

CHAPTER 163

BAUCHI STATE URBAN PLANNING AND DEVELOPMENT BOARD LAW

ARRANGEMENT OF SECTIONS

PART I

SECTION

1. Citation.
2. Interpretation.

PART II

Establishment and Composition of the Board

3. Establishment of the Board.
4. Composition of the Board.
5. Tenure of Office.
6. Secretary to the Board.
7. Removal from Office.
8. Co-option of members.
9. Vacation of Office.

PART III

Function and Powers

10. Functions.
11. Power of the Board.

PART IV

Administrative Organisation of the Board

12. General Manager, etc.
13. Other staff, etc., of the Board.
14. Secondment and transfer of employees.
15. Power to make regulations relating to employees of the Board.
16. Power to make rules relating to retirement benefits for employees of the Board.
17. Funds and resources of the Board.
18. Power to borrow money.
19. Investment of money.

PART V

Accounts and Reports

20. Accounts and audit.
21. Estimate.
22. Annual report.
23. Forms of contracts or instruments.
24. Direction by the Governor.

SECTION

- 25. Application of this Law.
- 26. Repeal of Law No. 21 of 1986.

SCHEDULES

CHAPTER 163

BAUCHI STATE URBAN PLANNING AND DEVELOPMENT BOARD LAW

A Law to establish an Urban Planning and Development Board for the State.

[B.A.S. 21 of 1986, B.A.S. 2 of 1990.]

[Commencement: 2nd November, 1989]

1. Citation

This Law may be cited as the Bauchi State Urban Planning and Development Board Law.

2. Interpretation

In this Law, unless the context otherwise requires—

“Agency” means the Central Recruitment Agency established by the Statutory Bodies (Central Recruitment etc.) Agency Law;

[Cap. 152.]

“Board” means the Urban Planning and Development Board established by section 3 of this Law;

“Chairman” means the Chairman of the Board appointed under section 4 (2) of this Law;

“designated area” means the areas mentioned in the First Schedule;

“Governor” means the Governor of Bauchi State;

“Government” means the Bauchi State Government;

“State” means the Bauchi State of Nigeria.

PART II

Establishment and Composition of the Board

3. Establishment of the Board

(1) There shall be established a board to be known as the Bauchi State Urban Planning and Development Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal and with power to sue and be sued in its corporate name and to acquire, hold and dispose of any property moveable or immovable.

4. Composition of the Board

(1) The Board shall consist of the following members—

- (a) a Chairman and eight other members; and
- (b) the General Manager of the Board shall be an *ex officio* member of the Board.

(2) Appointment of Chairman and other members

The Chairman and other members of the Board shall be appointed by the Governor.

(3) There shall be paid to the Chairman and other members of the Board appointed under the provisions of subsection (2) of this section out of the funds of the Board such remuneration as the Governor may determine.

5. Tenure of Office

(1) The Chairman and other members of the Board shall be appointed for such period not exceeding three years.

(2) A member may resign his membership by writing a letter of resignation under his hand to the Governor.

6. Secretary to the Board

(1) Subject to section 12, there shall be a Secretary to the Board who shall conduct its correspondence and keep its records and exercise such other functions as the Board may from time to time direct or as may be conferred on him by or under this Law or any other written law.

(2) The Secretary shall be an officer but not a member of the Board.

7. Removal from Office

(1) A member appointed under section 4 (2) of this Law is removable from Office by the Governor for permanent incapacity or for other cause.

(2) Where a member has been absent from attending three consecutive meetings of the Board without permission of the Governor in the case of the Chairman or the Chairman in the case of other members the Governor may revoke the appointment of such member.

(3) Where a member is temporarily incapacitated by illness and cannot perform the functions of his Office or is temporarily absent from Nigeria for a period of not less than three months the Governor may appoint any person to hold temporarily the Office held by such temporarily incapacitated or absent member.

(4) The person appointed under subsection (3) of this section shall be entitled to perform all functions and enjoy all rights and privileges of a member.

8. Co-option of members

(1) When on any occasion, the Board is desirous to obtain the advice of a person upon any matter, the Board may co-opt that person to be a member of such meetings.

(2) The person so co-opted shall have all rights and privileges of a member save that he shall not be entitled to vote upon any question.

9. Vacation of Office

The Office of a member shall become vacant upon his—

- (a) death;
- (b) conviction for a criminal offence involving fraud, dishonesty or moral turpitude;
- (c) resignation;
- (d) removal by the Governor for misbehaviour or any other cause.

PART III*Function and Powers***10. Functions**

(1) The Board is hereby under the Town and Country Planning Law appointed the planning authority for all urban areas specified in the Declaration of Planning Areas Order 1988.

[Cap. 159.]

(2) Without prejudice to the provision of subsection (1) of this section the Board shall—

- (a) be the executive authority for the planning and carrying into effect of any such scheme under the Town and Country Planning Law;
- (b) have responsibility to foster the development of urban areas of the State;
- (c) provide public amenities and promote commercial, industrial or agricultural projects.

