



**GOMBE STATE  
URBAN PLANNING AND  
DEVELOPMENT BOARD  
(AMENDMENT) LAW.**

**2011**

**A LAW TO PROVIDE FOR THE AMENDMENT OF THE  
GOMBE STATE URBAN PLANNING AND DEVELOPMENT  
BOARD LAW, 2001 AND OTHER MATTERS RELATED  
THERE TO**

**BE IT ENACTED** By the Gombe State House of Assembly as follows:

**PART I - PRELIMINARY**

Citation and  
Commencement

S.1 This Law may be cited as the Gombe State Urban Planning and Development Board (Amendment) Law, 2011 and shall come into force on the ..... day of ..... 2011

Interpretation

S.2 In this Law, unless the context otherwise requires:  
“Board” means Gombe State Urban Planning and Development Board established pursuant to Section 3 of this Law.

“Building” includes an erected Structure, Houses, Tent.

“Building Operation” includes any road works, preliminary or incidental to erection of building.

“Chairman” the Chairman of the Board appointed under Sub-Section (2) of Section 4 of this Law.

“Development” means in relation to any land includes any erection of building or rebuilding and any use of land different from the purpose it was last used.

“Existing Building” means a building erected or constructed before the coming into force of an order declaring a planning area under this Law.

“Government” means the Gombe State Government.

“Governor” means the Governor of Gombe State.

“Holding” means any piece of Land.

“Local Government Council” means Local Government Council in Gombe State.

“Owner” includes sole owner, joint owner, lessee, tenant for site and any other person in actual possession of premises or entitled to receive the rent of a premises and agent or attorney of such person.

“Plan” includes Map, Master Plan of an area showing streets, drainages, garden, building plan or cartographic demarcation.

“Planning Area” means the areas specified in schedule 2 to this Law.

“Scheme” means a plan of a town or joint towns and any country planning scheme made under this Law.

“Secretary” means Secretary to the Board.

“State” means the Gombe State of Nigeria.

(2) For the purpose of this Law the placing or keeping on any land of any shed tent or other object whether fixed or movable or collapsible, which is not a building shall be a use of that land.

(3) For the purpose of this Law each of the following operations namely:-

- a. The re-erection, wholly or partially of any building pulled down to or below the top of the ground floor or of any frame building of which only the frame work is left down to or below the top of the ground floor.
- b. The re-erection, wholly or partially of any building of which an outer wall is pulled down to or within in tent feet of the surface of the ground adjoining the lowest storey of the building and of any frame building so far pulled down as to leave only the frame works of the lowest storey or part of the frame work.
- c. The reconversion into a dwelling-house of any building which has been discontinued as or appropriate for any purpose other than of a dwelling house;
- d. The conversion into a dwelling house of any building not originally constructed for human habitation or the conversion into more than one dwelling-house of a building originally constructed as one dwelling house.
- e. The making of any addition to an existing building by raising any part of the roof by constructing or altering a wall or making any projects from the building or making any other structural addition to the building, but so far as regards the addition only, and,
- f. The roofing or covering over of an open space between walls or building; shall be deemed to be the erection of a new building.

## PART II ESTABLISHMENT AND COMPOSITION OF THE BOARD

Establishment 3(1) of the Board: There is hereby established a Board to be known as Gombe State Urban planing and Development Board (herein refer to as the Board)

(2) The Board shall be a body corporate with perpetual succession and Common Seal and may sue and be sued in its corporate name, hold and dispose movable and immovable property.

Constitution of  
Members of the  
Board

4 (1) The Board shall consist of:

- (a) A Chairman and Four other Members and;
- (b) The General Manager.

(2) The Chairman and other Board Members shall be appointed by the Governor subject to the confirmation by the State House of Assembly.

(3) There shall be paid to the Chairman and other Members of the Board appointed under this section such remunerations as the Governor may determine subject to the confirmation by the House of Assembly.

Tenure of Office  
of Members

5 (1) The Chairman and other Members of the Board shall be appointed for a period of four (4) years.

(2) A Member may resign his membership by a written resignation under his hand addressed to the Governor.

(3) Notwithstanding the provision of sub-section (1), of this section, the tenure of the office of the Chairman and Members of the Board shall not subsist beyond the tenure of the Governor.

Governor to  
appoint General  
Manager

6 (1) There shall be appointed by the Governor a General Manager who shall be the Chief Executive of the Board.

(2) The General Manager shall be responsible for the execution of the policy of the Board and general management of its day to day business and any other functions assign to him by the Board.

(3) The General Manager shall be-

- (a) a qualified Engineer, Registered with the Council of Registered Engineers; or
- (b) a professional Town Planner and registered with the Town Planners Registration Council of Nigeria, and
- (c) a serving officer of Gombe State indigene for a minimum experience of 10 years.

Secretary to the  
Board

7 (1) There shall be a Secretary to the Board who shall be a legal practitioner of not less than 5 years post call experience.

