



EDO STATE

**A LAW TO REGULATE
LANDS ADMINISTRATION
EDO STATE GEOGRAPHIC
INFORMATION SERVICE
AND OTHER MATTERS
CONNECTED THEREWITH**



EDO STATE OF NIGERIA

LAW NO.....2018

A LAW TO REGULATE LANDS ADMINISTRATION, EDO STATE GEOGRAPHIC INFORMATION SERVICE, AND OTHER MATTERS CONNECTED THEREWITH.

Long Title

Be It ENACTED by the Edo State House of Assembly of Nigeria and the authority of same as follows:

Enactment

1. This Law may be cited as the Edo State Lands Administration and Geographic Information Service Law, 2018.

Citation

(1) This Law shall come into operation on the 3rd day of April, 2018.

Date of Commencement

PART ONE: GEOGRAPHIC INFORMATION SERVICE

2. (1) There is hereby established a body to be known as and called the Edo State Geographic Information Service (EDOGIS) (hereinafter referred to as "the Agency").

Establishment of the Agency

(2) **The Agency shall:**

- (a) be a body corporate with perpetual succession and common seal; and
(b) have power to sue and be sued in its corporate name.

3. **The Agency shall:**

Functions of the Agency

- (1) Establish and maintain a State Geographic Information System to be known as the Edo Geographic Information System to enhance land use, management and administration in the State.
- (2) Compile and collate information and data about land in the State and provide products and services derived there from and other related information to the Government and the general public.
- (3) Establish and regulate the standards to be applied in the compilation of data relating to land and its administration in the State.
- (4) Maintain and manage all copyrights and patents over all such data generated in the course of its duties on behalf of the State Government.
- (5) Notwithstanding any provision in any other law, the Agency shall have

responsibility for all land administration matters and enforcement in the State including but not limited to:

- a) Creation of a lands Registry wherein all land titles and instruments in the State shall be registered;
- b) Prescription and review of rates as may be appropriate from time to time and the maintenance of information on rents payable and paid in accordance with the Land Use Act;
- c) Repository and management of master plans, district plans, survey information and dataset including charges for services;
- d) Processing of and grant of certificates of occupancy, rights of occupancy, customary titles and grants of consent to land transactions as required by Law;
- e) Supervision of all Land Use Allocation Committees;
- f) Administration of the town and rural planning systems including but not limited to management and repository of datasets, including charges for services, growth management and other services as listed in Schedule I to this Law;
- g) Provision of such other services as are attendant to the maintenance of geospatial and land information service, land rights and geographic and land records as are provided for in Regulations made pursuant to this Law.

4. The duties of the Agency shall be to:

Duties of the Agency

- a) Introduce, implement and sustain best practices for land administration services in the State;
- b) Ensure that the system of land administration supports the development of social and economic rights in the State;
- c) Ensure that the State's geospatial data conforms to National Standards;
- d) Undertake registration of all land titles and instruments in the State including but not limited to issuance of certificates and recertification of land instruments in cases where certification had been carried out before the coming into force of this law;

5. The Agency shall have power to:

Powers of the Agency

- a) Acquire, dispose of, charge and otherwise alienate in whole or in part interests in immovable property;
- b) Appoint staff, promote and discipline staff of the Agency and to enter into contracts for the performance of its functions;
- c) Set standards in relation to the quality and format of geospatial

information to be created and maintained by the State Government and Local Governments within the State;

- d) Charge fees for the services listed in Schedule I to this law as it may from time to time prescribe subject to the approval of the Governor.
- e) Borrow money and/or enter into other obligations subject to the approval of the Governor;
- f) Grant charges, including charges over immovable property, as security for obligations;
- g) Create Internal Management Committees that will assist in decision making and other functions of the Agency; and
- h) Perform such other functions as are incidental to the discharge of the responsibilities of the Agency.

6. There is hereby established for the Agency a Supervisory Board (hereinafter referred to as "the Board") comprising persons of proven integrity and competence in administration and technology. *Supervisory Board of the Agency*
7. (1) The Board shall comprise a minimum of nine (9) and a maximum of fifteen (15) members as follows: *Composition of the Board*
- a) A Chairman appointed by the Governor with cognate experience in any of the following fields:
 - (i) Land Administration / Law;
 - (ii) Geospatial Science;
 - (iii) Information Technology; or
 - (iv) Environmental Sciences/Studies.
 - b) The Managing Director, Edo State Geographic Information Service;
 - c) The Surveyor-General of the State or his Representative;
 - d) Representatives as may be appointed by the Governor (not below the rank of Director) from the relevant ministry or department in charge of:
 - (i) Lands and Surveys
 - (ii) Housing
 - (iii) Physical Planning and Urban Development (where applicable)
 - (iv) Local Government & Chieftaincy Affairs
 - (v) Justice
 - (vi) Edo State Internal Revenue Service
 - (vii) Information Communication Technology Agency
 - e) A minimum of three additional Members each from a Senatorial District of the State including at least one woman, appointed by the Governor from the civil society and the building industry professional groups, in accordance with this Law.
- (2) The Chairman and members shall hold office for a period of four (4) years renewable for another four (4) years only. *Tenure of the Board members*
8. (1) A Managing Director shall be appointed for the Agency by the *Managing Director of*