11. Powers of the Board

The Board shall have power—

- (a) to control and manage all assets vested, or to be vested in the Board under the provisions of this Law;
- (b) to construct and maintain roads, footways, bridges, drains, sewers and water courses;
- (c) to acquire, construct or repair any works, plans, or apparatus which are necessary or desirable for the purposes of the Board;
- (d) to enter into such contract as may be necessarily advantageous or expedient for the performance of its functions under this Law;

- (e) to carry on in association with other bodies and persons (including companies, government authorities, or local governments) or as managing agents, any activity which is necessary or desirable for the performance of its functions under this Law;
- (f) to acquire, purchase, lease, mortgage, hold, construct, manufacture or maintain any property whatsoever, whether movable or immovable, required for or in connection with the purpose of its functions and to sell, dispose of or otherwise deal with such property or any part thereof;
- (g) to accept or acquire and hold any security of any kind in any form whatsoever;
- (h) to surrender, re-transfer or re-assign any security held by the Board whether upon exchange for another security or upon discharge;
- (i) in relation to any security held by the Board, to exercise any power, right or privilege in respect thereof which a private individual would be capable of exercising in like circumstances;
- (j) to make, draw, accept or endorse negotiable instruments;
- (k) to insure its property against all forms of risk;
- (l) to perform such other functions as may from time to time be assigned to it by the Governor as are incidental to or necessary for proper execution of its functions;
- (m) in carrying out its functions under this Law the Board may do so alone or in conjunction with any Ministry, Department or Local Government;
- (n) to delegate or authorise any of its members, officers, employees servants or agents to act on its behalf in any matter related to the performance of any of its functions.

PART IV

Administrative Organisation of the Board

12. General Manager, etc.

(1) The Chief Executive Officer of the Board shall be its General Manager who shall be a professionally qualified engineer with sound experience of engineering and management and shall have ultimate responsibility for the carrying out of the policies and decisions of the Board in accordance with provisions of this Law.

(2) There shall be a Secretary to the Board who shall, subject to the provisions of this Law, have such functions of an administrative nature as the Board may from time to time assign to him.

(3) Power to appoint and exercise disciplinary control over the Secretary, and to determine his terms and conditions of services as to remuneration or otherwise, is vested in the Agency and is also subject to the provisions of any regulations or rules that may be under section 14 or 15.

13. Other staff, etc., of the Board

(1) Subject to the provisions of this section, the Agency shall have power to appoint and exercise disciplinary control over such other officers, servants and agents as it may think necessary for the discharge of the Board's functions under this Law and to determine their terms and conditions of service as to remuneration or otherwise.

(2) The exercise of the powers vested in the Agency by subsection (1) shall be subject to the provisions of any regulations or rules that may be made under section 14 or 15.

14. Secondment and transfer of employees

The Agency may employ on secondment such officers of the public service of the State or the service of any other State, Local Government or Local Government Administration as may, with the agreement of such officers, be seconded to the service of the Agency in accordance with the procedure applicable to the secondment of such officers.

15. Power to make regulations relating to employees of the Board

The Agency may, subject to the provisions of this Law, make regulations with respect of appointment, promotion, transfer and dismissal of, and exercise of disciplinary control over the Board's employees, and without prejudice to the generality of the foregoing provisions, make regulations for any of the following matters—

- (a) the qualifications to be required for appointments;
- (b) the method of appointment (including probation and confirmation);
- (c) the form of any agreement to be entered into between the Agency and its employees;
- (d) the terms and conditions of service (including, without prejudice to the generality of that expression, the salaries and allowances, the grant of advances, the provisions of quarters, leave, and medical and dental treatments);
- (e) the procedure and requirements for promotions;
- (f) the maintenance of discipline (including dismissal and the termination of appointments);
- (g) the transfer of employees between the Board and Government of the State, any other State, Local Government Authority or Local Administration, or any other statutory corporation;
- (h) such other matters relating to departmental procedure and duties and responsibilities of employees as the Agency considers can be best provided for by regulation.

16. Power to make rules relating to retirement benefits for employees of the Board

The Agency, may, with the approval of the Governor make rules, with respect to the Board's employees, for—

- (a) the pensions, gratuities and retirement allowances to be granted to pensionable employees of the Board and their dependants;

- (b) the gratuities and retirement allowances to be granted to non-pensionable employees of the Board and their dependants;
- (c) all matters ancillary to the matters mentioned in paragraphs (a) and (b).

17. Funds and resources of the Board

The funds and resources of the Board shall consist of—

- (a) such sums or other property whatsoever as may from time to time be advanced by way of loan or granted to the Board by the Government, any Local Government statutory corporation, any institution of any such Government, any international agency, any private foundation or any person whatsoever;
- (b) all sums earned in respect of any service provided by the Board;
- (c) any investments or other property whatsoever acquired by or vested in the Board and all money earned or arising therefrom;
- (d) all sums received or falling due to the Board in respect of the repayment of any loan made by the Board or the interest payable in respect thereof;
- (e) all other sums or other property which may in any manner whatsoever become payable to or vested in the Board.