(2) The Secretary shall conduct its correspondence and keep Board records and exercise other functions assign to him by this Law or the Board.

General  
Manager and  
Secretary not  
members of the  
Board

8. The General Manager and Secretary to the Board are not Members of the Board but officers of the Board.

Removal of  
members

9(1) Member of the Board appointed under this Law may be removed from office before the expiration of his tenure by the Governor for in-capacity thereof or any other cause.

(2) Where a member is absent at the meeting of the Board for three consecutive meetings without permission of the Governor in case of the Chairman, and the Chairman in case of the other members, the Governor

may revoke the appointment of such member.

- (3) Where a member is incapacitated by reasons of ill health for a period of three months, the Governor may appoint another person to replace such member from the Board.

Remuneration of member 10 There shall be paid to the Chairman, other members, General Manager and such other staff of the Board, remuneration, if any by way of salary, fees or allowances as the Governor may determine.

#### PART III OTHER STAFF OF THE BOARD

Local Government as agent of the Board 11(1) For the purpose of this law the Board shall have the following Department

- (a) Urban and Regional planning
- (b) Engineering services
- (c) Administration, Finance, Supply and Legal

- (2) The Board shall open Area Offices in each Headquarters of the Local Government in the State.

Control of officers 12(1) The Board shall have power to appoint and exercise Disciplinary control over such other officers and agent as it may think necessary for the discharge of the Board's Functions.

- (2) The conditions of service of the staff or officers of the Board shall be the same and regulated by the State Civil Service Commission.

Secondment of other staff 13 The Board may employ on Secondment such officers of the public service of the state or the Local Government in accordance with the procedure applicable to the secondment of such officers.

Chairman & Secretary to Authenticate seal 14(1) The seal of the Board shall be authenticated by the signatures of the Chairman and Secretary.

(2) Every document purported to be an instrument executed by the Board shall contain the seal of the Board.

#### PART IV: PLANNING SCHEME

Provision of Planning Scheme 15(1) The Board shall provide a planning scheme for all the planning areas specified in Schedule II and other Urban Towns in Gombe State as may be specified under any regulation made pursuant to the provisions of this Law.

- (2) Any planning scheme provided by the Board shall be strictly followed or enforced in respect of any land, streets, convenience, amenities etc in the Urban Towns.

Board to investigate for Scheme already existing in Towns 16(1) Upon the coming into force of this Law, the Board shall immediately make certain investigation into all urban planning Areas specified in Schedule II and other major towns in the state for the purpose of deciding whether or not a scheme should be made in respect of such land.

- Approval of development
- (2) The Governor may approve other areas in the state to fall under the planning area declared by the Board.
- 17(1) From the date of commencement of this Law which provide for a planning area or town by the Board, no person shall develop, erect demolished, alter, extend or repair any building or structure except there is an approval to that effect from the Board.
- (2) The Governor may make a general order with respect to the interim development of land within the planning area and may make special orders with respect to the interim development of any such land in any particular land in the state.
- (3) Subject to the general order given by the Governor, the Board may grant to any person who supply in writing for development permission with certain conditions attach for the development, construction, demolition alteration etc on the land.
- (4) Before granting any application for interim development on certain land the the Board shall have regard to any master plan of that area.
- (5) An application for interim development on a piece of land shall be deemed to be refused unless within one month of the date of its receipts by the Board notice has been given that the Board has decided
- (a) to grant permission with or without condition,
- (b) to refuse permission, or
- (c) to postpone consideration on the ground that the development cannot be carried out immediately on such area.
- (6) An aggrieved person may appeal to the Governor against a decision made by the Board under sub-section (3) and such appeal must be made within fourteen days of the receipt of such decision or of the date by which the application is deemed to have been refused.
- (7) Where an appeal is brought to the Governor against the decision of the Board under sub-section (4) of this section, the Governor may allow or dismiss the appeal.
- (8) The Board may require any person to remove or to pull down any building or structure that does conform with either the Building plan or master plan of the area.
- (9) Where a person is directed by the Board to remove or pull down a structure or building but fails or neglects to do same, the Board shall pull down or remove the structure and recover from the person the cost of removing such structure.
- Master Plan or Scheme
- 18(1) The Board shall prepare a comprehensive master plan <sup>of</sup> Development of all the Urban Towns in the State and submit to the Governor for approval.
- (2) All development on any of the land in the Urban Town in the State shall be approved by the Board before a development or work is carried out.
- Contents and
- 19(1) Any land declared by the Board as being under a scheme in any Town,

effects of schemes

village, settlement, or rural area, whether there are building or not shall be subject to the control of the Board and no development on such land shall be done except with the approval of the Board.

