

# A BILL

## FOR

AN ACT TO REPEAL AND TO REENACT THE NIGERIAN URBAN AND REGIONAL PLANNING ACT CAP N138 LAWS OF THE FEDERAL REPUBLIC OF NIGERIA TO PROVIDE FOR THE PHYSICAL PLANNING AND DEVELOPMENT OF HUMAN SETTLEMENT IN NIGERIA, ESTABLISHMENT OF NATIONAL PHYSICAL COMMISSION, BOARD AND LOCAL PLANNING AUTHORITY TO PROVIDE FOR THE MAKING AND APPROVAL OF PHYSICAL DEVELOPMENT PLANS AND FOR OTHER RELATED MATTERS, 2024

*Sponsored by Hon. Awaji-Inombek D. Abiante*

[ ] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

- 1           PART I - PLAN PREPARATION AND ADMINISTRATION
- 2           (a) Types and Levels Of Physical Development Plans Types of Plans
- 3           1.-(i) At the Federal level, there shall be:
- 4           (a) National Physical Development Plan:
- 5           (b) Regional Plan,
- 6           (c) Sub-Regional Plan;
- 7           (d) Master Plan,
- 8           (e) an Urban Plan,
- 9           (f) Action Plan; and
- 10          (g) a Subject Plan.
- 11          (ii) At the State level, there shall be:
- 12          (a) a Regional Plan;
- 13          (b) a Sub-Regional Plan,
- 14          (c) a Master Plan;
- 15          (d) an Urban Plan;
- 16          (e) a Local Plan;

- 1 (f) Action Plan; and
- 2 (g) a Subject Plan.
- 3 (iii) At the Local level, there shall be:
- 4 (a) Master Plan;
- 5 (b) a Town Plan
- 6 (c) a Rural Area Plan;
- 7 (d) a Local Plan,
- 8 (e) Action Plan;
- 9 (f) a Subject Plan;
- 10 (g) Layout Plan
- 11 (h) Site Plan
- 12 (b) Administration

Responsibilities  
of the Federal  
Government

- 13 **2. The Federal Government shall have responsibility for:**
- 14 (a) the formulation and review of national policies for urban and
- 15 regional planning and development;
- 16 (b) the preparation and implementation of the National Physical
- 17 Development and Regional Plans on the recommendation of the Minister;
- 18 (c) the formulation of National Physical (urban and regional)
- 19 planning standards;
- 20 (d) the promotion and fostering of urban and regional planning
- 21 education for professionals in planning;
- 22 (e) the promotion of co-operation and co-ordination among States and
- 23 Local Governments in the preparation and implementation of urban and
- 24 regional plans;
- 25 (f) the promotion and conduct of research for the establishment of
- 26 National Data Bank in Urban and Regional Planning;
- 27 (g) the making of recommendations and research results available for
- 28 user organizations;
- 29 (h) the supervision and monitoring of the execution of projects in
- 30 Urban and Regional Planning as it affects the Federal institutions;

1 (i) the provision of technical assistance to States for the preparation  
2 of physical development plans

3 (j) provision of financial assistance to the States for the  
4 implementation of physical development plans

5 3.-(1) A State Government shall exercise its physical planning  
6 responsibilities within the framework of the National Physical  
7 Development plan to ensure conformity with physical development plans at  
8 all levels of planning in Nigeria.

Responsibilities  
of the State  
Government

9 (2) Subject to the provisions of section 2 of this Act ,a State  
10 Government shall exercise the following functions;

11 (a) the formulation of State policies for Urban and Regional  
12 Planning within the framework of national policies;

13 ((b) the preparation and implementation of plans listed in section 1  
14 (ii) within the State;

15 (c) the promotion and conduct of research for the establishment of  
16 State Data Bank for Urban and Regional Planning;

17 (d) the making of research results available for adoption by user  
18 organizations;

19 (e) the provision of technical assistance to Local Governments in  
20 the preparation of plans listed in section 1 (i) and implementation of local,  
21 rural and subject plans.

22 (f) provision for financial assistance to the local government for  
23 the implementation of the plans listed in section 1(iii).

24 4. Without prejudice to provisions of sections 2 and 3 of this Act,  
25 Local Government shall have responsibility for the preparation and  
26 implementation of:

Functions of the  
Local Government

27 (a) a Town Plan;

28 (b) a Rural Area Plan:

29 (c) a Local Plan;

