



ANAMBRA STATE OF NIGERIA

2013 NO. 9

A Law to provide for the establishment, structure, composition, functions, meetings and funds, of the Anambra State Physical Planning Board and other related matters

ENACTED by the Anambra State House of Assembly as follows:-

PART I: PRELIMINARY

1. This Law may be cited as the Anambra State Physical Planning Law, 2013 and shall come into force on the 15th day of May, 2013.
2. This Law shall apply to all urban and regional planning matters involving government intervention, administration and control within the entire boundary of Anambra State of Nigeria
3. In this Law, except where the context otherwise requires,
 - "agricultural development" means any development or use of land or any building on the land including ancillary buildings for any of the following purposes:-
 - (a) growing of crops;
 - (b) growing of livestock;
 - (c) horticulture;
 - (d) crop/animal husbandry;
 - (e) grazing;
 - (f) pasturing;
 - (g) fishery;
 - (h) poultry; and
 - (i) any other activity incidental to the foregoing;
 - "appeal and enquiry committee" means the Physical Planning Appeal Committee established under section 102 of this Law;
 - "authority" means the Local Planning Authority established by section 2(1)(b) of this Law;
 - "board" means the State Physical Planning Board established by section 8(1)(a) of this Law;

Citation and Commencement

Application

Interpretation

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 (173)

"enforcement notice" includes a stop work notice, prohibition notice, set back notice, quit notice and demolition/removal notice;

"house of assembly" means the Anambra State House of Assembly;

"town planning technical report (TPTR)" means a report, signed and sealed by a registered Town Planner and aimed at evaluating various aspects of the town planning impacts, both adverse and beneficial, of a proposed development and/or land use including the identification of measures for mitigation of the adverse effects with definite conclusion recommending or otherwise the proposed development or land use;

"governor" means the Governor of Anambra State;

"industrial development" means any development or use of land or any building on land for the purpose of:-

- (a) processing any mineral;
- (b) extracting or producing by whatever means other than mining one product or substance; and
- (c) repair and working on any mechanized equipment;

"institutional development" means any development on the land for any of the following purposes:-

- (a) social welfare and community development, i.e. education, healthcare, religion and charity;
- (b) offices for political party organizations, trade unions, employees' associations and any trade organization whose principal purpose is participating in public affairs;
- (c) sports and social clubs but offering overnight accommodation for a charge for more than twenty persons;
- (d) museums and art galleries;
- (e) swimming pools available for use by members of the public without payment of a charge; and
- (f) any development or use of land for any purpose(s) incidental to any of the above purposes;

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

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

- (a) district plan 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, where changes by development, redevelopment, or improvement need to be effected;

"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 in section 4 of this Law and includes any schemes, plan or master plans approved under authority of any legislation repealed by Law or made under this Law;

"plan" means land use proposal expressed in words and graphics;

"planning area" means the area of land designated by the Board or Planning Authority under this Law as the area for which a physical development plan is to be made;

"region" means an area of land less than country but more than a town area, having distinctive characteristic that distinguishes it from other areas;

"regional plan" means statement of general policies and proposals for development plan designed to channel the growth of such a region in a desirable direction;

"residential development" means any development or use of land or any building on the land for human habitation or dwelling house together with such out-buildings as are ordinarily used therewith and includes:

- (a) detached duplex;
- (b) semi-detached duplex;
- (c) block of flat;
- (d) bungalow;
- (e) tenement building;
- (f) boarding house/hostel;
- (g) apartment building;

it does not include any building mentioned whether by way of inclusion or exclusion in the interpretation of "commercial development",

"industrial development and "agricultural development";

"rural area" means any part of the State or Country which is not designated an urban area;

"state" means Anambra State of Nigeria;

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

"urban areas" means any urban area designated in accordance with section 3 of the Land Use Act.

PART II:

PLAN PREPARATION, ADMINISTRATION AND EXECUTION

A

TYPE AND LEVELS OF PHYSICAL DEVELOPMENT

Types of plans. 4.

At the State level there shall be:

Araya State Physical Planning Law

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

At the local level there shall be

- (a) a district plan,
- (b) a community development plan,
- (c) a rural area plan,
- (d) local plan,
- (e) a subject plan;

b. ADMINISTRATION:

- (1) The State Government shall exercise its physical planning responsibilities to ensure consistency in physical planning, development, organization and co-ordination at all levels of planning administration in Araya State. Responsibility of the State Government.

(2) The State Government shall exercise the following functions.

- (i) initiation, preparation and approval of regional, sub-regional and urban master/structure plan,
- (ii) the formulation of a State policy for urban and regional planning within the framework of national policies,
- (iii) the preparation and implementation of regional, sub-regional, urban, district, local and subject plans;
- (iv) approval and adoption of plans prepared by the Board and Local Planning Authorities;
- (v) the promotion and conduct of research in urban and regional planning,
- (vi) the dissemination of research results for adoption by user organizations,
- (vii) collaboration and management of urban and regional data system;
- (viii) the provision of technical assistance to local Governments in the preparation and implementation of district, local, rural and subject plans;

Article 10	Article 11	State Physical Planning Law
(1) The Ministry shall have the authority to:	(1) The Ministry shall have the authority to:	(1) The Ministry shall have the authority to:
(a) determine the location of national centers of economic activities;	(a) determine the location of national centers of economic activities;	(a) determine the location of national centers of economic activities;
(b) determine the location of national centers of economic activities;	(b) determine the location of national centers of economic activities;	(b) determine the location of national centers of economic activities;
(c) determine the location of national centers of economic activities;	(c) determine the location of national centers of economic activities;	(c) determine the location of national centers of economic activities;
(d) determine the location of national centers of economic activities;	(d) determine the location of national centers of economic activities;	(d) determine the location of national centers of economic activities;

ARTICLE 12

- (1) For the purposes of initiation, coordination and implementation of the physical development of the State, the State government shall establish, maintain and fund:
 - (a) the State Physical Planning Board (hereafter in this Law referred to as "the Board"), and
 - (b) the Local Planning Authority (hereafter in this Law referred to as "the Authority") in each of the Local Government Areas of the State.

- (2) Each of the bodies established under this section shall be a body corporate and have perpetual succession and a common seal with power to sue and be sued.

3. To the formulation of policies on physical and development activities the Ministry shall be responsible for the following functions -
 - (a) determination of the location of infrastructural facilities and centers of economic activities in the State (including location of national centers of economic activities and other functions);
 - (b) the conduct of research in physical planning;
 - (c) the provision of technical assistance on development control matters to the Board and the Local Planning Authorities;
 - (d) offer advice on State development projects and programs with socio-economic and land use impact as may be referred from time to time;
 - (e) be responsible for the formulation of legislation, policies, guidelines and strategies on physical planning matters and development in the State.

- (d) prohibit the carrying on of any trade or manufacture or the erection of any building in a particular part of the State other than that in accordance with the provision of the Structure Plan;
- 6.3 have with the National and International Planning Agencies on physical planning matters;
- (d) preparation of regional, sub-regional, district, local and subject plans in respect of state land which shall conform to local planning regulations;
- (d) preservation of historic and architectural buildings of interest;
- (d) formulate guidelines for housing inter-governmental, bilateral and multilateral cooperation in physical planning and urban development in the State;
- (d) consider all matters referred to it by the State government, public, associations, groups and execute such other planning function and duties as may be assigned to it by the State;
- (d) issuance of land use clearance on all application for physical development;
- (d) consideration and approval of private and State layout schemes;
- (d) evaluation and enforcement of town planners technical report for all projects including land acquisitions and payment of compensations;
- 10 (1) The Board shall comprise the following members:
- (a) the Chairman;
- (b) one representative each of the following professions who shall be a registered member of the relevant profession:
- town planning;
 - architecture;
 - civil engineering;
 - land surveying;
 - law;
 - estate surveying;
 - building, and
 - quantity surveying;
- (c) one representative there shall be a professional and not below grade level 1 from each of the following:
- Anambra State Water Supply Agency;
 - Anambra State Housing Corporation; and
 - Electrical Service Department of Ministry of Public Utilities;
- (d) the State Director of Town Planning;

Composition
of the Board.