- (2) All Residential, Commercial, Industrial, Recreational and Institutional Schemes should secure proper sanitary conditions and conveniences and the co-ordinations of road and public services and utilities and protection and extension of amenities and conserving developing the resources of the area.
- (3) Every master plan or scheme of any Urban Town prepared by the Board shall contain certain prohibition or regulating the development and use of any land in that town as specified in schedule I to this Law.
- (4) The Scheme may provide for redistribution of lands or for its readjustment of its boundaries.
- (5) Any agreement relating to development of any land, either for road construction or building shall conform with the item listed in schedule II to this law.

Delivery of particulars

- 20(1) The Board may for any purpose arising in relation to the making, enforcement of carrying out of a scheme, by notice in writing require the owner of any land or building in that area or town to deliver to the Board within 30 days of the date of the notice, the particulars of his land, estate or building, his interest or right over such property.
- (2) Where a person is directed by the Board to forward to it the particulars and his rights over certain lands or buildings but neglect to give such information, such person shall be guilty of an offence and on summary conviction be liable to a fine of N5,000.00.

Acquisition of land

- 21(1) The Board may acquire any land for the purpose of subjecting it to the scheme specified in this law or any regulation made thereunder.
- (2) Any land acquired by the Board shall be allocated to low income earners for purpose of building residential houses.
- (3) The Board may authorise any person to act on its behalf.
- (4) Any person who abstract or interfere with any staff of the Board or any person authorised by the Board to exercise its power under this law in due discharge of its duties shall be liable on conviction to a fine of N3,500.00.

General Manager to sign scheme

- 22(1) Any scheme framed by the Board shall be signed by the General Manager or any other officer authorised on that behalf.
- (2) The Board shall forthwith prepare a notice stating:
  - (a) that a scheme has been framed for the State
  - (b) that boundaries of the area comprised in the scheme, and
  - (c) the place or places the plan of the area or the land proposed to be acquired by the Board.
- (3) The notice referred in sub-section 2 of this section shall be published in two issues of the state gazette by the Board.
- (4) A copy of the scheme or master plan of the Town or towns shall be laid at the

Headquarters of the Board for inspection by the public.

- (5) The Board shall within 30 days after publication of such notice cause, if possible the attention of the owners of the property affected or affected by the scheme and requires the owners to send in their objections to the Chairman within 30 days from the date of the notice in the Gazette.
- (6) Any objection received by the Board shall be considered within 14 days of receipt of the objection.
- (7) The Board may call on the objector to appear before the Board himself or by a person authorised by him.
- (8) During the consideration of objections collected from people, the Board may modify the scheme and send their recommendation to the Governor for approval.
- (9) Within 49 days of consideration of the objections, the Board shall submit its review to the Governor and such scheme submitted shall contained:-
  - (a) an estimate of the number of persons who will be dis-housed or affected, by the scheme if executed.
  - (b) a schedule of objections giving the name of persons objecting.
  - (c) a schedule showing the way in which the Board has dealt with the objectives.
  - (d) a statement of reason why the scheme should be modified from the original scheme framed.
  - (e) ways of dealing with those affected by the scheme.

23(1) The Governor may approve the scheme submitted to him under section 22 or reject it, or approve it with certain conditions.

- (2) The approval or rejection of the scheme by the Government shall be notified in the state gazette.
- (3) The scheme shall take effect from the date when it is approved by the Governor.

Approval of a plan

24(1) No building, or erection of any structure or construction shall be carried out in any town specified in schedule II.

- (2) except a plan of such building or structure or construction is submitted to Board and approved by it.

Application for Development

25(1) Any application for development, or erection of any building on any land specified in Schedule 2 of this law shall be made to the Board.

- (2) The Board may grant or approve application with or without conditions.

Building plan to accompany any application

26(1) Any application to the board for permission to erect, renew remove any building shall be accompanied with the Building plan or construction plan.

(2) In considering the application for development of any land in the area specified in scheduled 2 of this law the Board shall have regard:-

- (a) That from the plan presented to the Board, the structure or building proposed to the erected is of standard and will not endanger health or



hazardous to the public.

- (b) will not block a street, drainage or injure and public amenities provided by Government for the public.

Removal of  
Illegal  
Structure.

- 27(1) The Board may at any time:
- (a) remove, pull down or alter any structure, building or erection which has blocked either a street, drainage or is built on any public land like school, public garden, Children etc. to bring it in conformity with the provision of this law.
  - (b) prohibit the use of any building that falls under the prohibition enumerated in paragraph (a) of this subsection.
  - (c) prohibit the use of Land provided by it in any of the areas specified in schedule 2 except with its consent.
- (2) Before taking any action under sub-section (1) of this section the Board shall serve a notice on the owner or the occupier of the building or land or on any other person which in the opinion of the Board will be affected by its action.
- (3) After 15 days of the service of the notice by the Board under sub-section 2 of this section the Board shall go ahead to carry on the action.

#### PART V: ACQUISITION OF LAND

Board may  
acquire land

- 28(1) The Board may for the purpose of carrying out its functions under this law purchase or acquire a piece of land comprising in any area specified in schedule 2 to this law.
- (2) the land acquired by the Board shall be partitioned and allocated to low income earners at a moderate price for the purpose of building residential houses thereon.