Governor subject to the approval of the State House of Assembly.

the Agency

(2) **The Managing Director shall:**

- a) Be the Chief Executive Officer and the Accounting Officer of the Agency;
- b) Be a graduate of Environmental Sciences/Studies, Geospatial Sciences, Law, or Engineering;
- c) Have not less than fifteen (15) years post-graduation experience out of which at least five (5) years would have been at management level;
- d) Be a full member of the relevant statutory regulatory professional body;
- e) Be responsible for the implementation of the decisions of the Board and the day to day administration of the Agency; and
- f) Perform such other duties as are assigned to him by the Board.

(3) The Managing Director shall hold office for a period of five (5) years. After which he may, at the Governor's discretion, be re-appointed for a further five (5) year period and no more.

(4) The terms and conditions of service of the Managing Director shall be as stated in his instrument of appointment.

9. (1) **The Secretary/Legal Adviser to the Agency shall function as Secretary to the Board and shall perform the following functions:**

Secretary to the Board

- (a) issue notices of meetings of the Board on the instructions of the Chairman.
- (b) keep records of proceedings of the Board.
- (c) perform such other duties as the Chairman or the Board may from time to time direct.

(2) The Secretary shall not be a member of the Board and shall have no voting right as such.

10. **The Board shall be responsible for –**

Functions of the Board

- (1) Formulating the policies and guidelines for the Agency and supervising the implementation of same, and setting the strategies for the attainment of efficient land administration system in the state.
- (2) Making regulations where necessary.
- (3) setting the strategies for the attainment of efficient land administration system in the State.
- (4) approving the accounts and annual report of the Agency prior to submission to the Governor.
- (5) approving the business plan and budget of the Agency.
- (6) charging fees for the services rendered by the Agency which shall be published in the Edo State Gazette.
- (7) varying the fees as the need arises with the approval of the Governor.

- (8) setting fees and charges for the provision of any service or the supply of any data by the Agency.
- (9) Providing advice and guidance generally to the Chief Executive Officer.
- (10) Approving the appointment, promotion, transfer and imposing of discipline on employees of the Agency.
11. (1) Notwithstanding the provisions of Sections 7 and 8 of this Law, the Chairman or any member of the Board or the Managing Director shall cease to hold office if:
- Disqualification of members of the Board and the Managing Director*
- a) He resigns his appointment as a member of the Board by notice under his hand, addressed to the Governor;
- b) Becomes of unsound mind;
- c) He becomes bankrupt or compromises the Agency's interests;
- d) He is convicted of a felony or any offence involving dishonesty or corruption;
- e) He becomes incapable of carrying on the functions of his office either arising from infirmity of the mind or body;
- f) He has been found guilty of contravening the Code of Conduct or gross misconduct in relation to his duties;
- g) The Governor is satisfied that it is not in the interest of the Agency or in the interest of the public for him to continue in office and the Governor thus removes him from office;
- h) He is a person who becomes a member by virtue of an office he occupies and he ceases to hold such office.
- (2) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor provided that the successor shall represent the same interests as his predecessor.
12. The Chairman and members of the Board shall be paid such emoluments, allowances and benefits as the Governor may from time to time approve.
- Remuneration*
13. (1) The Board shall hold meetings at least quarterly, or as may be necessary for an effective oversight of the Agency, provided there shall be a maximum of twelve (12) board meetings annually.
- Board Meetings*
- (2) The Chairman of the Board shall preside at meetings and where he is absent; the members present shall elect one from amongst them to preside at that meeting.
- (3) The quorum for a meeting of the Board shall be six members.
- Quorum*