(c) a General Manager appointed by the Governor from within the State Civil Service on a salary not below Grade Level 15 and shall be the Chief Executive of the Board on salary Grade Level 16.

(-) The Chairman and the other members of the Board shall be appointed by the Governor of the State.

(4) The Chairman referred to in subsection (1) (a) of this section shall be a registered member of any one of the professions set out in section 10 (b) (i) to (viii) and shall have been in professional practice for a minimum of 15 years and shall serve on part time basis.

(1) The General Manager referred to in subsection 10 (c) of this section shall be a registered Town Planner with a minimum of 10 years post professional experience.

(5) The post of the General Manager shall be pensionable.

(6) The Chairman, General Manager and members of the Board shall be paid such remuneration, fees and allowances as the Governor may, from time to time determine.

Functions of the Board

The Board shall perform the following functions

(1) In conjunction with the relevant ministries, the initiation and preparation of urban master/structural plans, and other relevant plans

(2) Act as the State implementing agency in projects related to Physical and Environmental Planning (sub-regional plans, urban master/structure plans, district plans, local plans and action area plans)

(3) Provide the required infrastructure such as roads, drainages, water and electricity in all approved State land layouts and in all private layout schemes.

(4) Plan and carry out urban renewal programmes to upgrade the environmental quality of public parts of the State.

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(5) Preserve buildings and objects of historical and or architectural interest.

(6)

Development control covering

- (i) all development applications for petrol/gas filling/refinery stations;
- (ii) all industrial development;
- (iii) all recreational developments covering an area of more than one hectare;
- (iv) all development on parcels of land of more than two hectares outside an approved layout;
- (v) all physical development in applications made by any federal, state or local government institutions;
- (vi) all developments for residential, institutional, commercial and agricultural purposes;
- (vii) telecommunication master plans such as private telephone operators (PTOS) internet service providers (ISP) etc.
- (viii) all developments above ground floors (including ground floor)

(7) The provisions of technical assistance to Local Planning Authorities.

(8) Consultation and co-ordination with the State Ministry and Local Governments in the preparation of physical plans.

(9) The supervision of Local Planning Authorities.

(10) Initiation of acquisition of public lands and open spaces, designated in Government approved private layouts, and

(11) Development and maintenance of open spaces, play grounds, recreational parks etc. on State land layout and private layouts.

(12) Engage in activities essential to its functions.

THE BOARD SHALL HAVE POWER

- (1) To administer, execute or enforce the development control powers of the Board.
- (2) To implement approved private planning schemes.

A. 1972	A.S.N.	Amamara State Physical Planning Law
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	(3)	To acquire, maintain or repair any plant or machinery which are necessary or desirable for the purpose of its functions
	(4)	To enter into such contracts as may be necessary or expedient for the purposes of its functions,
	(5)	To borrow money or dispose of any property vested on the Board

STRUCTURE OF THE BOARD

Structure of the Board	13.	(1)	For the purpose of this Law, the Board shall comprise the following departments (a) (i) physical planning; (ii) developmental control; (iii) open spaces, recreation and urban renewal; (iv) research, statistics and data processing; (v) administration; (vi) works, and (vii) accounts department; (b) Units: (i) legal; (ii) audit (iii) public relation officer (PRO).
		(2)	The above Departments and Units shall be responsible to the General Manager.
Heads of Department		(3)	The Head of the Departments must be registered members of their professions and shall not be below the rank of Directors and shall be pensionable posts.
Functions of Department of Physical Planning		(4)	The Physical Planning Department shall be responsible for: (i) physical and land use matters; (ii) preparation and review of all physical development plans; (iii) riverside development and management programmes; (iv) provision of technical assistance; (v) preparation and submission of annual progress report; (vi) approval of building conversion where necessary; (vii) be charged with the responsibility of preparing rural plans.

- (vii) indicate actions areas for immediate development or re-development;
- (ix) encourage rural dwellers to prepare and submit layout plans;
- (x) advise on the siting of rural industries;
- (xi) advise on the ecological management of the rural areas;
- (xii) undertake the management of the natural beauty of the rural area, including lakes and other inland waters, banks of rivers, steep hills, slopes and summits and valleys;
- (xiii) Undertake the preservation and enhancement of historic buildings and objects of architectural, artistic, archaeological, historical or scientific interest;
- (xiv) evaluate the importance of such factors as tourism within particular rural area.
- (a) The Control Department shall be a multi-disciplinary department constituted in line with section 13.1 of the National Building Code. It shall be charged with the responsibility for matters relating to development control and implementation of physical development plans, namely:
- (i) Coordinate and monitor all buildings and development activities to ensure compliance with the physical development plans, building permit or layout schemes;
 - (ii) granting of planning permit for all developments including buildings, fencing, renovation, quarrying and burrowing;
 - (iii) enforcement of the provisions of a building permit;
 - (iv) identification, prevention and removal of all unapproved developments;
 - (v) investigation of petitions and complaints relating to the duties of the Board and the Authority;
 - (vi) control of siting and location of historical artifacts and buildings;
 - (vii) issuance of Certificate of Fitness for occupation in accordance with sections 13.11 of the National Building Code; and
 - (viii) ensure compliance with sections 13.2, 13.6 and 13.7 of the National Building Code.

Functions of
Development
Control
Department.

- (b) Open Spaces, Recreational and Urban Renewal Department shall

Functions of the
Open Spaces.

A 154	A.S.N.	Law No. 9 of 2013	Annamra State Physical Planning Law
Recreation and Urban Renewal Department	(a)	design and develop open spaces/parks in all government and private approved layouts within the State,	
	(b)	landscape/plant trees in all the major streets within urban areas of the State,	
	(c)	establish plan nursery outfit,	
	(d)	identification and selection of areas for urban renewal programmes,	
	(e)	planning and implementation of urban renewal/upgrading programmes including recommendation on selection of new areas for urban development;	
	(f)	initiation, preparation and implementation of urban renewal/upgrading programmes;	
	(g)	provision of infrastructural facilities within new towns and cities under urban renewal/upgrading programmes;	
	(h)	listing of buildings of special architectural and or historic interest	

Responsibilities of Works Department

- (7) Works Department shall -
- (a) liaise with the appropriate bodies in the construction and maintenance of such public works as culverts, roads, quarries, water courses/drainages, sewage, plants and machinery and such other works as may be necessary for the efficient discharge of the Board's functions;
 - (b) supervise the direct labour projects of the Board;
 - (c) promote and encourage partnership with stakeholders including the use of consultants;
 - (d) undertake a constant review of existing road specifications in existing layout;
 - (e) ensure sound maintenance culture of all assets of the Board;
 - (f) assist in transportation and traffic planning;
 - * (g) monitor structural defects in buildings including quality of building construction;
 - * (h) be responsible for the control of construction methodology;
 - * (i) issuance of certificate of building construction stages as they effect the structural provisions of the building

Responsibilities of the Research, Statistics and Data Processing Department

- (8) Research, Statistics and Data Processing Department shall be responsible for the generation, collation, organization and

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Legal Unit (11) The Legal Unit is charged with the following responsibilities:

- (i) Legal Adviser to the Board;
- (ii) prosecute all matters relating to contraventions;
- (iii) handling all other legal matters affecting the Board.

Composition of the Authority

(1) The Authority shall comprise the following members:

- (a) a Chairman;
- (b) one representative of the following professions who shall be a registered member of the relevant profession:
 - (i) town planning;
 - (ii) architecture;
 - (iii) civil engineering;
 - (iv) land surveying;
 - (v) law;
 - (vi) building;
 - (vii) environmental science;
 - (viii) Director, town planning or his representative;
 - (ix) Director Lands or his representative;
 - (x) Surveyor General or his representative;
- (c) not more than three representatives of the wards in the local government area in relation;
- (d) the Town Engineer of the local government;
- (e) the Director of the Environmental Health;
- (f) an Executive Secretary appointed by the Commissioner responsible for Physical Planning from within the State Civil Service and shall be the Chief Executive of the authority; and
- (g) a representative of the Board who must be a registered Town Planner.