Ceasure of  
rights and  
Compensation.

- 29(1) Where the Board acquired land under this law, all rights of the former owner ceased to have effect and they shall only be entitled to compensation.

Acquisition of  
land previously  
not acquired

- 30(2) Where any land situated in any of the planning scheme provided by the Board and the Board wish to acquire that land, the Board shall notify the owner of such land or building required by the Board. All rights of occupancy or leases under any tenancy in respect of such land or buildings which are existing at the time of notification shall be deemed to be terminated if not done by agreement.
- (2) Where any land becomes vested in the Board under the provision of this section, the Board shall there after notify the owner of the land or buildings as to amount of compensation, payable to each beneficiary.
- (3) All matters connected with payment of compensation for acquired land or disputes as to amount payable shall be resolved in accordance with the relevant provision of CAP 202 L.F.N.

claim for compensation 31(1) Any claim for compensation shall be made by serving upon the Board a notice in writing stating the grounds of the claim and the amount claimed.

(2) No claim for compensation shall be entertained unless written notice has been served on the Board within six months after the date on which the provision giving rise to the claim came into operation or within such longer period as may be specified in the scheme.

determination of leases. 32. Where an approved scheme provides for the acquisition of any land by the Board all leases and right of occupancy under any tenancy in respect of such Land which are existing at the time of notification that the Scheme is approved under this law shall be deemed to be terminated, if not previously terminated by agreement, on the expiration of the period appointed in the scheme in that behalf, but without prejudice to any occupiers or lessee's rights regarding any compensation payable under this law.

vesting of land 33. Where an approved Scheme provides for the acquisition of any land by the board such land shall vest in the board as the agent of the Governor. For the purpose of controlling physical development and subject to his direction on such day as is appointed in the Scheme in that behalf, free from encumbrances, but without prejudice to any occupiers or lessee's rights regarding any compensation payable under this law.

surrender of possession 34(1) At any time after an approved scheme has been notified under this Law the Board may serve a notice on the Owner of any land or building thereby affected requiring him to give up possession thereof within a period to be specified in the notice, not being less than sixty days from the date of such service.

(2) Every Owner or occupier so served shall comply with the contents of the notice.

(3) Any owner or occupier who fails to comply with the contents of such notice may be summarily evicted by any member of the police Force upon an order obtained from court.

payment of compensation 35(1) If sixty days after the date of service of notice under this law, no objection is lodged with the Board, offer shall be paid forth with to the owner in discharge of any claim for compensation.

(2) If an objection is lodged within the prescribed time any question as to the amount of compensation payable in respect of the land acquired and any question as to the apportionment of such compensation among the persons having interest in the land, shall in default of agreement, be determined by the Land use and Allocation Committee of the State.

date of which 36. When an area has been declared a planning area under this law, the value of the building or land in such area, shall for the purposes of determining the amount of compensation payable be deemed to be the value of the building

or land on the day twelve months immediately prior to the date when such declaration took effect.

General powers of

37

In any case not otherwise expressly provided for in this Law the Board may pay reasonable compensation to any person who sustains damage by reason of the exercise of any regulation made or scheme sanctioned thereunder in the Board or in the Chairman, where the agent of the Board is a local government council in the corresponding offices of that local government council, or any officer or servant of the Board.

#### PART VI. FUNCTION AND POWERS OF THE BOARD

Function of the Board

38

The functions of the Board includes all the items specified in schedule I (part 1-vi) of this law.

Power of the Board

39

The Board shall have power:

- (a) to control and manage all assets vested or to be vested in it by this law.
- (b) to construct and maintain roads, footways, bridges, drains, sewers and water course.
- (c) to acquire, construct or repair any works, plans or apparatus, which are necessary or desirable for the purpose of the Board.
- (d) development of amenity parks, recreational facilities
- (e) construction/installation of street lights, floods and allied lights in public areas and neighbour centres for security and beautification.
- (f) construction of monuments/allied structures for the purpose of beautification.
- (g) to enter into such contract as may be necessarily advantageous or expedient for the performance of its functions under this law.
- (h) to carry in association with other bodies and persons (including companies, government authorities or local governments), or managing agents or any activity desirable for the performance of its functions.
- (i) to acquire, purchase, lease, mortgage, hold, construct, manufacture or maintain any property whatsoever, whether movable or unmoveable, required for or in connection with the purpose of its functions and to sell, dispose or deal with such property.
- (j) to accept or acquire and hold any security kind in any form,
- (k) to surrender, re-transfer or re-assign any security held by the Board whether upon exchange for another security or upon discharge.
- (l) in relation to any security held by the Board to exercise any power, right in respect thereof which a private individual would be capable of exercising in like circumstance.
- (m) to make, draw, accept or endorse, negotiable instruments.
- (n) to perform another functions as may from time to time be assigned to

it.

