

**KWARA GEOGRAPHIC INFORMATION SERVICE BILL, 2020.**

**ARRANGEMENT OF CLAUSES**

**CLAUSES**

**PART I-ESTABLISHMENT, INCORPORATION, FUNCTIONS AND POWERS OF THE BOARD**

1. Establishment and Incorporation of the Service
2. Objective of the Service
3. Functions of the Service
4. Powers of the Service

**PART II-GOVERNING BOARD OF THE SERVICE**

5. Establishment and composition of the Governing Board
6. Powers of the Board
7. Directives by the Governor
8. Functions of the Board
9. Departments of the Service
10. Tenure of Board members
11. Cessation of office
12. Removal from office and vacancy
13. Remuneration of Board members
14. Meeting of the Board
15. Standing and ad-hoc committees
16. Power to co-opt
17. Validity of Proceedings
18. Quorum
19. Disclosure of interest by Board members.
20. Voting

**PART III-MANAGEMENT AND STAFF OF THE SERVICE**

21. Office of the Director General
22. Functions of the Director General

23. Removal of the Director General
24. Appointment and functions of Legal officer
25. Staff of the Service
26. Staff Regulations

#### **PART IV-DEVELOPMENT PLAN AND DEVELOPMENT PERMIT**

27. Procedure for the preparation and review of development plans
28. Publication and preparation of draft development plans
29. Exhibition of draft development plans
30. Submission of objection to draft plan
31. Schedules of summaries of objections
32. Consideration of comments and objections
33. Procedure for amendment of draft plan
34. Withdrawal of objection
35. Notice of amendment
36. Meetings
37. Additional power of amendment
38. Objection to Draft Development Plan
39. Submission for approval
40. Approval of Operative Development Plan
41. Correction of Operative Development Plan
42. Deposit of Operative Development Plan
43. Revocation of Operative Development Plan
44. Compliance with Operative Development Plan
45. Review of Operative Development Plan
46. Development Permit
47. Application for development permit
48. Consideration of representation and submission of technical report
49. Grant or rejection of development permit
50. Grounds for rejection application for development permit.
51. Delay of development permit

52. Development permit fees
53. Grant of development permit
54. Approved development permit
55. Compliance with development permit
56. Validity of development permit
57. Enforcement of rights and duties
58. Register of applications and publication of development permit
59. Provisions for planting of trees and greenery
60. Revocation of development permit
61. Payment of compensation
62. Assent of Governor for special building projects

#### **PART V-DEVELOPMENT CONTROL AND ENFORCEMENT**

63. Building Insurance
64. Removal of unlawful structure
65. Enforcement notice
66. Service of enforcement notice
67. Conditions to alter, vary, etc. enforcement notice
68. Requirements for enforcement notices
69. Address of enforcement notices
70. Enforcement of order
71. Liability for expenses
72. Stop work order
73. Extension of stop work order
74. Effect of enforcement notices
75. Penalty for non-compliance
76. Power of the Service on contravention
77. Defective structure
78. Power of the Service to demolish defective building
79. Power of the Service over abandoned building
80. Forfeiture of Property on collapse of building or structure

- 81. Offences and penalties
- 82. Failure of staff to comply with the Law

**PART VI-ACQUISITION OF LAND AND COMPENSATION**

- 83. Power to acquire land
- 84. Facilitation and execution of operative development plan

**PART VII-FINANCIAL PROVISIONS**

- 85. Fund of the Service
- 86. Annual estimates and accounts
- 87. Annual Report

**PART VIII-GENERAL PROVISIONS**

- 88. Gifts and donations
- 89. Right of access to information
- 90. Regulations
- 91. Limitation of suits
- 92. Common seal
- 93. Savings
- 94. Repeal
- 95. Interpretation
- 96. Citation



- (c) to receive, conduct due diligence on, and verify applications for issuance of Rights of Occupancy for land or grant of other rights over land or subsequent transaction in lands within the State;
- (d) to develop and maintain a database of all land within the State particularly with respect to title history, location, size, use and other related data;
- (e) to introduce, implement and sustain best practices for land ownership and title certification in the State;
- (f) to maintain database of all development permit applications granted, rejected or withdrawn and publication of the list in the Gazette;
- (g) to permit access to existing data on land for the purpose of conducting title searches for members of the public at a fee to be prescribed from time to time by the Service;
- (h) to prepare and periodically review the following Physical Development Plans:
  - (i) District Plans,
  - (ii) Development Guide Plans,
  - (iii) Town Plans,
  - (iv) Local Plans;
- (i) to prepare and review physical planning regulations
- (j) to provide technical assistance to all Government Ministries and Agencies on matters relating to physical planning, urban regeneration and development control;
- (k) to determine the locations of infrastructural facilities and centres of economic activity in the State;
- (l) to offer advice on State development projects and programmes with socioeconomic and environmental impacts as may be referred to it from time to time;

- (m) to regulate the location, positioning, dimensions, appearance, display and manner in which urban furniture will be affixed to land in the State;
- (n) to enforce building control regulations;
- (o) to regulate and inspect building works and certification of various stages of building construction and keeping of such records;
- (p) to control all forms of illegal development;
- (q) to remove illegal and non-conforming structures;
- (r) to identify and remove distressed buildings to prevent collapse;
- (s) to issue certificate of completion and fitness for habitation,
- (t) to provide building services such as material evaluation and testing, fire and public health control;
- (u) to conduct research in building construction, maintenance and control;
- (v) to establish Local Development Control Department Offices in cooperation with the Local Governments for the discharge of its functions at the Local Government level with the approval of the Governor on the recommendation of the Director General;
- (w) to undertake such other activities as may be required for the efficient management and administration of land matters and other related data in the State;
- (x) to engage in stakeholder consultations, enlightenment and publicity on the activities of the Service;
- (y) to exercise other functions as may be conferred on it by regulations made under this Law; and
- (z) to develop and maintain a geospatial information system or such appropriate system and structures in the State for research and land management.