18. Power to borrow money

(1) Subject to the provisions of this section, the Board may, by issuing debentures, stock or other securities, or in any other manner, borrow sums required by it for meeting any of its obligations or discharging any of its functions under this Law.

(2) The power of the Board to borrow shall be exercisable only with the approval of the Governor as to the amount of the loan, the sources of and the terms on which the borrowing may be effected, and the approval given for the purposes of this subsection may either be general or limited to a particular borrowing.

(3) The approval of the Governor for the purposes of this section may be subject to such conditions, as he may specify.

(4) A person lending money to the Board shall not be bound to inquire whether the borrowing of money is within the power of the Board.

(5) All sums received by the Board shall be credited to the funds of the Board.

19. Investment of money

The Board may invest money standing to its credit and not for the time being required for the purposes of its functions in stocks, shares, debentures or any other securities whatsoever and the Board may sell, dispose of or otherwise deal with all or any of such securities.

PART V*Accounts and Reports***20. Accounts and audit**

(1) The Board shall—

- (a) cause to be kept proper accounts in respect of its functions under this Law and other records in relation thereof; and

(b) prepare in respect of each financial year a statement of its accounts.

(2) The accounts of the Board for each financial year shall be audited within a reasonable time after the end of the financial year by auditors who shall be appointed by the Board from a list of auditors supplied by the State Director of Audit.

(3) Soon after the receipt of the audit report the Board shall forward a copy of the report to the Director of Audit for his comment.

(4) The Director of Audit shall forward his comment on the report submitted to him under subsection (3) of this section to the Governor within one month of its receipt.

21. Estimate

Before the commencement of each financial year the Board shall prepare an estimate of its revenue and expenditure for the coming financial year and submit the same to the Governor for his approval, and he shall have power to disallow or reduce the provision under any item in the estimate as he may consider necessary.

22. Annual report

(1) The Board shall, within four months after the end of each financial year, make to the Governor a report, in such form and containing such particulars as he may from time to time direct, dealing with the activities of the Board during that financial year.

(2) Every annual report made by the Board under subsection (1) shall contain particulars of all directions given under this Law by the Governor to the Board during the financial year.

(3) A copy of the annual report made to the Governor under subsection (1) of this section and the audit report together with the Director of Audit's comment on the report shall be laid before the Governor of the State within four months after the end of the financial year.

23. Forms of contracts or instruments

(1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not require to be under seal may be entered into or executed on behalf of the Board by the Secretary or by any person generally or specially authorised by the Board for that purpose.

(2) Any document purporting to be a document duly executed or issued under the seal of the Board or on behalf of the Board shall unless the contrary is proved to be a document so executed or issued, as the case may be.

24. Direction by the Governor

The Governor may give the Board directions of a general character or relating generally to particular matters with regard to the exercise by the Board of its functions under this Law and it shall be the duty of the Board to comply with such directions.

25. Application of this Law

Subject to the other provisions of this Law the Law shall apply to the areas specified in the First Schedule which may by order be varied by the Governor.

26. Repeal of Law No. 21 of 1986

(1) The Bauchi State Urban Utilities Board Law, 1986 is hereby repealed.

(2) The repeal under subsection (1) of this section shall be without prejudice to the validity of action legally taken by the Urban Utilities Board between the 2nd day of November, 1989 and the date of enactment of this Law.

SCHEDULES

FIRST SCHEDULE

Bauchi.
Gombe.
Azare.
Misau.
Alkaleri.
Darazo.
Dass.
Tafawa Balewa.
Toro.
Dukku.
Gamawa.
Jama'are.
Billiri-Kaltungo.
Kumo.
Ningi.
Shira-Yana.

SECOND SCHEDULE

1. Meetings and procedure

(1) The Board shall hold such and many meetings as may be necessary for the due fulfilment of its functions it shall hold at least two meetings every year.

(2) At a meeting of the Board—

(a) the Chairman shall, if present, be Chairman of the meeting;

- (b) if and so long as the Chairman is not present or if the office of the Chairman is vacant, the members of the Board shall choose one of their members to be Chairman of the meeting.

(3) Every question at a meeting of the Board shall be determined by majority of the votes of the members present and voting on the question, and in the case of an equal division of votes, the Chairman of the meeting shall have a second or casting vote.

(4) Any three members of the Board may by notice in writing signed by them request the Chairman to call a special meeting of the Board for the purposes set out in such notice and the Chairman shall thereupon call a special meeting.

2. Quorum

Five members (including the Chairman or other member presiding) shall form a quorum at any meeting of the Board.

3. Common seal

(1) The Board shall after its establishment provide itself with a common seal.

(2) The common seal of the Board shall be authenticated by the signature of the General Manager or some other member authorised by the Board to act in that behalf and the signature of the Secretary of the Board.

4. Standing orders

Subject to the provisions of this Law the Board may make standing orders for the purpose of regulating its procedures.