(2) The Chairman referred to in subsection (1) (a) of this section shall have been in professional practice for a minimum of ten years and shall have been registered with the Town Planner Registration Council, and shall serve on part time basis.

(3) The Executive Secretary referred to in subsection (1) (f) of this section shall be a registered Town Planner with a minimum of ten years professional practice.

- (1) The post of the Executive Secretary shall be a pensionable one.

(2) The Chairman, Executive Secretary and other members of the Authority shall be appointed by the Hon. Commissioner responsible for physical planning matters in consultation with the Board responsible for Physical Planning matters in the State;

(3) The Chairman, Executive Secretary and members of the Authority shall be paid such remuneration, fees, and allowances as the Commissioner may, from time to time, approve.

(4) For the purpose of this Law, the Authority shall comprise the following units:

- (i) physical planning unit;
- (ii) development control unit;
- (iii) administration; and
- (iv) accounts unit.

Signature of the
Planning
Authority.

15. The Local Planning Authority shall perform the following functions:

(1) Preparation and implementation of district plans, community development plans, rural area plans, local plans, and subject plans in collaboration with the Board/Ministry;

Functions of
the Authority.

(2) Preparation of an annual report on the implementation of the National Physical Development Plan and state Regional/Sub-Regional Plan and submission of same to the Board;

(3) The collection and management of local planning fees;

(4) Development control (without prejudice to the State/Board's interest) within its area of jurisdiction;

(5) Inspection of sites for siting/location/erection of billboards including streets/roads for naming;

(6) Control and grant of planning permission for communication masts, radio links, cyber cafe etc;

(7) Acquisition through the Board and development and maintenance of open spaces, play grounds, recreational parks on public layouts; and

(8) Providing advice and technical assistance to Local Government and private individuals on urban and regional planning matters.

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S. No.	No.	Section	Atombara State Physical Planning Law
1	1	1	Subject to subsection (2) of this section, the Board or the Authority by sections 12 and 15 of this Law may in each case be delegated to a person or persons the Board or the Authority may deem fit in any circumstance.
2	2	1	Notwithstanding the provision of subsection (1) of this section the Board or the Authority may perform any duty assigned under subsection (1) of this section.
3	3	1	(1) For the purpose of securing co-operation and co-ordination, the Board shall during the preparation of plan referred to in section 11 (1) and 15 (1) of this Law call for submissions from all relevant government/non-governmental organizations and private interested persons whose contributions shall serve as part of the input towards the preparation of the draft Physical Development Plans.
4	4	2	(2) The Commissioner may make rules as to the manner and method of notice and method of submission of the inputs toward the preparation for the plan.
5	5	3	(3) The Ministry/Board shall collate all the submissions made in compliance with the provision of this section.
6	6	1	(1) The Ministry/Board shall have power to appoint Technical Committee for the purpose of analyzing and collating submissions received under section 17 of this Law.
7	7	2	(2) Notwithstanding the provision of subsection (1) of this section, the Technical Committee shall have responsibility for evaluating the proposals submitted, preparing and exhibiting the draft Physical Development Plans for the purposes of this Law. The period of exhibition shall not exceed 21 days.
8	8	1	(1) Any member of the public, the local governments, governmental and non-governmental organizations and professional bodies may during the period of exhibition of the draft Physical Development Plan submit to the Ministry/Board, statements of their objections to anything appearing in the said plan and these shall (a) define the nature and reasons for the objections with certified sketch plan, and

(b) suggest alterations and amendments in writing with certified sketch plans required to be made to remove the objections.

(2) The Ministry/Board shall acknowledge receipt of all such written statement of objections.

20. (1) The Ministry/Board shall prepare schedules of summaries of the objections and comments submitted to it.

(2) The Ministry/Board shall submit such schedules within a period of two months after the final day of exhibiting the draft Physical Development Plan to the Technical Committee which shall review the objections and comments and prepare a revised draft plan which shall take these objections and comments into consideration.

The Ministry/Board to prepare summaries of objections.

21. The Ministry/Board shall within a period of two months meet to consider the revised draft Physical Development Plan together with the accompanying schedule of objections and comments.

Scrutiny of comments and objections.

22. (1) After the consideration of all objections and comments on the revised plan, the Ministry/Board shall prepare and submit a final draft plan, with or without amendments to the appropriate authority for approval.

Submission of final draft Plan for Approval.

(2) For avoidance of doubt, final draft shall be approved by the appropriate authority as follows:

Appropriate Authority to approve.

- (a) the Governor shall approve all district plans, local plans and community development plans on State land;
- (b) the State Executive Council shall adopt and approve all regional master plans, Sub-regional master plans and urban structure plans;
- (c) the Commissioner shall approve all district plans, local plans and subject plans prepared by the Ministry/Board on private lands; and
- (d) the Board shall approve all subject plans prepared by the Board or the Authority and any other relevant plans prepared by the Authority.

23. (1) Upon the receipt of the final draft, the appropriate authority may:

- (a) approve it wholly;
- (b) approve part of it; or

Approval of appropriate plan by the Authority.

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		(c)	refer it to the Ministry/Board for further consideration and amendment of the whole or part thereof.
	(2)	A plan approved under subsection (1) of this section shall be referred to as an "Operative Physical Development Plan" and a notice to this effect shall be published in the Official Gazette and/or in at least two widely read national daily newspapers and one local newspaper.	
Deposit of the Provisions of Operative Physical Development plan	24.	(1)	Copies of the Operative Physical Plan, certified by appropriate body, shall be deposited with the Ministry, the Board and Local Planning Authority for implementation.
		(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 Ministry/Board.
Adherence to provisions of Operative Physical Development plan	25.	The provisions of the Operative Physical Development Plan shall be adhered to by the Ministry, the Board and the Authority as well as other public, private organizations and individuals.	
Offences	26.	(1)	It shall be an offence for any person other than a registered town planner to prepare an Operative Physical Development Plan.
		(2)	It shall be an offence for any person or group of persons to carry out parcellation of parcels of land which is/are not covered by an operative physical development plan.
		(3)	Any person who commits an offence under subsections (1) and (2) of this section shall be liable on conviction to a fine of fifty thousand Naira or to imprisonment for two months.
Annual Report	27.	It shall be the duty of the Ministry to review annual reports submitted by the Board and Authorities.	
Proceedings	28.	The Board shall make standing orders regulating its proceedings or any Committee thereto.	
Procedure for making Regional and Sub-regional plan	29.	(1)	The procedure of making the physical plan shall be adopted with necessary modification in the making of the regional, sub-regional plan and urban master plan.

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- (2) A developer shall submit a development plan for the approval of the relevant Development Control Department.

33. Government or agency to obtain approval of the Control Department

Any existing law exempting any government and its agency involved in development of land from obtaining approval of the relevant Control Department is hereby repealed.

34. Application for development permit

- (1) A developer (whether, private or government) shall apply for development permit in such manner using such forms and providing such information including plans, designs, site analysis report etc. as may be prescribed by regulation made pursuant to this section.
- (2) No development shall be commenced by any government or its agencies without obtaining an approval from the relevant Development Control Department.
- (3) A plan required to be made under this Law shall be prepared by a registered Town Planner and shall be in accordance with the provision of the law. The plan shall also be accompanied by architectural/structural drawings prepared by a registered Architect and or Engineer as the case may be.

Ground for rejection of a Development permit

35. (1) An application for a development permit may be suspended or rejected if:
- (a) the plan is not in accordance with an approved operative plan; or
 - (b) the layout plan covering the area of the proposed development plan is in course of preparation; or
 - (c) in the opinion of the Control Department, the development is likely to have major negative impact upon the environment, facilities, or inhabitants of the community or contains such additional facilities which are not within the estimation of the physical development plan for that community; or
 - (d) in the opinion of the Control Department, the development is likely to cause a nuisance to the inhabitants of the community or contains such additional facilities that are not within the estimation of the physical development plan for the community; or
 - (e) the development is not in accordance with any other condition as may be specified under any regulation made pursuant to this law;

10. The Control Department may consider a representation made to it by a person, body or organization to be affected by an intended development.