4. The Service shall have power to-

- (a) acquire, provide, deploy and manage software and hardware for storing, assembling, manipulating and displaying geospatial reference material;
- (b) establish a central geospatial information clearing house and set standards in relation to the quality and format of geospatial information;
- (c) plan, establish and manage a directory of geospatial information and the resources available within the State;
- (d) coordinate geospatial information system projects, including overseeing the development and maintenance of base maps and geospatial information systems throughout the State;
- (e) provide consultancy services and technical assistance, education and training on the application and use of geospatial information technologies;
- (f) maintain, update, and interpret geographic information and geospatial information systems;
- (g) provide geospatial information services, as requested, to persons wishing to augment their geospatial information systems capacities upon payment of the prescribed fees;
- (h) in cooperation with other relevant agencies of government, evaluate, participate in pilot studies, make recommendations on geospatial information system hardware and software;
- (i) provide staff support and technical assistance to all levels of Government on geospatial information system and policies;
- (j) coordinate and provide overview of geospatial information systems activities throughout the State;
- (k) review and submit to the Governor for approval, all proposed geospatial information systems projects in the State;



- (l) pursue funding strategies to continually develop and maintain up-to-date geospatial information systems solutions for the entire State;
- (m) provide technical support to assist other agencies of the government or other persons who wish to incorporate geospatial information systems capabilities in their activities and systems;
- (n) charge such fees as are appropriate for its services;
- (o) grant changes on any immovable property; and
- (p) undertake all other steps and initiatives as are required for the proper administration of this Law throughout the State.

## PART II

### GOVERNING BOARD OF THE SERVICE

5. (1) There is established for the Service a Governing Board consisting of-
- (a) A Chairman with a minimum of ten years cognate experience in town planning and land administration.
  - (b) The Director-General of the Service;
  - (c) The Legal officer of the Service;
  - (d) three members with recognized qualifications and professional registration in town planning and land related matters with a minimum of five years cognate experience, one each from the three Senatorial Districts in the State, at least one of whom shall be a woman;
  - (e) one representative not below the rank of a Director from Ministries responsible for-
    - (i). finance,
    - (ii). environment,
    - (iii). local Government, and
    - (iv). agriculture;

Establishment  
and  
composition  
of the Governing  
Board.

- (f) a representative of the Kwara State Internal Revenue Service (KW-IRS) not below the rank of a Director;
- (g) an expert with geographic information service technical know-how with minimum of five years cognate experience; and
- (h) a registered professional in architecture/town planning or civil/building engineering with a minimum of ten years post-professional registration experience.

(2) All members shall be part-time except the Director General and Legal officer;

6. The Board shall have power to-

- (1) do all things which by this Bill or any other enactment or administrative directive are required or permitted to be done by the Board;
- (2) delegate its power to any member or official and authorize any such member to perform any of its functions of the Service, subject to any limitation imposed by law;
- (3) from time to time, borrow, by way of overdraft or otherwise, such sums as it may require for the effective discharge of its functions under this Law;
- (4) appoint, promote and discipline the Staff of the Service as may appear to it necessary or expedient;
- (5) consider the resignation or withdrawal of appointment of Staff of the Service;
- (6) investigate and decide on-
  - (a) all public complaints concerning decisions on development permit applications, development plans, layouts or schemes, change of use, approval-in-principle, demolition, conduct of planning or development control officials and service of notices, and
  - (b) disputes arising from compensation or other matters affecting physical planning and development; and building control in the State;

Powers of  
the Board

- (7) invite any member of the public including officials in carrying out its investigation for the purpose of obtaining information or advice;
- (8) call for documents, plans, schemes and files in the course of its investigation;
- (9) recommend the suspension of further physical development activities in a building site or premises, the subject of investigation;
- (10) Enter any building, site or premises that is the subject of investigation;
- (11) periodically review Service policies and strategies for the attainment of an efficient geospatial data, infrastructure and land administrative system in the State and provide direction and general guidance to the Director General;
- (12) discuss and make recommendation on all geospatial activities of the Service;
- (13) make regulations determining the forms and contents of Physical Development Plans in the State;
- (14) make regulations on the recommendations of the Service for the regulation of building standards and any matter incidental to it; and
- (15) review charges for services rendered from time to time which shall be published in the Gazette.

7. (1) Subject to the provision of this Law, the Governor may give to the Service and Governing Board such directives that is general or specific in nature relating to particular functions and it shall be the duty of the Service and the Governing Board to comply with such directives.

Directives by  
the Governor

8. The functions of the Board are-

Functions  
of the  
Board

- 1) to investigate petitions sent to it on physical planning, regeneration or development control matters;
- 2) to consider appeals from members of the public on the decisions of the Service;
- 3) to advise on matters referred to it by the Director General or the relevant Agency or other departments and Agencies of Government and the general public;
- 4) to advise on the implementation of the Operative Development Plans in the State;
- 5) to recommend fees payable in respect of any application for development permit and building control authorization and other incidental matters;
- 6) to grant exemption from any fees;
- 7) to advise on the forms of all notice required to be given or sent under this Law and the issuance and service of the same;
- 8) to recommend the control, whether by prohibition or otherwise, of a Development Plan; and
- 9) to undertake any other matter incidental to physical planning and development control activities in the State.

9. Subject to the approval of the Governor, the Service shall comprise of such number of departments as may be required to exercise its powers and discharge its duties and functions under this Law.

Departments of  
the Service.

10. The members of the Board other than ex-officio members shall hold office for a period of four years which may be renewed once only.

Tenure of Board  
members.

11. The office of a member shall become vacant if-

Cessation of  
Office.

- (a) his tenure of office elapses;
- (b) he resigns by notice in writing to the Governor;
- (c) he dies; and
- (d) he is removed from office by the Governor in public interest.

12. (1) A member may at any time be removed from office by the Governor on the occurrence of any of the following-

Removal from  
office  
and vacancy

- (a) if he becomes bankrupt;
- (b) if he is convicted of a felony or any offence involving dishonesty or fraud;
- (c) if he becomes of unsound mind or is incapable of carrying out his duties;
- (d) if he is found guilty by a competent court or tribunal of serious misconduct in relation to his duties;
- (e) if he allows his financial or fiduciary interests to come in conflict with the operations of the Service;
- (f) if in the case of a person possessed of professional qualification, he is disqualified from practicing his profession;
- (g) if he has been absent from three consecutive meetings of the Board without the permission of-
  - (i). the Chairman in the case of a member, and
  - (ii). the Governor in the case of the Chairman; or
- (h) if in the opinion of the Governor, it is in the interest of the Service that the member be relieved of his membership.

(2) Where an office becomes vacant, the Governor shall appoint a fit and proper person for the remainder of the term of office and the successor shall represent same interest.