- (4) The minutes of the proceedings of every meeting shall be entered in a book to be kept for that purpose and shall be read at the next meeting and if approved by the Board, signed by the Chairman and the Secretary.
14. The validity of the proceedings of the Board of the Agency shall not be affected by reason of any defect in the appointment of any member or vacancy in the membership of the Board or that a person not so entitled has taken part in the proceedings. *Validity of Proceedings*
15. **The Staff of the Agency includes –** *Staff of the Agency*
- (1) Persons employed as staff of the Agency with the approval of the Board, by the Management Committee into positions as may be created by the Board and required for the attainment of the objectives of the Agency, on such terms and conditions as may be laid down by the Board subject to the provisions of this law and any other extant law or enactment.
- (2) Consultants and Agents appointed with the approval of the Board, to transact any business or do any act required to be transacted or done in the execution of the functions of the Board or necessary for giving effect to the objectives of this Law.
16. (1) Subject to the provisions of this law, the Board may make staff regulations relating generally to the conditions of service of the staff and in particular such regulations may provide for the appointment, promotion, termination, dismissal and disciplinary control of staff and employees of the Agency. *Staff Regulations*
- (2) The Agency shall determine the remuneration to be paid to its officers and such remuneration shall be competitive with what obtains in commercialized organizations.
- (3) Until such regulations as stated in Section 16 (1) above are made, any instrument relating to conditions of service in the public service of the State shall be applicable with such modifications as may be necessary as to be determined by the Board.
- (4) Service in the Agency shall be subject to extant pension laws within the State and accordingly, employees of the Agency shall be entitled to pensions and other retirement benefits as provided for under such laws.
- (5) Notwithstanding the provisions of this section, the Agency may appoint a person to any office on terms and conditions which preclude the grants of pension, gratuity or other retirement benefits.
17. **The funds of the Agency shall include:** *Agency Funds*
- a) Grants from the State and Local Governments, Private Institutions or International donor agencies;

- b) All monies accruing from fees, charges, donations, gifts and other internally generated revenue from services provided by the Agency;
- c) Such monies as may be appropriated to the Agency by the State Government;
- d) Funds from a Private Sector Partner where applicable;
- e) 5% retained earnings to be used to fund administration of the Agency; and
- f) All other sources as may be approved by the Governor.

18. The Agency may from time to time apply its funds to:

Application of Agency Funds

- a) The cost of administration of the Agency including all operational expenditure and capital items;
- b) Paying allowances and benefits of members of the Board;
- c) Reimbursing members of the Board or of any committee set up by the Board for such expenses as may be expressly authorized by the Board;
- d) Payment of salaries or other remuneration or allowances and other benefits payable to the officers and other employees of the Agency provided that such payments are approved by the Board;
- e) Develop and maintain any property vested in or owned by the Agency.

19. (1) The Agency's financial year shall run, unless otherwise stipulated by the Board, from 1st January to 31st December in each year.

Financial Year

(2) The Agency shall, not later than the 30th September of each year, submit its budget for the following year to the Governor.

20. (1) The Agency shall keep proper books of accounts and records of income and expenditure and prepare annual accounts including a profit and loss account and balance sheet.

Accounts, Annual Report and Audit

(2) The Agency shall, not later than three (3) months after the end of the financial year to which they relate, cause its accounts to be audited by the State Auditor-General or Auditors appointed from the list of government approved auditors and in accordance with the guidelines supplied by the Auditor-General of the State.

(3) The Auditor-General may carry out or cause to be carried out any investigation into the Agency's financial transactions.

(4) Not later than three (3) months after the end of the financial year, the Agency shall prepare an annual report on the operations of the Agency during the preceding year.

(5) Copies of the Accounts, Auditor's Report and Annual Report shall be submitted to the Governor through the Chairman of the Board.

PART TWO: REGISTRATION OF LANDS TITLES AND INSTRUMENTS

21. Except as may be otherwise stated in this law, every document of interest or title to Land in Edo State shall be registered in accordance with the provisions of this Law including those previously registered with the Ministry in charge of Lands and Surveys before the commencement of this Law. *Compulsory Registration of Land Titles*
22. Any person, who has power to assign or is entitled in law or equity to any land, is required by this law to apply to be registered as the land holder: *Cases in which Registration is Permitted*
- Provided that the Registrar shall not register any power of attorney relating to transfer of land on which the consent of the Governor has not been endorsed.
23. There shall be a lands registry which shall be located in the Agency and/or any other such places as may be directed by the Board. *Lands Registry*
24. There shall be a Chief Registrar of Titles and Instruments in the Lands Registry (hereinafter referred to as Registrar) to be appointed by the Board subject to the approval of the Governor. *Chief Registrar of Titles*
25. There shall be a lands registry map (referred to in this Law as "the Map") showing the boundaries of every parcel of land that is registered and it shall be drawn to a scale approved by the Surveyor-General. *Lands Registry Map*
26. A document creating any interest in land shall not be registered without a survey plan describing and delineating the particular land. *Survey Plans*
27. Every register mentioned in this Law shall contain the following information: *Contents of the Register in the EDOGIS*
- a) Names and addresses of the parties to the transaction;
 - b) Description of the property;
 - c) Location of the property;
 - d) Survey plan of the property; and
 - e) All other information that may be deemed necessary and appropriate.
28. Any document electronically produced under the seal of the Agency shall be admissible in a court of law. *Production of Documents in Trials*
29. (1) Any holder in possession of any registrable document under this law shall register same within ninety (90) days. *Registration of Documents*
- (2) The forms for registration of titled land and land covered by deeds/certificates of occupancy shall be as contained in Forms, subject to regulations made pursuant to this Law.
- (3) All revocations, acquisitions and excisions made pursuant to the Land Use Act shall be registered with the Chief Registrar of Titles.
30. A sublease under five (5) years does not require registration. *Subleases under 5 years*