30 (d) a Subject Plan and

	1	(e) Action Area Plan
	2	(f) the control of development within its area of jurisdiction.
Establishment of certain bodies	3	<b>5.</b> For the purpose of the initiation, preparation, implementation and
	4	review of the Physical Development Plans listed in section 1 of this law, the
	5	Federal, State and Local Government shall establish and maintain
	6	respectively:
	7	(a) a National Urban and Regional Planning Commission (hereafter
	8	in this Act referred to as "the Commission"):
	9	(b) a State Urban and Regional Planning Board (hereafter in this Act
	10	referred to as "the Board/Agency") in each of the States of the Federation and
	11	Federal Capital Territory-Abuja; and,
	12	(c) a Local Planning Authority (hereafter in this Act referred to as "the
	13	Authority") in each of the Local Government Areas and the Area Councils of
	14	the Federation.
Composition of the Commission	15	<b>6.-(1)</b> The Commission shall comprise the following members:
	16	(a) a Chairman;
	17	(b) One representative of each of the following professions who shall
	18	be a registered member of the relevant profession, that is-
	19	(i) Physical (Urban and Regional) Planning;
	20	(ii) Architecture;
	21	(iii) Engineering;
	22	(iv) Land Surveying;
	23	(v) Law;
	24	(vi) Estate Surveying;
	25	(vii) Quantity Surveying;
	26	(vii) Building;
	27	(c) One representative of each of the following, that is-
	28	(i) Federal Ministry of Housing & Urban Development:
	29	(ii) Federal Ministry of Works;
	30	(iii) Federal Ministry of Agriculture and Food Security ;

- 1 (iv) Federal Ministry of Water Resources;  
2 (v) Federal Ministry of Finance;  
3 (vi) Federal Ministry of Power;  
4 (vii) Federal Ministry of Transport;  
5 (viii) Federal Ministry of Solid Minerals;  
6 (ix) Nigerian National Petroleum Corporation Ltd; and  
7 (d) One representative of the Nigerian Chamber of Commerce,  
8 Industries, Mines and Agriculture;  
9 (e) 6 (six) representatives of the States (one from each geopolitical  
10 zone) of the Federation and the Federal Capital Territory, Abuja in rotation;  
11 and  
12 (f) The Director General appointed by the President and  
13 Commander-in-Chief of the Armed forces who shall be the Chief Executive  
14 of the Commission.

15 (2) The Chairman referred to in section 6 (1) (a) of this Act shall  
16 have been in professional practice for a minimum of twenty (20) as a  
17 member of the Nigerian Institute of Physical Planners registered to practise  
18 in Nigeria by Physical Planners Registration Council.

19 (3) The Director General referred to in section 6 (1) (f) of this Act  
20 shall be a registered Town Planner with a minimum of twenty (20) years of  
21 professional practice.

22 (4) The Chairman, Director General and Members of the  
23 Commission shall be paid such remuneration, fees and allowances as the  
24 National Salaries Income and Wages Commission (NSIWC) with the  
25 approval of the President, Commander-in-Chief of the Armed Forces from  
26 time to time, determine

27 7. The Ministry shall perform the following functions, that is-

- 28 (a) the formulation of National Urban Development Policies.  
29 (b) the establishment and maintenance of Urban and Regional  
30 Planning Standards.

Function of the  
Ministry

1 (c) The conduct of research for the establishment of National Urban  
2 Data Bank in Urban and Regional Planning;

3 (d) the implementation of National Physical Planning Development  
4 Policies through the Commission;

5 (e) the fostering of inter-ministerial, inter-governmental, bilateral,  
6 multilateral and international cooperation on Physical Planning and Urban  
7 Development;

8 (f) Provision of technical assistance to the States and Local Planning  
9 Authorities;

10 (g) Documentation and Gazetting of all physical development plans  
11 and approved building plans;

Functions of  
the Commission

12 **8.** The Commission shall perform the following functions, that is-

13 (a) the initiation, preparation and implementation of the National  
14 Physical Development Plan and other hierarchy of physical development  
15 plans;

16 (b) the promotion of co-ordination among States and Local  
17 Governments in the preparation and implementation of physical development  
18 plans;

19 (c) the provision of technical and financial assistance to States and  
20 Local Government in the implementation of physical development plans; and

21 (d) any other functions as may be assigned to the Commission from  
22 time to time by the Ministry.

Functions of  
the State Ministry

23 **9.** The State Ministry shall perform the following functions:

24 (a) formulation of State policies for Urban and Regional Planning;

25 (b) initiation and preparation of the Regional, Sub-regional and  
26 Urban/Master Plans;

27 (c) consultation and co-ordination with the Federal Government and  
28 Local Governments in the preparation of physical development plans;

29 (d) preparation of annual progress report on the operation of the  
30 National Physical Development Plan as it affects the States; and

1 (e) the review of the annual report submitted to it by the board.

2 **10.-** (1) The Board shall comprise the following members:

Composition of  
the Board/Agency

3 (a) a Chairman;

4 (b) One representative of each of the following professions who  
5 shall be a registered member of the relevant profession:

6 (i) physical (Urban and Regional) Planning

7 (it) Architecture;

8 (iii) Engineer;

9 (iv) Land Surveying;

10 (v) Law;

11 (vi) Estate Surveying;

12 (vi) Quantity Surveying; and

13 (vii) Building.

14 (c) One representative from each of the following:

15 (i) Ministry of Physical Planning and Urban Development;

16 (ii) Ministry of Environment;

17 (iii) Ministry of Agriculture and Rural Development;

18 (iv) Ministry of Finance;

19 (v) Ministry of Works (vi) Ministry of Transport;

20 (vii) Chambers of Commerce;

21 (vii) The Director of Physical Planning;

22 (d) 1 (one) representative from each Senatorial District of the state,

23 and

24 (e) Secretary;

25 (f) a General manager appointed by the Governor who shall be the  
26 chief executive of the Board.