13. There shall be paid to every member of the Board, such remuneration, allowances and benefits as may be determined by the Governor.

Remuneration of  
Board members

14. (1) The Board shall meet every two months, or as considered expedient, for effective discharge of its functions.

Meeting of the  
Board.

(2) The Chairman shall preside at every meeting of the Board and in his absence, the members present shall appoint one of them to preside.

15. (1) The Board may appoint such number of standing or ad-hoc Committees as it thinks fit to consider and report on any matter with which the Service is concerned.

Standing and  
ad-hoc  
committees

(2) Every Committee appointed under sub-section (1) shall be presided over by a member of the Board and shall be made up of persons, not necessarily members of the Board as the Board may determine in each case.

16. Whenever in the opinion of the Board it is expedient or desirable to obtain the service or advice of any person on any matter under consideration by the Board, the Board may co-opt such persons at such meeting of the Board as may be requested and such person shall have the right and privileges of a member, except that he shall not be entitled to vote on any question or be counted towards a quorum.

Power to co-opt.

17. The validity of any proceedings of the Board or its Committee shall not be adversely affected by-

Validity of proceedings.

- (a) any vacancy in the membership of the Board; or
- (b) any reason that a person not entitled to do so, took part in the proceeding.

18. The quorum at a meeting of the Board shall be seven members of the Board.

Quorum.

19. (1) A member of the Board who is in any way directly or indirectly interested in a transaction or project of the Service shall disclose the nature of his interest at a meeting of the Board, and such disclosure shall be recorded in the minute book of the Service, and the member shall not take part in any deliberation or decision of the Board with respect to that transaction or project.

Disclosure of interest by members of the Board.

(2) For sub-section (1) a general notice given at a meeting of the Board by a member to the effect that he is associated with any trade or business or he is a member of a specified company or firm and is to be regarded as interested in any transaction or project of the Service concerning that trade, business, company or firm shall be regarded as sufficient disclosure of his interest in relation to that transaction or project.

(3) A member of the Board may not attend in person a meeting of the Board in order to make a disclosure which he is required to make under this section if he takes reasonable steps to ensure that the disclosure is made by a notice which is brought up and read at the meeting.

20. (1) All questions at a meeting of the Board shall be determined by a majority of vote of members present.

Voting.

(2) At any meeting of the Board, each member shall have a vote and if there is equality of votes, the presiding Chairman shall have a second or casting vote.

## PART III

### MANAGEMENT AND STAFF OF THE SERVICE

21. (1) The Governor shall appoint a Director General as the Chief Executive and Accounting Officer of the Service, who shall be responsible for the day to day administration of the Service.
- (2) The Director-General shall hold office for a term of four years renewable once only.
- (3) The Director-General shall be a person with not less than 10 years cognate experience in either legal practice, geospatial information system, town planning or land administration.
- (4) The Director-General shall be paid such remuneration and allowances as may be determined by the Governor.
22. (1) The Director-General shall perform the following functions-
- (a) annually prepare the draft business plan of the Service for the ensuing financial year and submit the plan to the Board for approval;
  - (b) submit within three months of his appointment the draft organizational plan of the Service, inclusive of key performance indicators for each division, to the Board for approval;
  - (c) recommend to the Board a scheme containing the proposed personnel requirement, remuneration of the personnel, of the Service and their conditions of service based on the approved organizational plan;
  - (d) recruit and appoint the personnel needed in accordance with the terms of the Scheme submitted and approved in line with provisions of paragraph (c);

Office of the  
Director General

Functions of the  
Director-General

- (e) attend meetings of the Board and keep the Board informed on a regular basis of the performance of the Service; and
- (f) ensure compliance with measures approved by the Board with respect to good governance.

(2) In preparing the organizational plan of the Service, the Director-General shall ensure that the Service is structured into divisions, departments or sections to comprehensively cover all its functions following sound organizational practice.

23. Notwithstanding the provisions of section 21(2), the Director General shall cease to hold office if-

Removal of the  
Director-General

- (a) he resigns his appointment by notice under his hand addressed to the Governor;
- (b) he becomes of unsound mind;
- (c) he becomes incapable of carrying on the functions of his office either arising from infirmity of mind or body;
- (d) he is convicted of felony or of any offence involving dishonesty or corruption;
- (e) he becomes bankrupt or make compromise with his creditors;
- (f) the Governor is satisfied that it is not in the interest of the Service or of the public for the person to continue in office and the Governor removes him from office; or
- (g) he has been found guilty of a breach of the code of conduct or other serious misconduct in relation to his duties.

24. (1) The Governor shall appoint a Legal officer to the Board who shall be a legal practitioner with not less than seven years post-call experience.

Appointment and  
functions of the  
Legal Adviser.

(2) The Legal officer shall be the Secretary of the Board and shall be responsible for-

- (a) the legal functions of the Service and administration of the Board's Secretariat;
- (b) keeping the books and proper records of the proceedings of the Board;



- (c) conveying decisions of the Board to its members;
- (d) issue notices of meetings of the Board; and
- (e) carry out such other duties as the Board may direct.

25. (1) The Board may subject to the approval of the Governor from time to time Staff of the Serv  
appoint such other employees as it may consider necessary, to enable it effectively  
perform its functions under this Law.

(2) The Board may specifically delegate to the Director-General, the power to appoint  
such categories of staff of the Service as the Board may from time to time specify.

(3) The staff of the Service shall be public servants in the service of Kwara State.

(4) The Service shall grant pension and gratuities in accordance with the pension law  
of the State.

(5) The Service may engage Consultants and Advisers in areas where it has technical  
deficiency.

26. (1) The Service may make Staff Regulations relating generally to the conditions of Staff Regulations.  
service of its employees.

(2) Pending the publication of the Staff Regulations described in sub-section (1) the  
employment of the staff of the Service shall be governed by the terms and conditions  
generally applicable to officers in the public Service of the State.

(3) Staff Regulations issued by the Service under Sub-section (1) shall not have effect  
until approved by the Board and published in the Gazette.

## PART IV

### DEVELOPMENT PLAN AND DEVELOPMENT PERMIT

27. (1) The Service shall-

- (a) set up programmes for the preparation and review of Development Plans and the review of an Operative Development which will take place periodically as may be determined by the Service;
- (b) approve, where it considers appropriate, certain plans as will be drafted and processed for approval in defined parts;
- (c) direct that some sections of the Operative Development Plans be reviewed, revised, redrafted and processed for approval.