Consideration of representations by a developer

- (1) A developer shall at the time of submission of his application for development permit, submit a detailed Town Planning Report (TPR) as may be prescribed by any regulation made pursuant to this law in respect of application for,
- (a) factory building or erection of factory building;
 - (b) office or other commercial building;
 - (c) petrol filling and service station;
 - (d) markets;
 - (e) gas filling station/a plant/quantifying;
 - (f) airports;
 - (g) river ports/ inland water ways/dry ports;
 - (h) change of use or purpose clauses;
 - (i) places of worship;
 - (j) major recreational developments covering more than 2000 square metres;
 - (k) agriculture projects;
 - (l) road construction and rehabilitation;
 - (m) a residential/estate land in excess of 1/2 hectare or development in excess of 4 floors (ground floor inclusive) or 8 family units;
 - (n) institutional buildings;
 - (o) any other building as specified in the building plan regulations made under this law;
 - (p) methane village(s);
 - (q) power stations;
 - (r) telecommunication masts;
 - (s) oil exploration/refineries;
 - (t) large scale refuse dump;
 - (u) land acquisition in excess of 5 hectares;

Submission of detailed Town Planning Technical Report

(2) The Board shall obtain prior approval from the Ministry in respect of all projects requiring Town Planning Technical Report (TPTR) but this requirement shall not be limited to planning applications made in respect of developments specified in section 37 (1)(a)-(i) before granting planning permission or building permit for such development.

Prior approval of Town Planning Technical Report by the Ministry

11. (1) The Control Department may approve or reject an application for development permit.

A. 194 Delay of approval of an application subject to objection	(2)	The Control Department may delay the approval of an application for development permit if circumstances so require that
	(a)	The developer at his own expense;
	(i)	shall provide public infrastructure and facility;
	or	
	(ii)	shall provide necessary commercial facility; or
	(iii)	shall provide necessary social, recreational, commercial facility; or
	(iv)	shall pay a sum of money in lieu to the Control
	Department for providing (i) to (iii) of this	paragraph; or
	(v)	shall stabilize or reclaim an environmental
	degraded land,	
	(b)	The developer enters into an agreement with an
	individual, corporate or unincorporated body in respect	of any matter the Control Department seems to be
	necessary for the development.	
	(c)	the developer pays such fee or other charges imposed
	by the Control Department; and	
	(d)	the developer shall comply with any other condition
	stipulated by regulation made under this law;	
	(3)	In reaching its decision under subsection (1) and (2) of this
	section the Control Department 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 approved plan under review; and
	(c)	any other consideration made particular and applicable
	to a locality by regulation or in pursuant to the	provision of this law.
Time limit for delaying approval.	(4)	A Control Department may delay the approval of an application
	for development permit for a period of time not exceeding 30 days.	
Decision of the Control Department shall be in writing.	(5)	The Control Department's decision on an application or
	development permit shall be communicated to the applicant in	writing
	(6)	Where the Control Department decides not to approve an
	application it shall give reasons for its decision in writing.	

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- (7) The Control Department's decision shall be a conclusive evidence of information stated therein. Control Department's decision is evidence of information stated.
- (8) The refusal or rejection of an application for development permit shall not confer on a developer any legal or other rights until it has been communicated to the applicant in writing. Department to give reasons for its decision.
39. (1) The Control Department shall enforce all the rights and duties attached to a development permit against a developer provided that where a developer transfers or assigns his interest, the Control Department shall enforce all the rights and duties attached to a development permit against a holder or occupier for the time being. Enforcement of rights and duties attached to a development permit.
- (2) A development permit granted to a developer shall:
- (a) remain valid for two years from the date of communication of the approval of a development permit to a developer; and Development permit valid for two years.
- (b) where a developer fails to commence development within two years the development permit shall be subject to revalidation by the Control Department which issued the original permit. Failure to commence development within 2 years of approval of an application.
40. The conditions attached to the grants of a development permit may be altered, amended, varied or revoked by a Control Department and shall not conflict with the conditions attached to a grant of a certificate of occupancy or customary right of occupancy. Condition for grant of permit to conform with condition of issue of certificate of occupancy.
41. (1) Conditions attached to the grant of development permit may be altered, amended, varied or revoked by a Control Department which shall serve a notice of its intention on the holder for the time being of a development permit. Alteration, amendment, etc. of conditions attached to grant for development.
- (2) The notice required to be served by subsection (1) of this section shall state the reasons for the proposed action of the Control Department.
- (3) The Control Department shall consider any representation made to it by the developer or the holder for the time being of a development permit.
- (4) The Control Department'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.

ASN

Law No. 9 of 2013

Amendment to Physical Planning Law

Section 42
Appeal
within 28 days of service of a notice under this section by the Control Department

A dissatisfied developer or a holder for the time being of a development permit may appeal to the Appeal Committee set up to hear appeals within 28 days of service of a notice under this section by the Control Department

Section 43
Revocation
The Control Department shall consider any representation made by a developer if

(1) A development permit already granted and communicated to a developer or holder for the time being may be revoked by the Control Department which shall serve a notice of its intention to revoke the development permit.

(2) The notice in subsection (1) of this section shall state the reasons for the revocation of the development permit.

Section 44
Appeal
The Control Department shall consider any representation made by a developer if

The Control Department shall consider any representation made by a developer if

Section 45
Appeal
A dissatisfied developer or holder for the time being of a development permit may appeal against the decision of the Control Department in the first instance to the Commissioner charged with responsibilities for matters relating to Physical Planning

(1) A dissatisfied developer or holder for the time being of a development permit may appeal against the decision of the Control Department in the first instance to the Commissioner charged with responsibilities for matters relating to Physical Planning

Section 46
Appeal
An appeal against the decision of the Commissioner shall be to an Appeal Committee set up to hear appeals within 28 days of service of a Control Department

(2) An appeal against the decision of the Commissioner shall be to an Appeal Committee set up to hear appeals within 28 days of service of a Control Department

Section 47
Compensation
In the exercise of its function under section 43 of this law the Control Department shall

In the exercise of its function under section 43 of this law the Control Department 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 matters of over-riding public interest as provided for in section 32(2), (3) of the Land Use.

Section 48
Compensation
Compensation shall be payable for the revocation of development permit

Compensation shall be payable for the revocation of development permit

- (a) development has commenced; or
- (b) the developer or holder is liable under an existing contract to a third party to damages for a breach of contract; or
- (c) the developer has incurred any expense or has suffered a loss during the process of obtaining the development permit.

Section 49
Compensation
The amount of compensation payable under section 48 of this law shall be such as to reimburse the developer or holder

(1) The amount of compensation payable under section 48 of this law shall be such as to reimburse the developer or holder

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for the time being of a development permit of the losses incurred as a result of the revocation and shall not be in the form of amount payable in damages 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 condition under which the development permit was granted; or
 - (b) the right of occupancy of the land on which a development was to take place has been cancelled or revoked on the ground that the applicant did not comply with the requirements of the Land Use Act; or
 - (c) a claim for compensation is not made within 28 days after a notice of revocation is served on the holder for the time being of a development permit.

Cap. 202 LFN.

49. Compensation payable under this section shall be paid not later than 180 days after a claim for compensation has been made.
50. In the event of a dispute arising as to the amount of compensation payable to a developer, the dispute may be referred to the Planning Appeal Committee established under section 102 of this Law.
51. An appeal against the decision of the Planning Appeal Committee in respect of amount payable to a developer shall lie as of right to the High Court in the State within 28 days.

Time limit for payment of compensation.

Disput arising from compensation.

ENFORCEMENT

52. (1) The Control Department shall serve an enforcement notice which shall include any or all of the following:
- (a) stop work notice;
 - (b) contravention notice;
 - (c) quit notice;
 - (d) demolition notice;
 - (e) revocation notice;
- on the developer or owner or his representative of a private or public, residential, commercial, industrial or any other land use whenever any development is commenced without obtaining a development permit or approval.

Service of enforcement.