- (o) to delegate or authorised any of its members, officer, employees, servants or agent to act on its behalf in any matters connected with the performance of its functions.

#### PART VII: FINANCIAL PROVISIONS

Finances of the Board. 40(1) The board shall accept any rates, money, property or other assistance for the furtherance of any of the objects of the scheme.

- (2) All moneys from whatever source received by the Board shall become part of its funds.

Board to control finance as directed. 41(1) The Governor may direct that the Board shall regulate, control and manage its own finances and in default of any such direction all sum received to the credit of the Board shall be paid into the general revenue of the State and all expenses and disbursements lawfully incurred or to be paid by the Board shall be defrayed from the general revenue of the State.

- (2) Where the Governor direct the Board to hold, control or manage its finance it shall operate in accordance to such directions.

Levy on Leaving of planning rate. 42(1) The Board in furtherance of its functions under this law shall for the purpose of planning, raise revenue by imposition of planning levy and direct that each local government in Gombe State should collect the rate or levy.

- (2) Such order or direction:-  
(b) shall prescribe the amount of the planning rate levied throughout the State.  
(c) may exempt from a planning rate any premises.  
(d) shall determine the date on which the first payment of such rate shall become due.

- (3) The Local Government Council so ordered to impose, levy and collect a planning rate shall accordingly do so and pay over the proceeds of the rate to the Board.

Rate to be paid. 43 The planning rate, unless otherwise provided by the Board by Regulation or by order requiring imposition of levy and collection of the rate, shall be paid in advance at a place to be specified in the regulation or order or at the headquarters of the Board on yearly, half yearly or quarterly basis.

Liability for planning rate. 44(1) The following person shall be liable for the payment of  
(a) Planning rate - in respect of all land or premises which subject it to land use Act and the owners are not exempted from planning levy.  
(b) Owners of new structures to be erected shall be subject to planning

rate or levy.

- (2) If any person fails to pay for any planning rate which he is liable within one month after the same become payable, the Board or the Local Government Council concern may recover the same by suit with cost and interest at the rate of 20% from the date when such rate ought to have been paid until the date of payment.

Board may  
make Regu-  
lation.

- 45(1) The Board may with the approval of the Governor make Regulations or order for the discharge of its functions.
- (2) Such regulation shall state the amount of planning rate, for the approval of building plan and other.
- (3) Levies which the requires in due discharge of its functions under this law.

Estimate

- 46(1) The Board shall in every year prepare estimate containing:
- (a) an estimate of the revenue of the Board for the next ensuring year.
  - (b) an estimate of all balances, exclusive of moneys raised by loan which will be available for ordinary expenditure at the commencement of the next ensuring year;
  - (c) an estimate of ordinary expenditure for the next ensuring year;
  - (d) an estimate of the balances of loans available and the expenditure there from during the next ensuring year; and
  - (e) an estimate of sums that will be required during the next year for the discharge or principal, the payment of interest and for contribution to sinking funds in respect of all loans.
- (2) The financial year shall commence on the 1<sup>st</sup> day January, of every year and the estimate stated in this section shall be forwarded to the Governor for approval.

Supplemen-  
tary Estimates

- 47(1) The Board may at any time prepare supplementary estimate to provide for unforeseen or urgently required expenditure containing:
- (a) a revised estimate of the revenue for the current year.
  - (b) a revised estimate of the expenditure for the current year.
  - (c) a statement showing how provision is made to meet additional expenditure.
- (2) Such supplementary estimate shall be forwarded without delay to the house of Assembly.

#### PART VIII: ACCOUNT, AUDIT AND REPORT

Account and  
Audit

- 48(1) The Board shall:
- (a) cause to be kept proper accounts in respect of its functions under this law, 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 Auditor General.

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

(4) The State Auditor General shall forward his comment on the report submitted to him under sub-section (3) of this section to the Governor and House of Assembly within one month of its receipt.

Financial  
report.

49(1) The Board, 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 have direct dealing with the activities of the Board during that financial year.

(2) Every annual report made by the Board under sub-section (1) shall contain particulars of all directions given under this law.

(3) A copy of the annual report made to the Governor under sub-section (1) of this section and the Audit report together with the Auditor General's comments on the report shall be laid before the House of Assembly within four months after the end of the financial year.

Forms of  
Contracts

50(1) Any contract or instrument which if entered into and 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 the purpose.

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

#### PART IX: LEGAL PROCEEDINGS

Determina-  
tion of Dispute

51(1) Any dispute under this law as to:  
(a) the right of a claimant to recover  
(b) the right of the Board to recover betterment or  
(c) the amount and manner of payment of any such recoverable compensation or betterment, shall upon the application by any party be referred to land use and allocation committee in case of compensation and the High Court for determination in case of betterment.

(2) Any matter dispute referred to the court under this section shall commence by way of suit or against the Board.

Concurrent  
jurisdiction of  
High Court  
and Magistrate  
Court

52(1) Any matter referred to a court for determination by the Board shall be either referred to a High Court in the State.