Procedure for the preparation and review of development plans.

(2) For the purpose of preparing development plan of the State, the Service will from time to time invite relevant stakeholders including ministries, agencies, non-governmental organization, professional bodies and individuals for the purpose of considering any matter relating to physical planning and urban development.

28. (1) Notice will be given in the Gazette and in at least two daily newspapers circulating within the State as well as on electronic media of the date on which preparations will commence for a draft plan or for reviewing an Operative Development Plan or part of it and the Gazette notice will, where appropriate, provide the following information-

Publication and preparation of draft development plans.

- (a) The location, boundary, geographic co-ordinates and description of the proposed area for the development plans;
- (b) a general description of the types of development proposed and working populations;
- (c) matters which could be contentious; and
- (d) any other matter of public interest.

(2) After the publication of a Draft Development Plan, the Service shall ensure that there is-

(a) acknowledgement of all written submissions which will be kept on record until the Draft Development plan becomes the Operative Development Plan;

Submission of  
objection to draft  
plan

(b) consideration of all written submissions, relevant information and suggestions;

(c) convening of public meetings, public hearings and interviews to discuss and decide on the relevance of written comments it considers necessary; and

(d) submission of all written comments together with a summary of such comments on the draft plan.

(3) On receipt of the Draft Development Plan, the Service shall-

(a) direct that specific amendment be made to meet requirements which are considered necessary in the public interest; and

(b) approve that the draft development plan, as submitted or as amended in accordance with its directions as stated in paragraph (a), is suitable for exhibition

29 (1) A Draft Development Plan or part of it will be made available for public inspection at the Service between the hours of 9 a.m. and 4 p.m. on working days for a period of twenty-eight days.

Exhibition of  
draft  
development  
plans.

(2) During such period, the plan will be advertised in at least two daily newspapers circulating within the state and on electronic media stating the places and hours at which the plan may be inspected.

(3) A copy of the Draft Development Plan will be available to any person on the payment of a prescribed fee as may be specified from time to time.

30. (1) During the period of exhibition of the Draft Development Plan as set out in Section 29 (1) any member of the public including non-governmental organizations,

State ministries, agencies, local government authorities and professional bodies may submit written statements of their objections which will-

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

(b) suggest alterations and amendments that could be made to resolve the objections.

(2) such suggestion will be made by the objector personally or through the relevant and appropriately registered professionals as advocate of the objector.

(3) all written statements of objections will be acknowledged.

31. (1) The service will prepare schedules of summaries of the objections, comments and suggestions submitted to it.

Schedules of summaries of objections.

(2) Such schedules will be submitted within twenty-eight days after the final day of exhibiting the Draft Development Plan.

32. The service will within sixty days after final date of exhibiting a Draft Development Plan, consider the schedules of objections and comments submitted to it.

Consideration of comments and objections.

33. (1) The Service may give preliminary consideration to any objection in the absence of the objector and may propose amendments to the draft plan in the public interest.

Procedure for amendment Of draft plan.

(2) Notice of such amendment will be served in writing on the objector.

(3) An objector may notify the Service in writing within fourteen days after service of notice under subsection (2) that the objection is withdrawn on the condition that the amendment as proposed by the Service has nullified the objection, failure of which such objection will cease to hold.

34. (1) Where an objection has been conditionally withdrawn and the Service does not proceed with the proposed amendment, the written statement of objection shall be considered at a meeting.

Withdrawal  
of objection.

(2) The objector will be given reasonable notice of such meeting, which its representative may attend and be heard.

35. (1) Where an amendment appears to affect any approved land use or development project which has been granted development permit, notice of such amendment will be given to the applicant by registered post or advertisement or other practicable means.

Notice of  
amendment.

(2) Any written objection received within fourteen days after giving notice under sub-section (1) will be considered at a meeting of the Service where the objector, other objectors or their representatives may be present and be heard.

(3) On the consideration of any objection in accordance with sub-section (2), the Service may reject the objection in whole or in part or may cause amendments to be made to the Draft Development Plan in order to wholly or partially satisfy such objection.

(4) The final decision of the Service will be communicated in writing to the parties within a week from the date of the decision.

36. (1) The Director General will preside at any meeting for the consideration of a Development Plan in the Service.

Meetings.

(2) The Director General on the advice of the Director of Planning/Board will call for a meeting for the consideration of any development plan.

37. (1) The Draft Development Plan made under section 28 may be amended after exhibition, but only before it is approved by the Director General on the advice of the Governing Board.

Additional  
power of  
amendment.

(2) Every amendment to a Draft Development Plan made under section 28(3) will be exhibited for public inspection between the hours of 9 a.m. and 4 p.m. on

working days for a period of fourteen days and during such period be advertised in at least two daily newspapers circulating within the State.

(3) A copy of an amendment draft plan made under this section will be made available for any person on payment of such fees as may be prescribed from time to time.

38. A person affected by an amendment to a proposed Draft Development Plan made under this Law may make an objection within a period of twenty-one days in the manner provided for under section 30.

Objection to Draft Development Plan.

39. After the consideration of objections, the Draft Final Development Plan, with or without amendments, will be submitted to the Board for approval together with-

Submission for approval.

- (a) any objection made and not withdrawn;
- (b) a schedule of amendments made, if any, to mitigate such objections; and
- (c) copies of the minutes of meetings and hearings held in relation to the consideration and hearing of the objections and amendments of the draft development plan.

40. (1) Subject to the provisions of this Law on the submission of a Final Development Plan, the Director General on the advice of the Board may-

Approval of Operative Development Plan.

- (a) approve it in part;
- (b) approve it in whole;
- (c) decline approval; or
- (d) refer it to the Board for consideration and amendment of the whole or part of it.

(2) A final Development Plan approved under this Law will be referred to as an "Operative Development Plan", and a notice to this effect will be published in the Gazette and two daily newspapers or published in any other suitable manner as may be prescribed by the Service.