A. 19b	A.S.N. Law No. 9 of 2013	Amendment to Physical Planning Law
Address of an enforcement notice and mode of service	(2)	An enforcement notice may be served pursuant to subsection (1) of this section notwithstanding that the unauthorized development took place before the commencement of this law.
	(3)	The notice shall be addressed to the owner, builder, occupier, contractor, or those responsible for the illegal structure, work, or development and is deemed to have been duly and validly served by pasting or affixing such notice on any part of the structure/premises with digital photographs (showing date and time) taken or when handed to any representative of the developer found on site.
Alteration, variation etc. of development.	53.	(1) An enforcement notice served pursuant to subsection (1) of section 52 may direct the developer to alter, vary, remove or discontinue a development. (2) the Control Department may impose additional conditions as it may deem fit in each circumstance. Before issuing or serving an enforcement notice in accordance with provision of subsection (1) of this section, the Control Department shall: (a) have regard to the existing condition for granting a development permit; (b) have regard to the likely environmental development carried out or being carried out, the degradation or impact; (c) consider the over-riding public interest without prejudice to paragraph (b) of this section.
Relocation of developer.	54.	Where there is no existing operative development plan and a developer has already developed a residential building, the Control Department may assist the developer of such residential building by relocating him on another site if such site is acquired by government for a different use.
Form of an enforcement notice	55.	(1) An enforcement notice served under section 52 of this law by the Control Department shall: (a) be in writing and communicated to the developer; (b) state the reason(s) for the proposed action of the Control Department; (c) consider any representation made by a developer or on behalf of a developer. (2) An enforcement notice may require a developer to alter, remove, or discontinue a development to ensure that the development

becomes a lawful development in becomes compatible with the use for which an adjoining land has been put.

55. A Control Department or its authorized agent shall enforce an order of the Planning Appeal Committee 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.
56. A developer or holder for the time being of a development permit shall be liable for the expenses reasonably incurred by the Control Department or any of its officers or agents, as the case may be, in enforcing the provisions of section 53 of this law. Developer liable for expenses incurred by control Department.
57. Where it appears to the Control Department that a development does not comply with a development permit issued by the Control Department, the Control Department shall issue a stop-work order pending the service of an enforcement notice on owner, occupier or holder as provided by section 52 of this law. Issuance of stop-work order for unauthorized development, etc.
Provided that where the development or use is minor, the Control Department shall have the power to order the developer to alter, remove or discontinue the development or use.
58. A stop-work order shall take immediate effect upon service on a developer, his agent or the occupier of the development for the time being. Stop-work order to take effect on service.
59. A stop-work order shall comply with the provisions of section 53 of this law and shall in addition inform the developer or occupier of:
(a) the development which is required to be stopped; and
(b) the work to be recited to conform with the development permit issued thereto. Information to be contained in a stop-work order.
60. The Control Department shall give a reasonable time not exceeding 21 days within which the developer shall be required to comply with provisions of section 55 of this law. Reasonable time to be given to a developer to comply with a stop-work order.
61. A stop-work order shall cease to have effect if within 21 days of its issue an enforcement notice is not served on the developer. Effect of failure of Service Enforcement Notice within 21 days of service of a stop-work order.
62. Where an enforcement notice is served in respect of a development to which a stop-work order is served, an Appeal Committee may on the application of the Control Department extend the period of time on which a stop-work order shall remain in force. Extension of time within which to comply with a stop-work order.

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Anambra State Physical Planning Law

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Penalty

64.

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 shall be guilty of an offence and liable on conviction to a fine not exceeding N20,000.00 in the case of an individual and in the case of a corporate body to fine not exceeding N100,000.00.

Enforcement
Notice

65.

Where a developer contravenes the provisions of a planning law or any regulation made pursuant to the law, the Control Department shall have power to require the developer to;

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

Demolition

66.

(1) The Control Department 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.

Control Department's
power to demolish a
defective building

(2)

Where a developer fails to comply with the provisions of section 65 (a) to (d), the Control Department shall carry out demolition of the structure without further notice;

Note

(3)

Notice served pursuant to subsection (2) of this section shall contain a date not later than 21 days and a further 14 days of final notice on which the Control Department shall take a step to commence demolition action on the defective structure.

(4)

It shall be the duty of the Nigerian Police to provide protection/adequate security during demolition exercise.

67.

After the expiration of the time specified in the notice served under subsection (3) of section 66 of this law, the Control Department shall take such necessary action to effect the demolition of the defective structure.

Cost of
demolition
to be paid by
developer

68.

A developer shall reimburse the Control Department for all expenses reasonably incurred in exercise of its powers under section 67 of this law.

ADDITIONAL CONTROL IN SPECIAL CASES

69. (a) In the performance of its function under this law in relation to control advertisement, wasteland, trees and building of special architectural, artistic or historical interest, the Board shall compile a list of such buildings of special architectural or historical interests. Compiling a list of special architectural, artistic or historical interest and their significance.
- (b) In carrying out its functions under paragraph (a) of this section, the Board may also obtain a list of buildings of special architectural and historical interest from individuals and corporate bodies for compilation.
70. A building may be included in the Board's list if:
(a) the building is of a historic or special architectural interest;
(b) if the exterior of a building or a group of buildings is of historic interest of which it forms a part;
(c) a desirable man-made object or structure is fixed to a building or a part of the land comprised within the curtilage of building. Condition for including a building in the list.
71. The Board/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 historic interest. Control Department to consult persons with special knowledge.
72. The Authority shall deposit a list of buildings of special architectural or historic interest with the Board or appropriate local government. Deposit of list.
73. The Board shall publish in the gazette a list of buildings of special architectural or historic interest. Publication in the Gazette.
74. A listed building may be demolished, altered or extended if the Board gives a written consent for the execution of works on the listed building. Demolition, alteration etc. of a listed building.
75. A person shall be guilty of an offence if he:
(a) executes or cause 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 conditions attached to a written consent of the Control Department. Offence.
76. A person guilty of an offence under 75 of this law shall:
(a) on summary conviction be liable to imprisonment for a term not exceeding three months or to a fine not exceeding N20,000.00 or to both such imprisonment and fine; Penalty.

- (b) on conviction or indictment be liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding N50,000.00 to both such imprisonment and fine;
- (c) in case of a body corporate, to a fine of N100,000.00;
- (d) its principal officers shall also be liable to a fine not exceeding N2,000 for every day the offence continues or to imprisonment for a term not exceeding one month.

Control of
Department to
include appropriate
person for
conservation and
planting of trees

77

The Control Department shall:

- (a) where appropriate grant a development permit subject to a provision on the preservation of existing trees and or planting new trees by the imposition of necessary conditions; and
- (b) without prejudice to the provisions of existing laws under this subject, the Control Department shall make "tree preservation orders" for securing such amenity within its area of jurisdiction.

Control of
Outdoor
advertisement

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- (1) Notwithstanding the provision of any other law, the Control Department shall, regulate the dimension, appearance, display, siting and manner in which an advertisement bill board shall be affixed to land.
- (2) No person shall display an advertisement without the written consent of the Control Department.

Maintenance
of Waste Land
etc

79.

If it appears to the Control Department that the amenity of a part of an area of an adjoining area is seriously injured by the condition of a garden, vacant site or an open land, the Control Department 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.

PART V:

ACQUISITION OF LAND AND COMPENSATION

Power to
revoke Right
of Occupancy.

80.

- (1) Where it appears to the Ministry, the Board or the Authority that it is necessary to obtain any land in connection with planned urban or rural development in accordance with the policies and proposals of any approved plan, any right of occupancy subsisting on that land shall be revoked on the recommendation of the appropriate authority.

Cap 202 L1-N

(2)

The revocation of any right of occupancy in pursuance of subsection (1) of this section shall be in accordance with the relevant provisions of the Land Use Act.