27 (2) The Chairman referred to in section 10 (1) (a) of this Act shall  
28 have been in professional practice for a minimum of fifteen (15) years as a  
29 member of the Nigerian Institute of Physical Planners registered to practice  
30 in Nigeria by Physical Planners Registration Council.

1 (3) The General Manager referred to in section 10 (1) (f) of this Act  
2 shall be a registered Physical Planner with a minimum of fifteen (15) years of  
3 professional practice and a civil servant on salary grade level 16 and above.

4 (4) The post of General Manager shall be a pensionable one.

5 (5) The Chairman, General Manager and members of the Board shall  
6 be paid such remuneration, fees and allowances as applicable to other similar  
7 Agencies within the State.

Functions of  
the Board/ Agency

8 **11.** The Board shall perform the following functions within its area of  
9 jurisdiction:

10 (a) the preparation of local plans and subject plans;

11 (b) the implementation and operation of all physical plans in the State;

12 (c) the development control on State lands;

13 (d) the conduct of research for the establishment of State Data Bank in  
14 Urban and Regional Planning; and,

15 (e) the provision of technical assistance to Local Government.

Composition  
of the Authority

16 **12.-(1)** The Authority shall comprise the following members:

17 (a) a Chairman;

18 (b) not more than 4 (four) representatives of the wards in the Local  
19 Government Area;

20 (c) One representative of each of the following professions who shall  
21 be a registered member of the relevant profession:

22 (i) Urban and Regional Planning

23 (ii) Architecture;

24 (iii) Structural/Civil; Engineering;

25 (iv) Land Surveying;

26 (v) Law;

27 (d) the works supervisor of the Local Government;

28 (e) the Education Supervisor of the Local Government; and

29 (f) An Executive Secretary appointed by the Authority who shall be  
30 the Chief Executive of the Authority.

1                   (2) The Chairman referred to in section 12 (1) (a) of this Act shall  
2                   have been in professional practice for a minimum of ten (10) years and shall  
3                   have been registered with the Physical Planners Registration Council.

4                   (3) The Executive Secretary referred to in section 12 (1) (f) of this  
5                   Act shall be a registered Physical Planner with a minimum of ten (10) years  
6                   of professional practice.

7                   (4) The post of Executive Secretary shall be a pensionable one.

8                   (5) The Chairman, Executive Secretary and members of the  
9                   Commission shall be paid such remuneration, fees and allowances as the  
10                  Authority may, from time to time determine.

11                  **13.**-(1) The Authority shall be charged with:

Function of the  
Authority

12                  (i) The responsibilities for preparing plans listed under section 1 (i-  
13                  iii) of this Act;

14                  (ii) The Authority shall prepare and submit to the Board an annual  
15                  report on the implementation of the Physical Development Plans within its  
16                  jurisdiction;

17                  (iii) The Authority shall undertake development control within its  
18                  area of jurisdiction.

19                  **14.**-(1) Subject to subsection (2) of this section, the duties assigned  
20                  to the Commission, the Board or the Authority by sections 7, 10 and 12 of  
21                  this Act may in each case be delegated to a person registered under the  
22                  relevant profession as the Commission, Board or the Authority may deem fit  
23                  in each circumstance.

Power of the  
Delegation

24                  (2) Notwithstanding the provisions of subsection (1) of this  
25                  section, the Commission, the Board or the Authority, may perform any duty  
26                  assigned under subsection (1) of this section.

27                  (c) Procedures:

28                  **15.**-(1) For the purpose of securing integration, consistency and  
29                  coherence within and between all levels of Physical Development Plans in  
30                  Nigeria, the Commission shall during the preparation of the National

Procedures for  
Preparation of  
national Physical  
Development  
Plan

1 Physical Development Plan call for submissions from all relevant Government  
2 Organizations, Non-governmental organisations and interested members of  
3 the public whose contribution shall serve as part of the input towards the  
4 preparation of a draft National Physical Development Plan.

5 (2) The Minister may make rules as to the manner and method of  
6 notice and method of submission of inputs referred to in subsection (1) of this  
7 section.

8 (3) The Secretary to the Commission shall collate all the submissions  
9 made in compliance with the provisions of this section.

Appointment of  
a Technical  
Committee

10 **16.**-(1) The Commission shall have power to appoint a Technical  
11 Committee for the purpose of analyzing collated submissions received under  
12 section 13 of this Act.

13 (2) Notwithstanding the provisions of subsection (1) of this section,  
14 the technical committee shall have responsibility for evaluating the proposals  
15 submitted and preparing and exhibiting the draft National Physical  
16 Development Plan for the purposes of this Act.