41. There will be a notice in the Gazette of intention to correct any omission or error in any Operative Development Plan as well as due publicity for the correction or omission. Correction of Operative Development Plan.
42. (1) Copies of the Operative Development Plan, duly signed by an authorized officer, will be deposited in the Service, and with other organs of Government responsible for its implementation, execution, administration, enforcement and compliance and such plans must be available for inspection between the hours of 9.00am and 4.00 p.m. on working days. Deposit of Operative Development Plan.
- (2) Copies of the Operative Development Plan will be made available for sale at a price to be determined by the Service.
43. (1) The Director General, acting on the advice of the Board, may- Revocation of Operative Development Plan.
- (a) revoke in whole or in part, any Operative Development Plan;
  - (b) refer any Operative Development Plan or part of it to the Directorate of Planning for;
    - (i) replacement by new Development Plan in whole or part, or
    - (ii) amendment.
- (2) Notification of any revocation under subsection (1) will be published in the Gazette and indicated on all the copies of the Operative Development Plan deposited for inspection as required by section 42, as well as any other means of communication or publicity.
- (3) With reference to subsection (1)(b), a replacement or amendment of an Operative Development Plan or part of it will be prepared, approved and deposited in accordance with the provisions of this Law.

(4) An Operative Development Plan referred for review and amendment will be replaced by a new Operative Development Plan or read as one with any approved amendment, as the case may be.

44 (1) All applications for development permit must comply with the provisions of the Operative Development Plan.

Compliance with Operative Development Plan.

45. Without prejudice to section 27(1), the review of an Operative Development plan will be undertaken every five years.

Review of Operative Development Plan.

46. (1) The permission of the Service will be required for any physical development in the State.

Development Permit.

(2) A developer of any building above two floors must insure its liability in respect of construction risks and submit a certified true copy of such insurance policy certificate with its application for development permit.

(3) A developer must make provision for access, safety and toilet facilities for physically challenged persons in all public and commercial buildings.

47. (1) A developer (whether private or government) will apply for a development permit in such manner, using such forms, and providing such information and documents as may be prescribed by the regulations made under this Law.

Application for development permit.

(2) An application made under this Law will comply with all requirements and standards of an Operative Development Plan of which it is a part.

(3) A plan required to be made under this Law will be prepared by the appropriate registered professional and must be in accordance with the provisions of the regulations made under this Law.

(4) An application for a development permit to develop or partition a structure or subdivide or partition land must be in conformity with the regulations made under this Law, provided that before Service grants approval for the conversion of an



existing building, the owner or developer shall submit the written consent of not less than 60% of the property owners within 200 metre radius of such building or land.

(5) A development permit granted must satisfy the provisions of the State land policy and the Land Use Act.

(6) A development must not be commenced by any Government or its agencies without obtaining a development permit from the Service.

48. (1) The Service may consider representations made to it by a person, body or organization to be affected by an intended developer.

Consideration of representation and submission of technical report.

(2) A developer must at the time of submitting his application for development permit, submit a detailed technical report as prescribed by the Regulations made under this Law.

49. The Service may approve or reject an application for development permit.

Grant or rejection of development permit.

50. An application for a development permit may be rejected-

Grounds for rejection of application for development permit.

(a) if the application is not in accordance with the Operative Development Plan;

(b) if in the opinion of the Service, the proposed development is likely to cause nuisance or have major impact which cannot be adequately mitigated on the environment, facilities, or inhabitants of the community, or in the public interest; or

(c) the development is not in accordance with any other condition as may be specified by regulation made under this Law.

51. (1) The Service may, if circumstances so require, delay the approval of an application for development permit until the developer-

Delay of development permit.

(a) satisfies the following conditions-

(i). provision of infrastructure and service facilities,

(ii). provision of necessary commercial facility,

- (iii). provision of necessary social, recreational and communal facilities, or
  - (iv). payment of money to the Service in lieu of the provision of the facilities mentioned in subparagraphs (i) and (ii);
  - (b) enters into an agreement with an individual, corporate or unincorporated body in respect of any matter which the Service deems to be necessary for the development,
  - (c) complies with any other condition stipulated by regulations made under this Law.
- (2) In reaching its decision under subsection (1), the Service must comply with-
- (a) the policies and proposals of an Operative Development Plan applicable to a locality within the area of jurisdiction of the Service;
  - (b) a proposed plan or an approved plan under review; and
  - (c) any other consideration made particular and applicable to a locality by regulations made under this Law.
- (3) The Service may delay the approval of an application for a development permit for a period of time not exceeding three months from the date of submission of the application.
- (4) The decision of the Service on an application for a development permit will be communicated to the applicant in writing not later than three months from the day of submission of the application.
- (5) Where the Service decides not to approve an application it shall give reasons for its decision in writing
- (6) the decision of the Service will be evidence of information stated in it.

52. (1) Fees shall be paid in respect of application for development permit. Development permit fees.
- (2) The scale of such fees shall be as prescribed from time to time by the Service and published for the information of the general public.
53. The Service may, with or without conditions, grant a development permit in respect of the following- Grant of development Permit.
- (a) use and development of land;
  - (b) change in the use of land, sea bed or structure or part of structure;
  - (c) alteration of an approved Development Plan;
  - (d) renovation of existing approved building structures;
  - (e) demolition of the existing structure by the owner or developer.
54. An approval granted under this Law by the Service will be referred to as "development permit". Approved development permit
55. The holder for the time being of a development permit must comply with the contents of the development permit. Compliance with development permit.
56. (1) A development permit granted in respect of any development on any land is deemed valid. Validity of development Permit
- (2) A development permit will become invalid where development has not been commenced within two years of the grant of such permit.
- (3) Where a developer fails to commence development within two years, the development permit will be subjected to revalidation by the Service on the payment on prescribed fees, provided that the Operation Development Plan has not been amended, varied or altered as provided for in this Law.

(4) A development permit will not be deemed to confer ownership of the land on the applicant.

57. The Service will enforce all the rights and duties attached to a development permit against a developer, provided that where a developer transfers or assigns his interest, the Service will enforce all the rights and duties attached to development permit against a holder for the time being.

Enforcement of rights and duties.

58. (1) The Secretary of the Service must keep a register or records of all applications for development permit submitted to it.

Register of applications and publication of development permit.

(2) The lists of development permits issued will be published in the Gazette.

59. (1) The Service shall grant development permit subject to the preservation of existing trees or greenery or planting of new trees or greenery on the site of development by the imposition of necessary conditions.

Provisions for planting of trees and greenery.

(2) Without prejudice to the provisions of any existing Law under the subject matter, the Service will make "Tree Preservation and Greenery Order" for securing such amenities within its area of jurisdiction.