(2) No Area Court or Magistrate shall have jurisdiction to try any case or matter under this law.

(3) When a matter is referred to the High Court for determination, such matter

shall be determined by one or more Judges of the High Court.

- (4) When a matter is referred to the Court the step to be taken for the appearance of the parties and the proceedings in court shall be the same as if it were a suit for determination by the court between two persons.

Reference of matter relating to the scheme. 53. In addition to matters specifically provided by this law to be determined by the Court, the Chairman may submit or refer any other matter relating to the Scheme.

Appearance of parties. 54(1) Upon the matter being referred to the Court, a representative of the Board, a State Council or any other legal practitioner may represent the Board.

- (2) Proceeding for contravention, or breach of any of the provision of this law shall be instituted by the Chairman, a representative or agent of the Board representative, the Chairman of the Local Government Council shall institute the matter in court on behalf of the Board.

Form of summons in 55(1) Any matter referred to the High Court for determination shall be brought by way of an originating summons in the form specified in schedule 3 to this law.

- (2) If the matter is commenced in the Magistrate Court by a Local Government Council appointed by the Board as its representative, he shall be regulated by the District Court's rules.

- (3) The court shall hear and determine all matters as if the proceedings have been commenced by way of ordinary civil summons issued by the Court.

Service of Summons 56. Summons in the High Court shall be served upon every Party as provided by this law and within seven days before the time appointed for the hearing.

Failure to appear in Court 57. Where a person or a party does not appear in Court as contained in the summon served on him, and the Court is satisfied that he has been duly served and evidence of service is placed before the court, no explanation as to the absence of the person or party, the court may ask the other party present to adduce evidence to the claims or defence and the Court shall give its decision on the issue as if it was given after hearing of the parties concerned.

Act of proceedings taken 58(1) No act done or proceeding taken under this law shall be questioned on the ground namely that

- (a) the existence of any vacancy in or any defect in the constitution of the Board or, any omission, defect, or irregularity not affecting the merits of the case.

- (2) Every meeting of the Board, the minutes of the proceedings of which have duly signed, shall be taken to have been convened and free from all defect and irregularity.

Institution of proceeding 59. The Chairman of the Board or its representative or any person duly authorised may:

- (a) institute any legal proceedings on behalf of the board any may withdraw from the same.
- (b) defend any legal proceedings brought against the Board.
- (c) compound any offence against this law, and
- (d) compromise and claimed by or against the Board.

No liability for action done 60 No act, omission, contract by any servant of the Board or person, duly authorised and is done in good faith in carrying out the functions of Board shall be personally liable for such act, omission or contract.

Giving of Notice before institution of action 61 No action shall be instituted against the Board or its members, servants or any person acting for and on behalf of the Board except:
 

- (a) a written notice to that effect shall have been given to the Board Stating action or claim against such act.
- (b) after 30 days after the service such notice on the Board and the Board has done nothing or is not satisfied with the action of the Board.

Evidence of authority 62 Whenever under the provisions of this law the power or right to do any act or The validity of any act, depends upon the approval or consent of the Board or the Chairman, a document purporting to express such approval or consent, signed by the Chairman or any Officer of the Board generally or especially authorised by it in that behalf shall be sufficient evidence thereof.

Notice from Board 63(1) Every notice required to be given by the Board under this law or regulation made there under shall be signed by the Chairman of the Board or any officer authorised to do so.
 

(2) A notice shall be deemed to have been duly signed if it contain the purported signature of the Chairman or any officer so authorised by the Board.

Service of notice or document 64(1) Every notice, order or other documents which is required to be served under this law or any regulation made thereunder on any person, may be served:
 

- (a) by delivering same to the person personally or by delivering same at the abode where that person ordinarily reside to some adult member or a servant of his family or
- (b) if the abode of the person is not known then by sending it by registered post addressed to the last known place of abode or Business of that person or
- (c) if the name of the person is not known or it is not possible to effect service under paragraph (a) and (b) above then by fixing the same a conspicuous part of the premises in respect of which the notice, order or document is issued for.

(2) Service on the Board shall be effected by delivering the some or by sending it by registered post addressed to the Chairman of the Board.

(3) A notice, order or other documents required to be Served by this law or any regulation made there under on the owner or occupier of any premises shall



be deemed to be properly served if addressed by description of the "owner" or "occupier" of the premises without further name or description.

#### PART X: TRANSITIONAL PROVISION

- Transitional provision. 65(1) At the commencement of this law all employees, Assets, Liabilities and Properties of the Directorate of Urban Planning as a Department in the Ministry of Works and Housing shall be deemed to be that of the Board.
- (2) All interest, assets, liabilities, obligations, contracts or any instrument executed by the Directorate is deemed as if it was done by the Board.
- (3) Any proceeding or cause of action pending at the Directorate before the commencement of this law is shall be deemed to have been proceeding or cause of action instituted by the Board.
- (4) All machinery, equipment and entire properties of Directorate is transferred to the Board.
- (5) All employees of the Directorate are transferred to the Board.

