allocated to a *bona fide* industrial concern. The allocation shall be made in the name of the company or individual concerned in relation to the industry and shall be made solely for the specific purposes stated in the application.
- (b) It shall be a condition of the lease that such lease shall automatically determine and revert to the State as soon as the purpose for which the allocation is made is altered.
- (c) An applicant for a plot shall show satisfactory proof that he is able to develop the lot for the industrial purposes.
- (d) No application for an industrial plot shall be approved unless it is recommended by the Ministry of Industries, Co-operatives, Trade and Transport and all applicants shall in their interest complete the special forms prescribed by the Ministry of Industries, Co-operatives, Trade and Transport.

9. (1) All applications for plots shall be considered by a body of persons in these regulations referred to as the prescribed Authority, which shall be constituted in accordance with this regulation.

Prescribed Authority.

(2) The Prescribed Authority shall consist of a Chairman and four other members all of whom shall be appointed *ad hoc* by the Governor whenever plots in any layout are advertised for allocation.

(3) Members of the Prescribed Authority shall include public servants and persons of honourable character and distinguished reputation in the private sector:

Provided that in the case of public servants such public servants shall be officers not below salary Grade Level fifteen (15):

Provided further that public servants in the Ministry of Works and Housing shall not be eligible for appointment as such members.

(4) The recommendation of the Prescribed Authority shall be made to the Commissioner who shall base the allocation on the recommendation of the Authority:

Provided that the Commissioner may vary the recommendation of the Authority, if in his opinion it is fit and proper to do so, but such a variation shall not exceed 5 per cent of the total number of plots advertised for allocation at any material time.

(5) After considering the report of the Prescribed Authority, the Commissioner shall forward to the Governor for approval the recommendation of the Authority together with the allocation made by him including any variation made by him on the recommendation of the Authority and the reasons for such variation.

Special
allocation.

10. Any allocation of plots made contrary to the provisions of these regulations or in breach of any regulation thereof shall be void:

Provided that the Commissioner may in the following cases allocate plots notwithstanding the provisions of these regulations—

- (a) where land is required for purposes of a government-owned or other Government-sponsored concern or company, a corporation or Government agency or for the purpose of other governments of the Federation which may propose to establish a project in this State;
- (b) where the applicant is a genuine industrial concern and the Commissioner responsible for industries certifies that the allocation is required as a matter of urgency in the interest of the economy of the State;
- (c) where land is required for social, religious philanthropic or sporting facilities.

Provided that whenever the original purpose for which the allocation was made is departed from or abandoned, the lease shall automatically determine and the land shall revert to the State;

- (d) where the Commissioner is directed in writing to do so by the Governor.

11. No allocation of plot shall be made to the Commissioner responsible for land, his wife or children without application, to, and the express written approval of, the Governor.

Allocation to Commissioner, wife and children.

12. An individual shall be entitled to one plot in any town subject to a maximum of two towns in the State.

Individual allocations.

13. (1) A public company may be allocated as much land for industrial, commercial or residential purposes as it genuinely requires for its industrial, commercial or residential needs having regard to the nature and size of its activities.

Allocation to companies.

(2) Private companies other than private companies owned or sponsored by the Government of Anambra State shall, for purposes of plot allocation on State land, be treated as individuals. In addition, no plot allocation shall be made to a private company unless it established a genuine need for such land for purposes of its commercial/industrial activities.

14. The Ministry responsible for land shall publish in the Anambra State *Gazette* and local newspapers the names of allottees and the plots allocated within fourteen days of the date of allocation.

Publication.

15. Any plot allocated and not developed within two years of the execution of the lease thereof shall revert to the State notwithstanding that such plot was allocated in accordance with the provisions of these regulations.

Undeveloped plot.

SCHEDULE

(Regulation 5)

Land Form

APPLICATION FOR A LEASE OR RIGHT OF OCCUPANCY

1. Applicant's Name (in full).....
2. Name of Company or Organization.....
3. Registered Number of Company or Organization (if registered).....

4. Nationality (of Applicant).....
5. Applicant's Local Government Area and Town
6. Residential Address.....
7. Postal Address.....
8. Annual Income.....
9. Town and Layout applied for.....
10. Purposes for which land is required (residential or commercial).....
11. Particulars of State Leases held by the Applicant, his wife and adult child/children by direct allocation or assignment and those of Companies in which he or his wife or adult child is sole or major shareholder.....
12. Particulars of Right of Occupancy held by the applicant, his wife or adult children however acquired.....
13. Estimated cost of development.....
14. Tax paid on individual incomes during the last three years (Tax Clearance Certificate to be attached).....
 - (a) Tax Receipt No..... Date.....
Station.....
 - (b) Assessment Notice No..... Date.....
Station.....

Assessment Notice, Tax Receipt and Tax Clearance Certificate should be enclosed in respect of employed persons, enclose certificate of Income Tax Payment in the prescribed form certified by the Board of Internal Revenue.

State Lands

I enclose herewith the prescribed fee in *Post Money Order*.

I hereby declare that the particulars given by me in the form are true and correct.

Date.....

Signature/Finger-print of Applicant

NOTES:

- (1) Two copies together with the prescribed fee should be forwarded direct to the Permanent Secretary, Ministry of Works and Housing, Enugu. Two copies should be submitted to the Land Officer in charge of the area in which the land is situated.
- (2) Applicants for Industrial Plots should in addition complete other forms obtainable from the Ministry of Industries, Co-operatives, Trade and Transport, Enugu in that regard.
- (3) Only applicants accompanied by the prescribed fee in crossed Postal or Money Order and made payable to the Permanent Secretary, will be acknowledged.
- (4) A letter of acceptance of an allocation shall be accompanied with a passport photograph of the allottee and such photograph shall be certified to be the true likeness of the allottee by a Magistrate, an administrative officer, a clergyman or a notary public and in each case the signature of the identifying officer or person shall be accompanied by his official.

CERTIFICATE OF INCOME TAX PAYMENTS

1. Name of employee..... Official No.....
2. Rank/Duty.....
3. (a) Annual emoluments (Gross) N K Year.....
(b) Annual Emoluments (Net) N K
4. Tax deducted to date/
during the year (P.A.Y.E.)
to N K
and paid to Government.....