(3) If it appears to the Service that the amenities of part of an area or an adjoining area is seriously injured by the condition of a garden, vacant site or open land, the Service will serve on the occupier or owner of such land a notice requiring such steps to be taken for abating an injury within such period of time as may be specified in the notice.

(4) The notice referred to in subsection (3) will contain a period of thirty days within which such injury will be abated, failure of which the garden, vacant site or open land may be acquired by the State Government subject to the provisions of the Land Use Act.

60. A development permit granted under this Law may be revoked in part or in whole on any of the following grounds-

Revocation of  
development perm

- (a) the proposed development and uses for which the development permit was granted are no longer appropriate;
- (b) the site for which the development permit was granted is required for overriding public purpose;
- (c) the development permit was obtained fraudulently;
- (d) the developer or owner of the development permit has developed in excess of the approval granted or has not complied with the terms and conditions under which the permit was granted;
- (e) the permitted development or use has been modified, altered, varied, added to or renovated without permit; or
- (f) the permitted development or use has not complied with building control standards.

61. (1) The State Government will pay compensation for the revocation mentioned in section 60 (a) and (b) to the extent of all reasonable costs that may have been incurred by the owner or developer if-

Payment of  
compensation

- (a) development has commenced; or
- (b) the developer or owner is liable under an existing contract to third party for damages for breach of contract.

(2) Compensation will not be paid for the revocation mentioned in section 60 (c), (d), (e) and (f).

(3) Any compensation to be paid under this law shall be in accordance with the provisions of the Land Use Act.

62. The assent of the Governor must be obtained in respect of development of special buildings.

Assent of Governor  
for special building  
projects.

## PART V

### DEVELOPMENT CONTROL AND ENFORCEMENT

63. (1) A developer or owner of a construction involving a structure of more than two floors will, at the time of submitting his application to commence building works to the Service, submit a General Contractor's All Risk Insurance Policy Certificate.

Building  
Insurance.

(2) An owner or occupier of a building will within thirty days of service of demand notice produce the Certificate of Insurance to the Service for verification on an annual basis.

(3) An owner of a building or structure existing and in use before the commencement of this Law will, within three months to its commencement, submit the Certificate of Insurance to the Service for verification.

64. (1) Where any person carries out or causes to be carried out any development of land or the construction, demolition, alteration, extension, or repair of any building without an interim development permit granted, the Service may by notice require him within the time specified in that notice to abate such work and remove any structure constructed as a result of such work to the state in which it was prior to such work, and such person shall comply with requirements of the Service.

Removal of  
unlawful  
structure.

(2) If such person fails to comply with the requirements of the Service, the Service may itself remove such structure or reinstate such land or building to its original state

prior to such work, and the cost incurred by the Service in that regard shall be paid to the Service by such person and recoverable by the Service as a civil debt.

65. Enforcement notices include-

Enforcement  
notice

- (a) contravention notice;
- (b) stop work order;
- (c) quit notice;
- (d) seal-up notice;
- (e) regularization notice; and
- (f) demolition notice.

66. (1) The Service may serve enforcement notices on the owner of a private or public residential, commercial, industrial, institutional, recreational or any other land use wherever any development is commenced without the development permit and building control authorization, or where the building constitutes danger to the occupier or public, or where the building is affected by a renewal programme.

Service of  
enforcement notice

(2) An enforcement notice may be issued under subsection (1), notwithstanding that the unauthorized development, renovation, alteration, repair or addition took place before the commencement of this Law.

(3) An enforcement notice served under subsection (2) may direct the developer or owner to obtain development permit or building control authorization to alter the structure to be in conformity with building regulations within ninety days of notice.

(4) An enforcement notice served under subsection (1) may direct the developer or owner to alter, discontinue or remove a development.

67. (1) Before serving an enforcement notice in accordance with the provisions of section 70 (3), the Service will-

Conditions to  
alter, vary, etc.  
enforcement  
notice.

- (a) have regard to the existing condition for granting a development permit;
- (b) have regard to the likely environmental degradation or impact of development carried out or being carried out; and
- (c) without prejudice to paragraph (b), consider the overriding public interest of this subsection.

(2) the Service may impose additional conditions as it may deem fit in each circumstance.

68. An enforcement notice served under section 66 by the Service will-

- (a) be in writing and addressed to the developer or owner;
- (b) state the reasons for the proposed action of the Service;
- (c) give time deadlines for the response to the notice;
- (d) consider any representation made by a developer or owner, or on behalf of a developer or owner.

Requirements for enforcement notices.

69.(1) The enforcement notice will be addressed to the owner, occupier, builder, contractor or those responsible for the illegal structure, works or development and is deemed to have been duly and validly served by pasting or affixing such notice and marking in any part of the structure, premises or when handed to any representative of the developer found at the site.

Address of enforcement notices

(2) Where service of notice is effected by pasting or affixing on any part of a structure or premises, the person effecting service will make photographic evidence of the pasting or fixing of the notice.

70. The Service can enforce an order of the court against a developer or holder for the time being of a development permit who fails to comply with such an order.

Enforcement of order.

71. A developer or holder for the time being of a development permit is liable for the expense reasonably incurred by the Service or any of its officers or agents, as the case may be, in effecting the provisions of this Law.

Liability for expenses.



72. (1) Where it appears to the Service that-

Stop work on

- (a) an unauthorized development is being carried out; or
- (b) a development does not comply with a development permit issued by the Service; or
- (c) a development is defective or poses danger to the owner, contractor, occupier or the public, or constitutes a nuisance to the occupier or the public,

the Service will issue a stop work order on the owner, occupier, or contractor or holder for the time being of such a development pending the service of any other enforcement notice, and such owner, occupier, contractor or holder will immediately cease any further development or use of the development.

(2) Where a development or use is a minor development or use, the Service will have the power to order the developer to discontinue, alter, or remove the development or use.

73. Where an enforcement notice is served in respect of a development to which a stop work order is served, the Board may on the application of the owner, occupier or developer extend the period of time for which a 'stop work' order remains in force.

Extension of stop work order

74. Every enforcement notice served as provided in this Law takes immediate effect on service on a developer, occupier, contractor or owner of the development for the time being.

Effect of enforcement notices

75. A person who fails to comply with the terms of the enforcement notice issued and served under this Law is guilty of an offence and liable on conviction to a fine not exceeding N100,000 or one month of community service or both.