#### PART XI: OFFENCES

- General offences 66 If any person unlawfully:
- (a) obstructs or molest any member of the Board or any officer or servant of the Board or any person with whom the Board this law of any regulation made there under or removes any mark set up for the purpose of indicating any level or direction necessary in carrying its functions by this law or any regulations made there under or
- (b) removes any notice fixed by the Board on any premises, building or land, shall be guilty of an offence and on conviction be liable to a fine of TEN Thousand (10,000) Naira or to imprisonment for one year or to both such fine and imprisonment.

- Contraven- 67 Any person who:  
tion of this Law or Regulation
- (a) acts in contravention of any regulation made under this law or,
- (b) being legally bound to comply with any lawful order or with the requisition contained in any notice served under this law or any regulation made there under refuses or neglects to comply, shall be deemed guilty of an offence and liable on conviction to a fine of TEN Thousand (10,000) Naira or to both such fine and imprisonment.

- Compensa- 68(1) If an account of any act, or omission any person has been convicted of an  
tion to be paid  
by offender.
- (2) In any dispute arisen as to amount of compensation be paid court that tried

and convicted the said person.

- (3) If the amount of compensation due under this section is not paid by that person the same shall be recovered under a warrant from the court or the person liable.

- Regulations 69(1) The Board may make regulations with respect to:
- (a) the determination and adjustments of the limits of plots or estates within planning area.
  - (b) the furtherance of the provisions and purposes of the schemes,
  - (c) any other matter under this law is required.
  - (d) the imposition of levy or collection of planning rate,
  - (e) the exemption of certain land or premises or classes of land or premises from planning rates and the date upon which the planning rate shall become due, the payment to the Board of fees by person in respect of:
    - (i) an application for interim development permission submitted by them under this law
    - (ii) an application for permission to develop land
    - (iii) the consideration by the Board of any building plan or other document.
    - (iv) any services rendered by the Board to any person in the execution of any of its function under this law.

- Repeal and savings (BASLCAP 163) 70(1) The Bauchi State Urban Planning and Development Law (CAP 163) adopted by the Gombe State Adaptation of Bauchi State Edicts and Legal Notices Law, 1996 is hereby repealed.
- (2) Nothing in this Law shall affect anything done by any person or authority under or pursuant to the Repealed law and any act or action done under the repealed Law shall be deemed valid and to have been done and made in accordance with provisions of this Law.

# SCHEDULES

## SCHEDULE I

### PART I ROADS

1. Providing for the reservation of land for roads, the constructions of new roads, improvement of existing roads, establishment of public right of way.
2. Providing for the closing or diversion of existing roads and public and private rights of way.
3. Restricting and controlling of new roads and the alteration of existing roads whether by the Board or owners.
4. Regulating the line width, level, construction and general dimensions and character of roads whether new or existing.
5. Enabling the Board to require an owner of land as a condition of developing that land in any manner:
  - (a) to reserve land for such roads as the Board may think necessary
  - (b) to contribute to the cost of the construction of new roads or the improvement of existing roads by the Board.
6. Providing for and generally regulating the construction or execution whether by the Board or by owners, of works incidental to the making or improvement of any road including the erection of shelters, provision of seats planting or protection of grass, trees and shrubs on or adjoining such road.

### PART II

#### BUILDING AND OTHER STRUCTURES.

1. Regulating and controlling either generally or in particular areas all or any of the following matters:
  - (a) the size, height spacing and building line of buildings
  - (b) the object which may be affixed to buildings
  - (c) the location of building, the extent of yards, gardens and cartilage of buildings;

- (d) the purposes for and the manner in which buildings may be used or occupied including, in the case of dwelling-houses, the letting thereof in separate tenements.
  - (e) The prohibition of building operations on any land or regulating such operations.
2. Reserving or allocating any particular land or all land in any particular area for buildings of a specified class or classes, or prohibiting or restricting, either permanently or temporarily, the making of any buildings or any particular class or classes of building on any specified land.
  3. Reserving or allocating any particular land or all land in any particular area for the purpose of any industrial or trade purpose or for any specified undertaking.
  4. Limiting the number of buildings or the number of buildings of a specified class which may be constructed, erected or made on, in or under any area.
  5. Providing for the removal, demolition or alteration of buildings or works which are inconsistent with or obstruct the operation of a scheme.
  6. Providing for the reservation of sites for places or religious workshops or public buildings or for places reserved for public services.
  7. Providing for the sanitary condition.
  8. Providing for the reservation of sites for housing.
  9. Providing for sun clearance in specified areas.

**PART III**

1. Providing for the reservation of parks and open spaces, whether public or private and for burial grounds.
2. Providing for the reservation of view and for the preservation of places and features of natural beauty or interest.
3. Providing for the interpretation of buildings and objects of artistic, scientific or historical interest.
4. Providing for the preservation of trees, shrubs, plants and flowers.