A. S. N.		Law No. 9 of 2013	A.
A. S. N.		Law No. 9 of 2013	A.
51	(1)	All matters connected with the payment of compensation for the revocation of a right of occupancy under this law shall be governed by the relevant provisions of the Land Use Act.	Compensation
	(2)	Any compensation payable as a result of the revocation of a right of occupancy under this law shall be paid within a reasonable period.	
	(3)	Where in the opinion of the Controller of Department any person has committed a gross contravention of an existing scheme, the land together with any building and any goods or furniture therein may be requisitioned or retained for the breach of the scheme under this law without the payment of any compensation.	
52	(1)	Notwithstanding any provision of this law, the Controller of Department may, where it deems it and necessary:-	Facilitation and execution of Approved plan.
	(a)	facilitate the execution of the approved plan;	
	(b)	make payment of reasonable compensation to any person who sustains any damage or loss by:-	
	(i)	injurious affection,	
	(ii)	disturbance,	
	(iii)	displacement, as a result of land being lawfully developed or after lawful activity is being carried forth, in order to give effect to any provision of the law.	
53	(1)	Whereby the coming into operation of any provisions contained in a Physical Development Plan or by the execution of any work under a Physical Development Plan, any land or property within the area to which the Physical Development Plan or work related is increased in value, the Controller of Department may recover within three years after the date on which the provision came into operation, or within three years after the completion of development or activity, as the case may be, from any person whose property is thereby increased in value for an amount not exceeding seventy-five per centum of the increase thereto.	Recovery of betterment from owners of lands or property increased in value.
	(2)	For the purpose of this provision, the Board/Authority may make rules or regulations with respect thereto.	
	(3)	A claim in respect of increase in the value of any land or property shall be made by the Board/Authority by serving upon the	

person from which the amount is recoverable, a notice in writing stating the basis of the claim and the amount.

- (4) Any sum recoverable under this section shall be set off against any claim for compensation payable under this law.
- (5) Where any provision of an existing scheme is revoked or modified by a subsequent scheme, no claim for betterment shall accrue to the Board/Authority in respect of any property whose value is being increased.

Provided that any outstanding claim due to the Control Department from any person whose land or property is affected by previous scheme before the revocation or modification order shall not thereby be discharged but the payment of the amount recoverable shall remain enforceable as a debt due and payable to the Board/Authority under this law.

PARTIAL.

IMPROVEMENT AREAS - REHABILITATION, RENEWAL AND UPGRADING

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Where a local plan prepared by the appropriate authority for the reason set out in section 15 of this law has been approved under section 22 of this law, the authority may exercise the power set out in this part of this law for the purpose of assisting in the implementation of the local plan.

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H.C.

- (1) A local plan to which section 15 of this law applies may designate an area and the appropriate authority may, after the plan has been approved 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 purpose of rehabilitating, renovating and upgrading the physical environment, social facilities and infrastructure of the area.

membership

- (2) The rehabilitation, renovation and upgrading may be brought about through the effort of the residents of the area concerned, the Board/Authority shall be 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.

10. (1)

The appropriate authority shall, before declaring any part of an area to be an improvement area

Consultation and co-operation in improvement area

- (a) use its best endeavour to inform, by such means as it deems fit, the residents of the proposed improvement;
 - (i) the purpose and contents of the proposed improvement;
 - (ii) the power vested in the authority, and
 - (iii) the facilities which would be made available and the benefits to be derived in the improvement area;
- (b) hold meetings with the local government of the area or of any association 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 and consultative committees between the authority and representative of the residents to monitor the progress of the rehabilitation, renovation or upgrading of the area;
- (c) inform other relevant statutory authorities of the proposed improvement area and invite their views and comments thereon;
- (d) take into account the views and comments made under paragraphs (b) and (c) of this subsection and from other interested parties on the proposed improvement area.

(2)

The appropriate authority shall, after declaring an area to be an improvement area:-

- (a) hold regular meetings with the committees established under subsection (1) (b) (i) 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 neighborhood;
- (c) generally advise and assist the residents of the area to take full advantage of the improvement concerned.

11.

(1)

The appropriate authority shall, in an improvement area, have power to

Plan showing improvement.

- (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

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redistribution of rights of occupancy of parts of land within the area or part thereof:-

- (b) grant, guarantee or otherwise 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/or
 - (ii) to provide, improve, repair or renovate social and community facilities within area;
- (c) subject to section 54 of this law, demolish or order the demolition of any building or part thereof and, where appropriate, recover the cost of 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;
- (e) pay compensation properly, 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.

48. The power of an authority to demolish or order the demolition of a building or part thereof under this part of this law shall not be exercised unless:-

- (a) the building falls so far below the standard of other buildings used for habitation in the area that it is, or likely to become a danger to the health of its occupiers or adjacent buildings;
- (b) the building is in such a state of disrepair that it is or 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 or more of them that part of the improvement area cannot be improved;
- (d) it is in connection with the provision of infrastructural facilities of the area.

Exercise of
power of repair,
demolition and
renovation.

- (1) The appropriate authority shall, before ordering the repair, demolition or renovation of any building or part thereof:
 - (a) inspect the building or part thereof to ascertain its condition and situation;

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- (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 and place where the authority shall consider any representations or objection to the proposed order;
 - (iii) of such other matters as may be prescribed by regulations;
 - (c) affix a notice of the proposed order on 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 authorized representative;
 - (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/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 alteration, it shall serve a notice of order and the reasons therefore in such forms as may be prescribed by regulations on:-
- (a) the owner or occupier of the building;
 - (b) the person who made representations or objections 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 planning Appeal Committee established under section 102 of this law for the determination of the objection; and
 - (b) the planning Appeal Committee's decision, to the High Court of the State.
- (4) An order made under this section shall take effect if:-
- (a) there is no appeal against the order, at least 28 days after its service on the occupier of the building; or

1. (a) No. 9 of 2011. (b) The Authority shall not enter to repair, renovate or demolish a building or part thereof which is the object of an order until - (i) after the period stated in the order has expired, or (ii) where there is an appeal against the repair, renovation or demolition, until the appeal has been finally determined or dismissed.

(c) where the authority proposed to make an order for the demolition of a building or part thereof used for human habitation, it shall, provided the building is not illegal structure: (i) provide a person likely to be displaced from his home by the order, (ii) alternative accommodation or site and materials for building in alternative accommodation, (iii) assistance in the planning and construction of the alternative accommodation; (iv) assistance in moving to and settling in the alternative accommodation; or (v) financial assistance by way of grant, loan or guarantee either directly or through other authorities, on such terms and conditions as the authority shall deem it fit and (vi) allow the person reasonable time to move to and settle in the alternative accommodation before effecting the demolition, (vii) for avoidance of doubt, only person with genuine/recognized title to their property or genuine/recognized plot allocations shall benefit from the assistance mentioned in subsection (1) (a) above.

For the purpose of this part of this law, the word "authority" means the Board and the Authority.

PART VII. FINANCIAL PROVISIONS

1. (a) For the purpose of this law, there is established Physical Planning Fund (herein in this law referred to as "the fund") into which shall be paid all monies accruing to the Board.

- (2) The fund shall comprise
- such money as may be appropriated to the Board by the Anandhra State House of Assembly;
 - such money as may be granted to the Board by the State Government from time to time;
 - all monies, debentures, investments or other properties vested in the Board;
 - such money raised by way of loan under the powers to borrow is vested in the Board by the law;
 - legacies, endowment donations, grant, aids and other gifts received by the Board;
 - all monies which may vest in the Board under any enactment or law; and
 - all other monies accruing to the Board by way of fees on planning application, fines, sales of publications of maps, plans, journals, and charges.
- (3) The Board shall have power to make regulations and reviews of its fees from time to time, subject to the approval of the Commissioner.
92. (1) The Board shall, subject to the approval of the Commissioner, Expenditure, from time to time apply the fund for—
- the pursuance of all or any of its functions under the provisions of the law;
 - the remuneration, honoraria of the members of the Board, gratuities and perquisites of its employees under the provisions of the law;
 - the interests payable in respect of any money borrowed under provisions of the law; and
 - the payment of taxes, state development levies, duties, rates or other charges payable by it under any enactment or law.
- (2) The Board shall, with the approval of the Commissioner:
- make grants from time to time from the funds at its disposal to an institution, society, body or bodies for the preparation of any development plan which in the opinion of the Board is likely to be of benefit to the people of the State;

In the purpose of this law there is established a Planning Authority Account (hereinafter referred to as the "Account of the Authority").

The Account of the Authority shall comprise -

- (a) such money as may be appropriated to the Authority by the Board,
- (b) all monies, debentures, investment or other properties vested in the authority,
- (c) legacies, endowments, donations, grants, aids and other gifts received by the authority,
- (d) all monies which may vest in the Authority under any enactment or law; and
- (e) all other monies accruing to the Authority by way of fees on planning applications, fines, sales of publications of maps, plans, journals and charges.