Submission of  
objections to the  
Draft Plan by  
members of the  
Public to the  
Commission

17 **17.**-(1) Any member of the public, Federal, State, Local Governments  
18 governmental and non-governmental organisations and professional bodies  
19 during the period of exhibition of the draft National Physical Development  
20 Plan may submit to the Commission written statements of their objections to  
21 anything appearing in the said plan and these shall-

22 (a) define the nature and reasons for the objections; and

23 (b) suggest alterations and amendments to be made to remove the  
24 objection.

25 (2) The Commission shall acknowledge receipt of all such written  
26 statement of objection

Commission to  
prepare summary  
of objections and  
comments

27 **18.**-(1) The Commission shall prepare schedules of summaries of the  
28 objections and comments submitted to it.

29 (2) The Commission shall submit such schedules within a period of  
30 two months after summary of the final day of exhibiting National Physical

1 Development Plan to the Technical Committee which shall review the  
2 objections and comments and prepare a revised draft Plan which shall take  
3 account of these objections and comments

4           **19.** The Commission shall, within a period of 90 days meet to  
5 consider the revised National Physical Development Plan together with the  
6 accompanying schedule of objections and comments. Scrutiny of  
comments and  
objections

7           **20.** After the consideration of all objections and comments on the  
8 revised plan, the submission of Commission shall prepare and submit a final  
9 draft plan, with or without amendments, to the appropriate legislative body  
10 for approval. Submission of  
final draft plan  
for approval

11           **21.**-(1) Upon the receipt of the final draft plan, the legislative body  
12 may- Approval of plan  
by the legislative  
body

13           (a) approve it wholly;

14           (b) approve part of it; or

15           (c) refer it to the Commission for further consideration and  
16 amendment of the whole or part thereof.

17           (2) A plan approved under subsection (1) of this section shall be  
18 referred to as an "Operative National Physical Development Plan" and a  
19 notice to this effect shall be published in the Gazette and in at least two  
20 widely read National daily newspapers.

21           **22.**-(1) Copies of the Operative National Physical Development  
22 Plan, certified by the appropriate officer of the legislative body, shall be  
23 deposited with the Commission, the State Operative and Local Government  
24 counterparts for the purpose of safe - keeping. Deposit of the  
operative National  
Physical Plan

25           (2) Copies of the Plan referred to in subsection (1) of this section  
26 shall be made available for sale to members of the public at a price to be  
27 determined by the Commission.

28           **23.**-(1) The Operative National Physical Development Plan shall  
29 be reviewed every five years to reflect physical, environmental, political  
30 and socio-economic changes in Nigeria. Review of the  
Operative National  
Plan

	1	(2) The procedure for the review of the National Physical
	2	Development Plan shall be the same as the procedure for the preparation of a
	3	National Physical Development Plan as specified in this Act.
Adherence to the provisions of operative National Physical Development Plan	4	<b>24.</b> The provisions of the Operative National Physical Development
	5	Plan shall be adhered to by the Commission, the Board and the Authority as
	6	well as other public, private organisations and individuals.
Annual report	7	<b>25.</b> It shall be the duty of the Commission to review annual reports
	8	submitted by the Boards and the Local Planning Authorities
Proceedings	9	<b>26.</b> The Commission shall make standing orders regulating its
	10	proceedings or any committee thereof.
Procedures for making regional, sub regional and rural plans	11	<b>27.-(1)</b> The procedure for making the National Physical Development
	12	Plan shall be adopted with necessary modifications in the making of the
	13	Regional, Sub-Regional Plan and Urban/Master Plan.
	14	(2) The procedure for the making of a town plan, a rural plan, a local
	15	plan, and action area plan shall be in line with the State plans.
Departments of Development control and their functions	16	<b>28.</b> Subject plans shall be approved by the Commission, the Board
	17	and the Authority respectively.
	18	PART II - ESTABLISHMENT OF OPERATIVE DEPARTMENTS
Commencement	19	<b>29.</b> There shall be established in the Commission, Board and
	20	Authority operational departments for effective implementation of physical
	21	planning in their areas of jurisdiction
	22	(A) REGIONAL AND MASTER PLAN DEPARTMENT
	23	The functions of this department shall include:
	24	(i) initiation of policies on regional physical development plans;
	25	(ii) preparation of physical development plans in conjunction with
	26	other technical departments in the commission;
	27	(iii) review of physical development plans;
	28	(iv) monitor implementation of physical development plans;
	29	(v) coordinating the activities of plan preparation;
	30	(vi) preparation and review of national strategic plans;