5. Prohibiting, restricting or controlling either generally or in particular places the exhibition, whether on any building or any temporary erection on any vehicle, boat or other movable object whether on land or on water or in the air of all or any particular forms of advertisement or other public notices.
6. Preventing, remedying or removing injury to amenities arising from the ruinous or neglected condition of any building or fence or by the objectionable or neglected condition of any land attached to a building fence or a building on a road or situated in a residential area.
7. The prohibition regulation and control of the deposit or disposal of waste materials and refuse.

#### PART IV

#### PUBLIC UTILITY SERVICES.

Facilitating the establishment extension or improvement of systems of transport whether by land, water or air.

#### PART V

#### TRANSPORT / COMMUNICATION

1. Facilitating the establishment extension or improvement of systems of transport whether by land, water or air.
2. Allocating sites for use in relation to transport and providing for the reservation of land for that purpose.
3. Providing for the establishment extension and improvement of telegraphic telephonic or wireless communication, allocating sites for use in relations to such communication and providing for the reservation of land for that purpose.

PART VI

MISCELLANEOUS

1. Declaring the person by whom and the manner in which the cost of the execution of works (whether of construction, demolition, removal or alteration) in pursuance of the scheme are to be borne.
2. Subject to the provision of this law, declaring the notices to be served for the purposes of the scheme by the Board and the persons on whom the manner in which and the times at or within which such notices are to be served.
3. Subject to the provision of this law, declaring the manner in which and the times at or within which notices for the purposes of the scheme may be served on the Board by other persons.
4. Providing for and regulating the making of agreements for the purpose of a scheme by the Board with owners and other persons, and by such persons with one another.
5. Dealing with the use or disposal of land acquired under this law.
6. Prohibiting the sub-division of land until a plan showing the sub-division and proposed access to the land has been approved together with an estate layout plan if called for by the Board.
7. Making any provisions necessary by the Board.
  - (a) adjusting and altering the boundaries and areas of any lands, roots or right of way.
  - (b) Effecting such exchanges of land or cancellation of existing sub-division as may be necessary or convenient for the purposes aforesaid.
8. Providing for and regulating the construction, alteration, removal and use of railways, pipelines telegraph and telephone lines, electric current transmission line, drainage or irrigation channels, aerial cable ways and their ancillary structures.
9. Preventing the pollution of streams water courses, rivers and wells.
10. Works ancillary to or consequent on a scheme.
11. Any other matter not herein under mentioned or incidental to a scheme or its administration.

SCHEDULE II

1. Kumo, Pindiga, Kashere, Tumu, Gwana, and Akko Town
2. Mallam-Sidi, Bojude, Dukul, Gadam, Kafarati and Komfulata
3. Gombe Town and Its Environ
4. Bajoga, Tongo Ashaka and Ribadu Town
5. Dukku, Hashidu, Jamari and Malala Town
6. Nafada, Birin Bolewa, Birin Fulani and Barwo Town
7. Deba, Dadinkowa, Kwadon and Kuri Town
8. Billiri Bangaje, Tal And Todi Town
9. Boh, Lapan Kulishin and Filiya Town
10. Kaltungo, Ture, Kamo and Awaki Town
11. Talasse, Bambam and Cham Town

SCHEDULE III

ORIGINATING SUMMONS

IN THE HIGH COURT OF GOMBE STATE

In the matter of the Urban Planning and Development – Law (CAP.....) let all parties attend at ..... on the ..... day of ..... 19..... at ..... O'clock in the ..... Noon on the hearing of an application on the part of the Chairman (or other authorised person) of ..... Board for the determination of the following matters. If any person fails to comply with these instructions the court may order him to pay the costs of the proceedings.

Dated the ..... day of ..... 19.....

.....  
Sign by Judge.

This summon was taken out by the Chairman or (any authorised person) of the Board.

To .....

*(Insert names of all parties interested in question to be decided)*

SUMMARY OF GOMBE STATE URBAN PLANNING AND  
DEVELOPMENT BOARD (AMENDMENT) LAW 2011.

SHORT TITLE	LONG TITLE	DATE PASSED
Gombe State Urban Planning and Development Board (Amendment) Law, 2011.	A Law to provide for the Amendment of Gombe State Urban Planning and Development Board Law, 2001 and other matters related thereto.	11 <sup>th</sup> day of August, 2011.

CERTIFICATION

I certify that this Bill has been carefully compared by me with the decision reached by the Honourable House and found by me to be true and correct accession of the House and this is in accordance with the provisions of the Authentication Act 1962.



SHEHU MUHAMMAD ATIKU  
CLERK-TO-THE-HOUSE

I ASSENT THIS 16<sup>TH</sup> DAY OF AUGUST 2011



ALH. IBRAHIM HASSAN DANKWAMBO  
EXECUTIVE GOVERNOR, GOMBE STATE