Penalty for non-compliance

76. (1) Where a developer contravenes the provisions of this Law or any regulations made under it, the Service has power to require the developer to-

Power of the Service on contravention

- (a) submit an application for development permit and building control authorization; or
- (b) carry out such alterations to the building as may be necessary to ensure compliance; or
- (c) pull down the building; or
- (d) reinstate a piece of land to its prior state.

(2) Where a developer fails to comply with the provisions of subsection

(1), the Service shall carry out the demolition of the structure without further notice and recover the cost of demolition from the owner or developer.

(3) Where the owner or developer refuses to pay the cost of demolition within three months of service of a demand notice, such property will be forfeited to the Kwara State Government.

77. (1) The Service will have powers to serve on a developer or holder for the time being of a development permit, a demolition notice, if a structure erected by the developer or holder of the permit is found to be defective as to pose a danger or constitute a nuisance to the occupier or the public.

Defective  
structure

(2) Notice served under subsection (1) will contain a date not later than twenty-one days on which the Service will take steps to commence demolition of the defective structure.

78. (1) After the expiration of the time specified in the notice served under section 77 (2), the Service can demolish the defective structure and recover the cost of demolition from the owner or developer.

Power of the Service to demolish defective building.

(2) Where the owner or developer refuses to pay the cost of demolition within three months of service of a demand notice, such property will be forfeited to the State Government.

79. The Service will have power over any abandoned building in the State in the following ways-

Power of the Service over abandoned building.

- (a) seal up the property to prevent its conversion by unauthorized persons;
- (b) unseal the property upon satisfaction that it is structurally stable; or
- (c) unseal the property where the owner or developer submits a written application supported by an affidavit that he is ready to continue further development or reoccupy the building within fourteen days of the unsealing; or
- (d) make the owner of the structure pay penal fees to be determined from time to time before such structure is unsealed.

80. In the event of the collapse of any property or structure due to the negligence on the part of the owner or the developer, such property will be forfeited to the State Government after due investigation and publication in the Gazette.

Forfeiture of property on collapse of building or structure.

81. (1) A person who contravenes any provision of this Law or regulations made under it (except where punishment is specifically prescribed) commits an offence and on conviction is liable to a fine not exceeding N250, 000 or up to one month of community service, or both.

Offences and penalties.

(2) A person who breaks any seal or removes any marking placed upon any property by or with the order of the Service commits an offence and on conviction is liable to a fine not exceeding N500,000 or up to two months of community service, or both.

- (3) A person who fails to insure his building as required under this Law commits an offence and on conviction is liable to a fine not exceeding N500, 000 or up to one month of community service, or both.
- (4) A person who converts an existing building or land in a residential area for use as public building without the approval of the Service commits an offence and on conviction is liable to a fine not exceeding N500, 000 or up to two months of community service, or both.
- (5) Subject to any restrictions or conditions prescribed by the Constitution or any other law, a magistrate's court has jurisdiction and powers in respect of trial of offences contained in this Law or regulations made under it.
- (6) Where any cost is incurred by the Service in the course of demolition or removal or enforcement of compliance, such cost shall be assessed and communicated in writing to the owner, builder, developer, occupier or any other person responsible for the illegal structure demanding for reimbursement of the cost.
- (7) A person who fails to pay the assessed cost of demolition is guilty of an offence and liable on conviction to a fine not exceeding N100, 000 or up to one month of community service in addition to the payment of the assessed cost referred to in subsection (6).
- (8) Where an offence under this Law is committed by a body corporate, the fine on conviction will be twice the fine imposed for the commission of such offence or payment of a fine not exceeding N250,000 where there is no option of fine.
- (9) Where the act constituting an offence under this Law continues after the service of the relevant notices, the offender on conviction, in addition to the penalty for the offence, is liable to additional fine not exceeding N100, 000 for every day the offence continues.
- (10) A person who interferes with the Service or obstructs any authorized officer of the Service in the exercise of any of the powers conferred on it by this Law, or fails to comply with any lawful enquiry or requirements made by an authorized officer in

accordance with the provisions of this Law, commits an offence and shall be liable upon conviction to a fine of not less than N100,000.00 but not exceeding N250,000 or imprisonment for a term not exceeding six months or both such fine and imprisonment.

(11) For the purpose of this section "person" includes an owner, his servants, agents or privies, a developer, an independent contractor, architect, engineer or builder and each of these persons who knowingly participated in contravening the provisions of this Law or regulations made under it.

82. Any staff member of the Service who contravenes any of the provisions of this Law in carrying out his duties will face disciplinary actions under the civil service rules or any regulations guiding his employment.

Failure of sta  
to comply w  
the Law

## PART VI

### ACQUISITION OF LAND AND COMPENSATION

83. (1) Where it appears to the Director General that it is necessary to obtain any land in connection with planned urban or rural development in accordance with the policies and proposals of any Operative Development Plan, any right of occupancy subsisting on that land may be revoked.

Power to  
acquire land

(2) A right of occupancy referred to in subsection (1) will be revoked only in accordance with the relevant provisions of the Land Use Act.

84. Notwithstanding any provision of this Law, the Service may, when it considers it necessary-

Facilitation an  
execution of  
operative  
development  
plan.

- (a) facilitate the execution of the Operative Development Plan;
- (b) make payment or reasonable compensation to any person who had developed or who is carrying on lawful development and sustains a damage or suffers any loss, if his land is affected by-
  - (i) injurious affection, or
  - (ii) disturbance, or
  - (iii) displacement,

in order to give effect to any provisions of this Law or regulations made under it.

## PART VII

### FINANCIAL PROVISIONS

85. (1) The Service shall establish and maintain a fund which shall consist of-

Fund of the  
Service.

- (a) such sums as may be appropriated by the State House of Assembly by way of annual subvention;
- (b) all other sums accruing to the Service by way of grants, gifts, testamentary dispositions, endowments, bequest and donations made to the Service;
- (c) income from any investment or other property acquired by or vested in the Service;
- (d) a percentage as stipulated by the Governor and appropriated by the State House of Assembly of not more than five percent (5%) of all related revenues collected in the preceding financial year which sum shall be deployed to pay part of the capital and recurrent expenditures of the Service; and
- (e) such other sums as may accrue from time to time to the Service.