- 1 (vii) planing of ecologically sensitive zones;
- 2 (viii) liaison with other agencies on matters relating to the
- 3 preparation of physical development plans.
- 4 (B) LOCAL AND COMMUNITY PLANNING DEPARTMENT
- 5 The functions of this department shall include:
- 6 (i) initiation/preparation of local and district plans;
- 7 (ii) advise the Local Government on physical planning matters;
- 8 (iii) preparation of physical development plan policies;
- 9 (iv) selection of site;
- 10 (v) evaluation of site provision;
- 11 (vi) provision of plan information services;
- 12 (vii) preparation of plans for informal sector activities;
- 13 (viii) relocation and redevelopment of urban base activities;
- 14 (ix) processing of applications for local plans;
- 15 (x) provision of technical assistance to government agencies;
- 16 (C) URBAN REGENERATION DEPARTMENT
- 17 The functions of this department shall include:
- 18 (i) identification and study of communities due for upgrading;
- 19 (ii) preparation of redevelopment plans, for blighted/slum areas or
- 20 communities;
- 21 (iii) formulation of planning models and development plan
- 22 policies for urban regeneration;
- 23 (iv) initiation of Public Private Partnership for regeneration; and
- 24 (v) advise the government and other agencies on procurement of
- 25 funds and other resources for slum upgrading and redevelopment program;
- 26 (vi) processing of applications for the upgrading of markets,
- 27 mechanic villages, district part of Urban Areas.
- 28 (D) PHYSICAL PLANNING AND ADVOCACY DEPARTMENT
- 29 The functions of this department shall include:
- 30 (i) formulation and review of policy guidelines on preparation of

1 physical development plans, eg forest reserves, tourism, development of petrol  
2 fillings station;

3 (ii) review of physical planning laws, Urban and regional laws  
4 (building standard) depositions;

5 (iii) site selection for project development such as schools, public  
6 housing;

7 (iv) intervention studies or specialized services, trailer Park, tipper  
8 Park and other similar activities;

9 (v) coordination of development urban furnitures, such as  
10 communication mast, public parks and toilet:

11 (vi) receiving, reviewing, evaluating and resolve public complaints;

12 (vii) preparation of guidelines on memorandum of understanding  
13 (MOU) covenants and treaties on multi-lateral engagement;

14 (viii) advising on participation, fulfillment of obligations from  
15 memoranda of understanding (Mo) on international and multi-lateral  
16 engagements;

17 (E) PARKS AND RECREATION DEPARTMENT

18 The functions of this department shall include:

19 (i) identification of areas suitable for development and provision of  
20 recreational facilities;

21 (ii) planning and design sites designated for recreation in Physical  
22 Development Plans;

23 (iii) provision of facilities in parks;

24 (iv) initiation of guidelines for planning and development of  
25 recreational facilities;

26 (v) processing and approval of application for development of parks  
27 and recreational areas

28 (vi) development of nurseries, for nurturing plants, and grasses;

29 (vii) facilitating private investment in the development of the said  
30 parks;

1 (viii) preserving and conserving areas designated as green belts  
2 and public open spaces.

3 (F) DEVELOPMENT CONTROL DEPARTMENT

4 The functions of this department shall include:

5 (i) processing and issuance or rejection of applications for physical  
6 development planning permits;

7 (ii) monitoring and enforcing compliance with approved Physical  
8 Development Plans;

9 (iii) preparation and review of planning applications;

10 (iv) keeping records of all permits, approved, rejected or  
11 withdrawal and publication of same in the official gazette;

12 (v) evaluation of physical planning technical reports;

13 (vi) engaging in stakeholders consultation and publicity;

14 (vii) enforcement of building production regulations;

15 (viii) regulation and inspection of construction works and  
16 certification of various stages of the construction work and keeping of such  
17 records;

18 (ix) removal of illegal and non-conforming buildings;

19 (x) identification and removal of distressed buildings;

20 (xi) conduct of research in urban design maintenance and  
21 production management control;

22 (xii) monitoring and building construction management process;  
23 and

24 (xiii) carrying out public enlightenment on building control;

25 PART III - IMPROVEMENT AREAS - REHABILITATION, RENEWAL

26 AND UPGRADING

27 30. Where a local plan prepared by the appropriate authority for the  
28 reasons set out in section 1(i-iii) of this Act has been approved under section  
29 21 of this Act, the authority may exercise the power set out in this Part of this  
30 Act for the purposes of assisting in the implementation of that local plan.

Exercise powers  
under this parts

Improvement  
Areas

1                   **31.**-(1) A local plan to which section 1(i-iii) of this Act applies may  
2 designate and the appropriate authority may, after the plan has been approved,  
3 by order published in the Gazette, declare any part of the area for which such  
4 plan has been made to be an improvement area for the purpose of rehabilitating,  
5 renovating and upgrading the physical environment, social facilities and  
6 infrastructure of the area.

7                   (2) The rehabilitation, renovation and upgrading may be brought  
8 about through the combined efforts of the residents of the area concerned, the  
9 Control Department and any other statutory bodies as may be relevant and  
10 complementary to the rehabilitation, revocation or upgrading of the area.

11                   (3) The appropriate authority shall, before declaring an area to be an  
12 improvement area, satisfy itself that the purpose set out in subsection (2) of this  
13 section is reasonably likely to be achieved.