The Authority shall have power to make regulations and review of its fees from time to time subject to the approval of the Commissioner.

The Authority shall with the approval of the Commissioner, apply the account for:- Expenditure by the Authority.

- (a) the pursuance of all or any of its functions under the provision of this law;
- (b) the remuneration, honoraria of the members of the authority, gratuities and pensions of its employees under the provision of the law;
- (c) the interest payable in respect of any money borrowed under the provision of this law; and
- (d) the payment of taxes, state development levies, duties, rate or other charges payable by the Authority under any enactment or law.

The Authority shall with the approval of the Commissioner:-

- (a) make grants from the funds at its disposal to any institution, society, body or bodies for the preparation of any development plan which in the opinion of the Authority is likely to be of benefit to the people of the State;
- (b) commission studies on physical planning for the purpose of collecting base-line data; and

- (b) commission studies of Physical Planning for the purpose of collecting base-line data;
- (c) finance various studies, workshops and seminars on matters relating to its functions under this law.
- (3) The board may with the approval of the Governor from time to time borrow whether by way of mortgage, loans or otherwise, such sum of money for and in connection with the exercise of its functions under this law as the Board may deem necessary.
- (1) The Board shall operate a bank account in reputable banks approved by the Commissioner and all monies of the Board shall be paid into the account.
- (2) No cheque or other instrument for withdrawal of money from the accounts shall be valid unless it is signed by the Head of Accounts departments, and counter-signed by the General Manager.
- (1) The Board shall keep proper account of its income and expenditure, and render quarterly report to the Commissioner.
- (2) The State Auditor-General shall not later than the 31st of October of every year audit those accounts and submit a report thereon to the governor, the Anambra State House of Assembly and the Commissioner respectively.
- (3) The State Auditor-General or any person authorized by him to audit those accounts shall have access to all books, records and bank accounts of the Board which the State Auditor-General may deem necessary for effective auditing of those accounts.
- The Board shall not later than 31st day of December of each year submit to Anambra State House of Assembly and the Commissioner
- (a) a report on its activities during the year;
- (b) the estimate of its income and expenditure for the next ensuing year; and
- (c) feasibility reports on projects included in its estimates.

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(b) Finance various studies, work shop and seminars on matters relating to its functions under this law.

Section 94
Authority

The Authority shall with the approval of the Governor borrow whether by way of mortgage, loans or otherwise such sum of money for and in connection with the exercise of its functions under this law as the Authority may deem necessary.

Section 95
Authority

- (1) The Authority shall operate bank accounts in reputable banks approved by the Commissioner and all monies of the Authority shall be paid into the accounts.
- (2) No cheque or other instrument for withdrawal of money from the accounts shall be valid unless it is signed by the Head of Accounts of the Authority and countersigned by the Chief Executive of the Authority.

Section 100
Authority

- (1) The Authority shall keep proper account of its income and expenditure and render quarterly reports to the Board and the Ministry.
- (2) The State Auditor-General shall not later than the 31st day of December of every year audit those accounts and submit a report thereon to Anambra State House of Assembly and the Commissioner.
- (3) The State Auditor-General or any person authorized by him to audit those accounts shall have access to all books, records, and bank accounts of the Authority, which the State Auditor-General may deem necessary for effective auditing of those accounts.

Section 101
Annual and Report Estimate

- The Authority shall not later than 31st of December of each year submit to Anambra State House of Assembly and the Commissioner:-
- (a) a report on its activities during the year;
 - (b) the estimate of its income and expenditure for the next ensuing year, and
 - (c) feasibility reports on projects included in its estimates.

PART VIII: PHYSICAL PLANNING APPEAL AND ENQUIRY PROCEEDINGS

102. There is hereby established a Physical Planning Appeal Committee (in this law referred to as "the Committee") which shall have the jurisdiction, power and authority conferred on it by this law, and by any regulations made hereunder. Establishment of the Physical Planning Appeal/Enquiry Committee.
103. (1) The Committee shall consist of:- Composition of the Appeal Committee.
- (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) an Engineer (Civil);
 - (e) a Land Surveyor;
 - (f) a Builder;
 - (g) an Estate Valuer;
 - (h) a Quantity Surveyor
 - and
 - (i) a Secretary;
- (2) The Governor shall appoint:-
- (a) the Chairman of the Committee;
 - (b) the other members of the Committee;
 - (c) the Secretary to the Committee who shall be a Town Planner with at least 10 years post qualification experience appointed from within the State Civil Service.
104. (1) The Chairman and members of the Committee shall hold office for three years and shall be eligible for reappointment for one more term as the Governor may determine. Tenure of office.
- (2) The office of Chairman or member of the Committee shall become vacant if:-
- (a) he has completed his tenure of office; or
 - (b) he resigns his appointment in writing under his hand to the Governor; or
 - (c) without good cause, declines to hear a case during a session of the Committee on three consecutive occasions; or
 - (d) he is adjudged bankrupt; or

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- (e) he is found insane or physically ill, or
- (f) his appointment is revoked by the governor; or
- (g) he dies.

For purpose of subsection (2)(c) of this section "good cause" means -

- (a) illness certified as such by qualified medical practitioner;
- (b) a professional involvement in the case before the Committee at its earlier or prior request;
- (c) having an interest of a proprietary or pecuniary nature in the case, directly or indirectly.

Remuneration of Committee members

- (d) The Chairman and members of the Committee shall be paid such remuneration, fees and allowances as the Governor shall, from time to time, approve.

Rules of procedure.

- 105. The Ministry shall have power to make rules of procedure for the Committee.

Limitation of time

- 106. No action or suit shall be instituted against the Board or Authority or staff, agent or servant of the Board or Authority until the expiration of a period of three months after notice in writing has been delivered to the Board or Authority or staff, agent or servant of the Board or Authority stating the cause of action, the name, description, place of residence of proposed plaintiff and the relief which he claims.

Notice to precede Court action.

- 107. No action, suit or proceeding shall be or be instituted unless it is commenced within twelve months after the act, neglect or default complained of or in the case of continuing damage or injury within twelve months next the ceasing thereof. Provided that if the action or proceeding be at the instance of any person in custody and the cause arose while such a person was a convict prisoner, it may be commenced within twelve months after the discharge of such person from prison or in the case of a continuing damage or injury, within twelve months next after ceasing thereof which ever shall last occur.

108.

- Service upon the Board or Authority of a notice, summons, order or other documents or process may be effected by:-
 - (a) delivering it, or
 - (b) sending it by registered post addressed to the chief executive of the Board or Authority at the principal office of the Board or Authority;
 - (c) publishing it in one national and one local dailies.

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109.	(1)	In any suit by or against the Board or Authority, the Board or Authority shall be represented by a law officer or any other legal practitioner appointed by the Commissioner for Justice/ Attorney General.	Legal Representation.
	(2)	In this law, "suit" includes action or any civil proceeding commenced by writ of summons or in such other manner as may be presented by the rules of court, but does not include criminal proceedings.	
110.		The Board or Authority may refer any matter to the Customary Court, Magistrate Court or High Court within its area of jurisdiction for the determination of any dispute or for the enforcement of any right, order or law.	Reference to Court by the Board or Authority.
111.	(1)	Anambra State Urban Development Board Law and the Town and Country Planning Law of the State are hereby repealed.	Repeal and savings.
	(2)	The repeal of the enactment specified in subsection (1) of this section shall not affect any action taken or anything done or purported to be done under or pursuant to the enactment.	

PART IX: PROCEEDINGS

112.		Subject to the provisions of this law, the Board may make standing orders regulating its own proceedings or any committee thereof.	Proceedings of the Board.
113.		The quorum of the Board at its meeting shall be one third (1/3) of the members and no business of the Board shall be transacted unless there is quorum. The quorum of any of its committee shall be determined by the Board.	Quorum.
114.		The General Manager shall convene a meeting of the Board:- (a) whenever the Chairman so directs but at least quarterly; (b) where the General Manager decides that the business of the Board so requires; or (c) where at least five members requires the Chairman to do so by notice given to the General Manager and the General Manager shall summon a meeting of the Board to be held within 14 days from the date of which the notice is given.	Convening of meeting.
115.	(1)	At any meeting of the Board, the Chairman shall preside but in the absence of the Chairman, members shall appoint one of the members to preside at the meeting.	Presiding and voting.