86. (1) The Service shall, not later than 30<sup>th</sup> June in each year, submit to the Governor an estimate of its expenditure and income (including estimates of expected payments into the Fund) during the next succeeding year.

Annual  
estimates and  
Accounts.

(2) The Service shall keep proper accounts in a form which conforms to International Public Sector Accounting Standard, and proper records in relation thereto and the accounts shall be audited as provided in subsection (3) of this Section.

(3) The accounts of the Service shall be audited at the end of each financial year by external auditors appointed by the Service from a list of auditors provided by the Auditor-General of the

State in accordance with the Financial Regulations and the fees of the auditors and the expenses for the audit generally shall be paid from the fund.

87. The Service shall, not later than 30<sup>th</sup> June in each year, submit its Annual Report to the Governor which shall include details of the activities of the Service and its administration during the preceding year and the audited accounts of the Service. Annual Report

## PART VIII

### GENERAL PROVISIONS

88. The Service may accept any gift, technical assistance, grant or donation of land, money or other property from any person upon such terms and conditions acceptable to the Service. Gifts and donations.

89. (1) For purpose of carrying out the functions conferred on the Service under this Law, the Director-General, or any employee of the Service duly authorized in that behalf- Right of access to information.

(a) shall have a right of access to all relevant geospatial records, data and information on any person in the State; and

(b) may, by notice in writing served on any person, require such person to furnish or cause to be furnished geospatial information or other similar information held by or available to such persons, on such matters as may be specified in the notice.

(2) It shall be the duty of any person required to furnish information under to subsection (1) to comply with the notice within the period specified in the notice or where no period is specified, within a reasonable period.

90. (1) The Service may subject to the approval of the Governor by an Order published in the Gazette make regulations for the effective operation of this Law and the due administration thereof. Regulations.

(2) The Service shall have power to review charges for services rendered from time to time which shall be published in the Gazette.

91. (1) No suit shall be commenced against the Service before the expiration of a period of 30 days after written notice of intention to commence the suit shall have been served upon it by the intending claimant or his agent and the notice shall clearly and explicitly state-

Limitation of suits.

- (a) the cause of action;
- (b) the particulars of claim;
- (c) the name and place of abode of the intending claimant; and
- (d) the relief which he claims.

(2) No Member or staff of the Service shall be sued in his personal capacity for any act done or omitted to be done in the lawful performance of his duties under this Law.

92. (1) The fixing of the Seal of the Service shall be authenticated by the signature of the Director-General and the Legal officer or such other member authorized generally or specifically by the Board.

Common seal

(2) Any contract or instrument, which if made by a person not being a body corporate, would not be required to be made under seal, may be executed on behalf of the Service by the Director General or by any other person generally or specially authorized by the Board.

(3) Any document purporting to be a contract, instrument or other document signed or sealed on behalf of the Service shall be received in evidence and, unless the contrary is provided, be presumed without further proof to have been so signed or sealed.

93. The rights, interests, obligations, assets and liabilities of the Ministry of Housing and Urban Development, Physical Planning Authority, Kwara State Development Agency and Office of the Surveyor General before the commencement of this Law under any contract or instrument are hereby vested in the Service.

Savings.



94. The Kwara State Urban and Regional Planning and Development Law No. 13 of 2017, is repealed.

Repeals.

95. In this Law, unless the context otherwise requires-

"abandoned building" means an existing previously occupied but vacated building and left in that condition for a period of up to five years, or a building which is under construction but on which work has ceased for up to five years;

Interpretation.

"Board" means the Governing Board of the Service;

"Constitution" means the constitution of the Federal Republic of Nigeria 1999;

"developer" means a builder, constructor, creator, or pioneer;

"development" means-

(a) the carrying out of any building, mining, or other operation in, on, over, or under any land; or

(b) the making of any material change in the use of any land, building or structure; or

(c) conversion of land, building or structure from its established or approved use; or

(d) placement or display of urban furniture on the land, on the building or structure; or

(e) making of any environmentally significant change in the use of any land; or

(f) demolition of building, including felling of trees;

"Development Plans" means details, drawings and specifications for a development rendered at appropriate scales, dimensions and sizes as prescribed by the regulations made under this law;

"Director-General" means the Director-General of the Service;

"Gazette" means Kwara State Government Official Gazette;

"Governor" means the Governor of Kwara State;

"land" means land covered with water and everything attached to the earth or permanently fastened to anything which is attached to the earth and also chattel real, and tenures of every description and any interest in it, and undivided shares of land;

"member" means member of the Governing Board and includes the Chairman;

"Operative Development Plan" means any plan that has formally been endorsed for implementation;

"person" means an applicant for or holder of development permit under this law and includes for the avoidance of doubt, an owner, his servant or agent, consultants, an independent contractor or a builder or a corporate or an unincorporated body registered under the relevant law or enactment;

"public building" means hotels, lodging facilities, bars and places of worship;

"rehabilitation" means a planning process whereby individual structures are improved to meet established building standards and criteria. It can also be called Renovation Scheme;

"redevelopment" means a planning process where an existing old and decayed settlement or neighborhood which has been declared a blighted area is completely pulled down and redeveloped from scratch and thereby create a new and modern development in replacement of the old one;

"renovation" means rebuild, reclaim, recondition, reconstruct, rehabilitate, reinstate, rejuvenate, re-institute and restore a building (excluding painting);

"Service" means the Kwara Geographic Information Service established under section 4 of this Law;

"Special building project" means refineries, petrochemical plants or complex storage or holding tank farms, container or bonded terminals and other development that may be classified by the relevant agency as special building project;

"urban furniture" means those entire physical structures placed on a landscape and affixed to the land distinct from actual building and includes bus stop shelter, telecommunication antenna, mast and towers, cables and pipes, street neon sign, advertisement billboards, light statue, artifact placement, fountains and direction finders;

"urban renewal" means a planning geared towards a physical improvement of existing urban settlement to eliminate blight by any of the following methods; redevelopment, upgrading or regeneration or, rehabilitation, preservation and conservation;

"upgrading" or "regeneration" means a planning process where an existing but decaying urban area is improved in parts to meet established physical planning;

"waste land" means land which for the time being is un workable and include burrow pit, land degraded by erosion, abandoned waste dumps and land liable to flooding.

"The fund" means the fund established for the Service pursuant of section 85, hereof.

96. This Bill may be cited as the Kwara Geographic Information Service Bill, 2020.

Citation

ENETSUP