Consultation  
and Co-operation  
in the  
improvement  
Areas

14                   **32.**-(1) The appropriate authority shall, before declaring any part of  
15 an area to be an improvement area:

16                   (a) use its best endeavour to inform, by such means as it deems fit, the  
17 residents of the proposed improvement area of:

18                   (i) the purposes and contents of the proposed improvement;

19                   (ii) the powers vested in the authority; and

20                   (iii) the facilities which would be made available and benefits to be  
21 derived in the area;

22                   (b) hold meetings with the Local Government of the area or any other  
23 associations in the area to:

24                   (i) ascertain the views of the residents on the proposed improvement  
25 area and the exercise of powers relating thereto;

26                   (ii) set up liaison or consultative committees between the authority  
27 and representatives of the residents to monitor the progress of the  
28 rehabilitation, renovation or upgrading in the area;

29                   (c) inform other relevant statutory authorities of the proposed  
30 improvement area and invite their views and comments thereon;

1 (d) take into account the views and comments made under paragraphs (b)  
2 and (c) of this subsection and from other interested parties on the proposed  
3 improvement area.

4 (2) The appropriate authority shall, after declaring an area to be an  
5 improvement area:

6 (a) hold regular meetings with the committees established under  
7 subsection (1);

8 (b) (i) of this section:

9 (b) assist or join other persons and authorities in assisting a resident  
10 or group of residents within the area to draw up and implement plans for the  
11 improvement of the neighbourhood;

12 (c) Generally advise and assist the residents of the area to take full  
13 advantage of the improvement concerned.

14 33.-(1) The appropriate authority shall, in an improvement area,  
15 have power to:

Powers of the  
Authority in an  
improvement  
Area

16 (a) prepare an improvement area plan showing what ways and over  
17 what period of time, the area is to be improved and may, where necessary,  
18 include a plan for the re-distribution of right of occupancy of plots of land  
19 within the area or part thereof; or

20 (b) grant, guarantee or otherwise facilitate the granting of loans to  
21 persons or groups of persons:

22 (i) to assist in the improvement, repair or renovation of houses  
23 within the area as may be directed by the appropriate authority; or

24 (ii) to provide, improve, repair or renovate social and community  
25 facilities within the area; or

26 (c) subject to section 39 of this Act, demolish or order the  
27 demolition of a building or part thereof and, where appropriate, recover the  
28 cost of the demolition from the owner of the building or part thereof; or

29 (d) improve, repair or renovate or order the improvement, repair or  
30 renovation of a building or part thereof and, where appropriate, recover the

1 cost of the improvement or repair from the owner of the building or part  
2 thereof; or

3 (e) pay compensation promptly, on such terms and conditions as may  
4 be prescribed, to a person who suffers a loss or damage through the exercise by  
5 the authority of its powers in the area.

Restriction of  
power in the  
power to demolish

6 **34..** The power of an authority to demolish or order the demolition of a  
7 building or part thereof under this Part of this Act shall not be exercised unless:

8 (a) the building falls so far below the standard of other buildings used  
9 for habitation in the area that it is or is likely to become a danger to the health of  
10 occupiers of adjacent buildings;

11 (b) the building is in such a state of disrepair that it is or likely to  
12 become a danger to public safety and cannot at a reasonable cost be repaired;

13 (c) two or more contiguous buildings are badly laid out and so  
14 congested that without the demolition of one or more of them that part of the  
15 improvement area cannot be imposed;

16 (d) it is in connection with the provision of infrastructural facilities of  
17 the area.

Exercise of  
power of repair,  
demolition and  
revocation

18 **35.-(1)** The appropriate authority shall, before ordering the repair,  
19 demolition or renovation of a building or part thereof:

20 (a) inspect the building or part thereof to ascertain its condition and  
21 situation;

22 (b) where the proposed order is one of repair of a building or part  
23 thereof, prepare a schedule of necessary regulations which shall inform the  
24 owner or occupier of the building:

25 (i) of the proposed order and the reason therefore;

26 (ii) the date and time, when and place where the authority shall  
27 consider any representations or objections to the proposed order;

28 (iii) of such other matters as may be prescribed by regulations;

29 (c) affix a notice of the proposed order onto a conspicuous part of the  
30 building to which the order relates;

1 (d) appoint a committee of members of the authority to hear,  
2 consider and report on any representation or objection which may be made  
3 orally and in writing by the owner or occupier or his duly authorized  
4 representative;

5 (e) where the proposed order is for the demolition of a building or  
6 part thereof, prepare an estimate of the compensation payable to the owner  
7 occupier of the building.

8 (2) Where the authority, after consideration of the report of the  
9 committee appointed under paragraph (d) of subsection (1) of this section,  
10 confirms the proposed order, with or without modifications or alterations, it  
11 shall serve a notice of the order and the reasons therefore in such forms as  
12 may be prescribed by regulations on:

13 (a) the owner or occupier of the building;

14 (b) the person who made representations or objections to the  
15 proposed order.

16 (3) An aggrieved owner, occupier or interested party of a building  
17 which is the subject of a demolition order may appeal against:

18 (a) the order, to the Planning Tribunal established under section 43  
19 of this Decree for the determination of the object; and

20 (b) the Planning Tribunal's decision, to the High Court of the State,  
21 or of the Federal Capital Territory, Abuja, as the case may be.