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(2) The decision of the Board shall be made by resolution passed by the majority of the members present and shall be by voting.

(3) The Chairman or acting Chairman (where the Chairman is absent at such meeting) shall where votes are equal have a casting vote.

116. Where the Board is desirous of obtaining the advice of any person on any specific matter, the Board may co-opted that person as a member for such period as it thinks fit and that person co-opt shall have powers and privileges of a member, but such a person shall not be entitled to vote at any meeting of Board and shall not count towards the quorum.

117. The validation of any proceedings of the Board shall not be affected by any vacancy in members or any defect in the appointment of a member or by reason that any person not entitled to do so has taken part in such proceedings.

118. The provision for the proceedings of the Board as outlined in Part IX section 112 - 117 of this law shall also apply to the Authority.

Term of office

119. (1) The Chairman and members of the Board shall hold office for a term of 3 years while the Chairman and members of the Authority shall hold office for a term of 2 years. In each case, Chairman and members at the end of their term shall be eligible for reappointment for one more term.

(2) Notwithstanding anything contained in the instrument by which the Chairman or member is appointed, the Governor may revoke the appointment if he is satisfied that the Chairman or a member.

- (a) has been absent from three consecutive meetings of the Board or the Authority without permission of the Chairman;
- (b) has been adjudged bankrupt by a court of competent jurisdiction;
- (c) has been convicted by a court of law for an offence involving dishonesty, corruption and office mismanagement;
- (d) has been found guilty of professional misconduct in Nigeria;
- (e) is incapacitated by physical or mental illness, and
- (f) is otherwise in the opinion of the Governor unable or unfit to discharge the functions as a member.

- (5) Notwithstanding anything contained in the instrument by which he is appointed, a member of the Board may resign his appointment in writing under his hand, addressed to the Governor (in case of Authority, the Commissioner), and upon receipt of the letter of resignation by the Governor the appointment of the member shall terminate.

PART X. STRUCTURE PLANS AND PROGRAMMES IMPLEMENTATION

- 1.0. For purposes of effective implementation and co-ordination of plans approved under section 22 (2) of this law, the State Government shall establish:-
- Establishment of Implementation Committee.
- (i) Structure Plans Finance and Policy Committee (SPFPC); and
- (ii) Programme Implementation Committee (Inter-Ministerial and Inter-Governmental) (PIC).
- 1.1. (1) The Structure Plans Finance and Policy Committee (SPFPC) shall comprise the following members:-
- Composition of SPFPC.
- | | | | |
|-----|--|---|---------------|
| (a) | the Governor, Anambra State | - | Chairman |
| (b) | the Deputy Governor, Anambra State | - | Dep. Chairman |
| (c) | Secretary to the State Government | - | Member |
| (d) | the Chairman, House Committee on Finance and Appropriation | - | Member |
| (e) | Hon. Commissioners of the following Ministries: Finance, Local Government, Justice, Lands, Housing and Environment | - | Members |
| (f) | all Heads of Bureaus and Extra Ministerial Department | - | Members |
| (g) | Head of Service | - | Member |
| (h) | Clerk of the House | - | Member |
| (i) | Auditor-General (State) | - | Member |
| (j) | Auditor-General (Local Government) | - | Member |
| (k) | all Heads of relevant Commissions | - | Members |
- (2) The Structure Plans Finance and Policy Committee (SPFPC) shall be responsible for the following functions:-
- Functions of SPFPC.
- (i) consideration and issuance of policy directives regarding physical, social, political, economic and fiscal

- implications of all projects and programmes for execution under the structure plan;
- (ii) ensuring strict adherence of all projects executions, within the State, to details and provisions of the structure plans;
- (iii) giving adequate directions/instructions to Ministries/Extra-Ministerial Departments/Commissions/Local Governments on strict adherence/compliance to the provisions of the structure plans, and
- (iv) deciding and meting out adequate punishment to Ministries/Departments/Commissions/Bodies/Corporation/Local Governments/Individuals who may implement projects contrary to or in violation of the provisions of the structure plan.

Section 122

(1) The Programme Implementation Committee (P.I.C) shall comprise the following members:-

- (a) the Hon. Commissioner for Lands Survey and Town Planning - Chairman
- (b) the Permanent Secretary for Lands, Survey and Town Planning - Member
- (c) the Director (Town Planning) - Secretary
- (d) the Director (Lands) - Member
- (e) the Surveyor-General - Member
- (f) the Director from the following Ministries:-
 - (i) Finance and Budget;
 - (ii) Justice;
 - (iii) Environment and Solid Minerals;
 - (iv) Lands;
 - (v) Local Government,
 - (vi) Housing;
- (g) Chairman of Local Governments within the planning areas covered by the structure plan - Member
- (h) Directors of the following Departments of the affected Local Governments,
 - (i) Education;
 - (ii) Works and Transport;
 - (iii) Health;
- (i) one representatives of organized private sector - Members
- (j) one representatives of Communities - Members

(k)	one representatives of non-governmental organization	Members
(2)	The Programme Implementation Committee (PIC) shall be responsible for the following functions: (i) consideration and approval of work plans to guide programme implementation and delivery time; (ii) review of programme and project implementation for the consideration of the SPFPC; (iii) preparation of annual budget on projects for the consideration of the SPFPC; (iv) prioritization of projects for implementation for the consideration of the SPFPC; (v) careful observation and regular report on quality and level of compliance or otherwise of all projects affecting or under the structure plan provisions; (vi) any other assignment that may be given to the committee by the SPFPC.	Functions of PIC.

PART IX: MISCELLANEOUS

123. No matter or thing done and no contract entered into by the Ministry/ Board/Authority, and no matter or thing done by any member or by any servant or agent of the Ministry/Board/Authority or other person acting under the direction of the Ministry/Board/Authority shall, if done bona fide for the purpose of carrying out the provision of this law, subject the members or any officer to any action, liability or claim whatsoever.
124. Staff of the State Physical Planning Board and all inherited staff of the defunct Anambra State Urban Development Board (ASUDEB) shall be pensionable as it is in the State Civil Service.
125. The Ministry/Board/Authority or any of its servant or other person acting under the direction of the Ministry/Board/Authority shall not be liable to any claim or damage made by any person in respect of any development or building or structure whose construction/creation was not supervised in accordance with the provision of this law or any regulation, order and approval made pursuant to this law.
126. The Control Department/section or an authorized representative may enter any and all premises or buildings at all reasonable times to inspect same or to perform any duty imposed by this law provided that if such

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building is occupied, he/she shall first request entry, and if such building is not occupied, the official shall make reasonable effort to locate the owner. If entry is refused or cannot be obtained, the official shall have recourse to every remedy provided by law to secure entry.

127. The Board/Authority or any of its servants or agent shall not be liable to any claim for damage due to any defect or eventual collapse of any building or structure after issuance of a Certificate of Completion and fitness for habitation where such certificate was issued or obtained fraudulently or in an improper manner/period or where the construction of building was not supervised in accordance with the provision of this law or any other regulations or orders made pursuant to this law.

Enactment of
Provisions

128.

(1)

Approvals and Orders may be made in respect to:

- (a) plans submitted and prepared in accordance with this Law;
- (b) declaration of interest of the Ministry/Board/Authority on any matter pursuant to this law;
- (c) levying any fee or fine for service rendered or offence by or against the Board/Authority

(2)

Approval, Order and regulation made under subsection (1) of this section may either be general or specific and upon publication in the Official Gazette of Anambra State shall have the same force and effect as if they had been enacted herein.

129.

Except where otherwise exempted, the Government shall be bound by the provision of this law.

130.

Any officer/agent of the Board/Authority who is alleged to be abetting, colluding, compromising, conniving or obstructing the execution of this law as the case may be, on proof of such allegation shall be dealt with in accordance with the relevant sections of the Civil Service Rule.