22 (4) An order made under this section shall take effect where:

23 (a) there is no appeal against the order, at least 28 days after its  
24 service on the owner or occupier of the building; or

25 (b) there is appeal against the order, at least 28 days after the appeal  
26 has been finally determined or dismissed.

27 (5) The authority shall not enter to repair, renovate or demolish, a  
28 building or part thereof which is the subject of an order until:

29 (a) after the period stated in the notice of the proposed order has  
30 expired;

1 (b) where there is an appeal against the repair, renovation or  
2 demolition, until the appeal has been finally determined or dismissed.

3 **36.**-(1) Where the authority proposes to make an order for the  
4 demolition of a building or part thereof used for human habitation, it shall:

5 (a) provide a person likely to be displaced from his home by the order:

6 (i) alternative accommodation or site and materials for building an  
7 alternative accommodation;

8 (ii) assistance in the planning and construction of the alternative  
9 accommodation;

10 (iii) assistance in moving to and settling in the alternative  
11 accommodation; or

12 (iv) financial assistance by way of a grant, loan or guarantee either  
13 directly or through other authorities, on such terms and condition as the  
14 authority shall deem fit; and

15 (b) allow the person to move to and settle in the alternative  
16 accommodation before effecting demolition.

17 (2) For the purposes of this Part of this Act, the word "authority"  
18 means the Commission, the Board and the Authority.

19 **PART VI - APPEALS TRIBUNAL**

20 **37.**-(1) There is hereby established, in each State of the Federation  
21 and the Federal Capital Territory, Abuja, a Tribunal to be known as the Urban  
22 and Regional Planning Tribunal (in this Act referred to as "the Tribunal")  
23 which shall have the jurisdiction, power and authority conferred on it by this  
24 Act and by any regulations made thereunder.

25 (2) The Tribunal shall exercise the following Powers and Authority:

26 (a) entertain petitions in respect of actions and decisions of the  
27 physical planning agencies established by this Act;

28 (b) entertain petitions of government agencies against individuals  
29 who contravene physical planning laws and regulations;

Provision of  
Alternative  
Accommodation,  
etc.

Establishment  
of Urban and  
Regional Planning  
Tribunal

- 1 (c) receive petitions from individuals and organizations against
- 2 one another;
- 3 (d) investigate petitions for resolution of same;
- 4 (e) invite members of the public and government officials in the
- 5 course of investigation; and
- 6 (f) perform such other functions as may be assigned by the Federal
- 7 Government of Nigeria or the State Government.

8 **38.-(1)** The Tribunal shall consist of:

Composition  
of the Tribunal

- 9 (a) a chairman who shall be a member of National Institute of
- 10 Physical Planners, registered Physical Planner with 20years post
- 11 qualification experience;
- 12 (b) a Physical Planner;
- 13 (c) an Architect;
- 14 (d) a legal practitioner knowledgeable in Planning Law;
- 15 (e) an Civil/Structural Engineer;
- 16 (f) a Land Surveyor;
- 17 (g) a Quantity Surveyor;
- 18 (h) an Estate Surveyor and Valuer; and
- 19 (i) a member of any relevant registered Non-Governmental
- 20 Organisation in matters of human settlement.

21 (2) The Minister or the Governor, as the case may be, shall appoint:

- 22 (a) the Chairman of the Tribunal, on the recommendation of the
- 23 National Institute of Physical Planners.
- 24 (b) the other members of the Tribunal, on the recommendation of
- 25 the professional bodies concerned;
- 26 (c) the Secretary to the Tribunal who shall be a member of National
- 27 Institute of Physical Planners, a Physical Planner with at least 15years post
- 28 qualification experience.

29 **39.-(1)** The Chairman and members of the Tribunal shall hold

30 office for three years and shall be eligible for re-appointment for another

Tenure of Office

1 term, not exceeding three years.

2 (2) The office of Chairman or a member of the Tribunal shall become  
3 vacant if:

4 (a) he has completed his tenure of office; or

5 (b) he resigns his appointment in writing under his hand to the  
6 Minister or Governor; or

7 (c) without good cause, declines to hear a case during a session of the  
8 Tribunal on three consecutive occasions; or

9 (d) he is adjudged bankrupt; or

10 (e) he is found insane; or

11 (f) his appointment is revoked by the Minister or Governor; or

12 (g) he dies.

13 (3) For purposes of subsection (2) (c) of this section, "good cause"  
14 means:

15 (a) illness certified as such by a qualified medical practitioner;

16 (b) a professional involvement in the case before the Tribunal at its  
17 earlier or prior stages;

18 (c) having an interest of a proprietary or pecuniary nature in the case,  
19 directly or indirectly.

20 (4) The Chairman and members of the Tribunal shall be paid such  
21 remuneration, fees and allowances as the Minister or Governor shall, from time  
22 to time, approve.

Rule of  
Proceedings

23 **40.** The Attorney-General of the Federation or of the State, as the case  
24 may be, shall have power to make rules of procedure for the Tribunal.

Repeal and  
Savings

25 **41.**-(1) The Town and Country Planning Act is hereby repealed.

26 (2) The repeal of the enactment specified in subsection (1) of this  
27 section shall not affect any action taken, anything done or purported to be done  
28 under or pursuant to that enactment.

Interpretation

29 **42.** In this Act, unless the context otherwise requires:

30 "Authority" means the Local Planning Authority established by section 5

1 (c) of this Act;

2 "Board" means the State Urban and Regional Planning Board established  
3 by section 5 (b) of this Act;

4 "building" means any structure (whether of a temporary nature or not),  
5 erected or made on, in, over or under any land;

6 "commercial development" means any development or use of land or any  
7 building on the land for any of the following purposes:

8 (a) a shop;

9 (b) an office;

10 (c) hotel, guest house, night club, restaurant and way side stall,

11 (d) a warehouse and other similar storage facilities,

12 (e) a cinema theatre, sport stadium and a building providing indoor  
13 recreational and leisure facilities for a charge,

14 (f) a market, and

15 (g) any development or use of land or building on the land for any  
16 purpose incidental to any of the above purposes;

17 "Commission" means the National Urban and Regional Planning  
18 Commission established by section 5 (a) of this Act;

19 "Commissioner" means the commissioner in charge of physical planning in  
20 the state;

21 "Control Department" means any agency performing the duties of Urban  
22 and Regional Planning and development control at the Federal, State and  
23 Local Government levels;

24 "development" means the carrying out of any building, engineering, mining  
25 or other operations in, on, over or under any land, or the making of any  
26 environmentally significant change in the use of any land or demolition of  
27 buildings including the felling of trees and the placing of free-standing  
28 erections used for the display of advertisements on the land the expression

29 "develop" with its grammatical variations shall be construed accordingly;

30 "development permit" means a permission to develop any land or building

1 granted by the authority empowered to give such permission under this Decree;

2 "development plan" means a plan indicating the manner in which an area of

3 land should be developed;

4 "dwelling-house" means a building erected or converted for use primarily to

5 provide living accommodation for one or more persons;

6 "enforcement notice" includes a stop notice, contravention notice and a

7 demolition notice;

8 "industrial development" means any development or use of land or any

9 building on land for the purpose of:

10 (a) processing any mineral,

11 (b) extracting, manufacturing or producing by whatever means other

12 than mining one product from another product or substance,

13 (c) repair and working on any mechanized equipment,

14 "institutional development" means any development on the land for any of the

15 following purposes:

16 (a) social welfare and community development, i.e education,

17 healthcare, religion and charity etc:

18 (b) offices for party political organisations, trade unions, employees,

19 association and any other organization whose principal purpose is participating

20 in public affairs;

21 (c) sports and social clubs but not clubs offering overnight

22 accommodation for a charge for more than twenty persons;

23 (d) museums and art galleries;

24 (e) swimming pools available for use by members of the public with

25 or without payment of a charge, and

26 (f) any development or use of land for any purposes incidental to any

27 of the above purposes;

28 "land" includes any building and any other thing attached to the earth or

29 permanently fastened to anything so attached, but does not include minerals;

30 "local plan" includes plan formulating in detail, within the context of the

1 structure plan, the ways in which the policy and general proposals are to be  
2 implemented and includes any or a combination of the following:

3 (a) district plans which are plans designed for areas where factors  
4 in local planning need to be set out comprehensively, and

5 (b) action area plans which are plans for areas indicated (or  
6 identified) for action by structure plans i.e where changes by development,  
7 redevelopment or improvement, need to be affected.

8 "metropolitan plan" means general policy and proposals for the physical,  
9 spatial and environmental development of a very large town or metropolitan  
10 area which may or may not extend over more than one planning authority's  
11 jurisdiction;

12 "Minister" means the Minister charged with responsibility for matters  
13 relating to Urban and Regional Planning;

14 "physical development plan" means any of the plans set out in section 1 of  
15 this Act and includes any schemes, plans or master plans approved under  
16 authority of any legislation repealed by this Act or made under any other  
17 authority of any legislation approved under this Act;

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

19 "plan area" means the area of land designated by the planning authority with  
20 power to designate as the area for which a physical development plan is to be  
21 or has been made;

22 "region" means an area of land less than the country but more than a town  
23 area, having distinctive characteristics that distinguish it from other areas;

24 "regional plan" means statement of general policy and proposals for the  
25 development plan designed to channel the growth of such a region in  
26 desirable directions;

27 "rural area" means any part of the country which is not declared an urban  
28 area;

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

1 "tribunal" means the Urban and Regional Planning Tribunal established under  
2 section 88 of this Act;  
3 "urban area" means any area designated in accordance with section 3 of the  
4 Land Use Act.

Repeal 5 **43.** Nigerian Urban and Regional Planning Act CAP N138 LFN 2004  
6 is hereby repealed.

Short title t 7 **44.** This Bill may be cited as the Nigerian Urban and Regional  
8 Planning (Repeal and enactment) Bill, 2024.

EXPLANATORY MEMORANDUM

This bill seeks to repeal and to enact Urban Development and Regional Planning Act to ensure effective planning of cities for integrated and sustainable urban development in Nigeria