31. Any succession to land under a will or on intestacy or insolvency does not require the Governor's consent but must be registered on production of a certified true copy of the grant or letters of administration. *Will or Intestacy*
32. Where the Registrar is satisfied that a document is registrable but the person who has the authority to present such document for registration has failed to register it, he shall by notice in writing require such person to present the document for registration. *Power to compel Registration*
33. (1) Once a person has been validly registered as the holder of a parcel of land, the registration shall be evidence of holding of that land together with all the rights, privileges and appurtenances, except rights to mineral resources or mineral oils on the land. *Interest to be Conferred by Compulsory Registration*
- (2) The registration of any person as the sublease, of any land parcel shall vest the leasehold interest described in the sub-lease together with all rights and appurtenances attached, subject to all agreements, liabilities and incidents of such lease in that person.
- (3) For the purpose of this section, "minerals" and "mineral oils" have the meaning set out in the Petroleum Act and the Minerals and Mining Act 2007.
34. (1) The registration fee and any additional fee payable under this Law on issuance of the notice in Subsection (2) below shall become payable whether or not the document is presented for registration. *Additional Fees for delayed Registration*
- (2) Any person who fails to comply within one month after service on him of a notice to register document as required under this Law, commits an offence and is liable on conviction to a fine of One Hundred and Fifty Thousand naira (N150,000.00) only.
- (3) Where a sub-lease or mortgage is presented for registration later than six (6) months from the date of consent of such sub-lease or mortgage an additional sum of Ten Thousand Naira (N10,00.00) per month of delay on the registration fee shall be payable.
35. The application forms and procedures for different categories of registration shall be in the manner prescribed by the Agency, subject to the provisions of this law. *Application Forms*
36. (1) Subject to the provisions of this Law, documents creating interests in the register shall, irrespective of the dates on such documents, have priority according to the order in which they were presented for registration at the Lands Registry. *Priority of Registered Interests*
- (2) Presentation of a document for registration may be effected by hand, post or courier and the document shall be registered on the day of its delivery at the Lands Registry provided it is within the hours of

- registration otherwise it shall be registered at the commencement of business on the next working day.
- (3) Where two or more documents are sent separately by post or courier in respect of the same transaction, they shall be deemed to have been received at the Registry at the time the last document was received.
 - (4) Where the Registrar is of the opinion that a question of priority or conflict of interest has arisen between any of the documents mentioned in subsection (3) of this section, he may refuse registration until he has heard and determined the rights of the parties interested in the documents.
 - (5) A document prepared by the Registrar is deemed to be registered on presentation of an application and shall have the effect of registration.
37. No registrable instrument, after 24 months of the commencement of this Law, shall be pleaded or given in evidence in any court of law as affecting land in the State unless it has been duly registered as required under this law. *Effect of Non-registration*
38. If any of the persons listed below becomes vested with any registered land or mortgage - *Change of Holding by Operation of Law*
- (a) a trustee by virtue of the Trustees Act 1893; or
 - (b) any person by virtue of any law for the time being in force by order of court; or
 - (c) any person by virtue of the exercise of any power capable of overriding the interest of the registered holder;
- then, that person shall, on application in the prescribed manner, be entitled to be registered as holder of that land or mortgage.
39. Subject to the Governor's consent, a registered holder of land may dispose of or deal with the land and create any interest or right over it. *Powers to deal with Registered Land*
40. (1) A holder may transfer his reversionary interest in land to any other person as joint holder or holders in common. *Joint Holding*
- (2) Where a doubt is raised in any document presented for registration, joint holding shall be presumed to have been intended by the parties unless and until the contrary is proved in a court of competent jurisdiction.
41. (1) Notwithstanding any provisions in this Law, all lands held in common by several persons or community (Community Land) shall be registered at the Lands Registry under this Law. *Partitioning/ Consolidation of Land*
- (2) A holder to a titled land may partition or consolidate the parcel with another provided such partition or consolidation is approved by the relevant department of the Agency in accordance with this Law and such

approved newly partitioned or consolidated land shall be registered in accordance with the provisions of this Law.

- (3) (a) All lands held in common by persons or communities shall have layout plans approved by the relevant urban planning authorities before partitioning. *Sale of Community Land*
- (b) Any such land referred to in paragraph (a) which is less than 10,000 square meters in size or one hectare shall not require a layout plan.
- (4) From the date of commencement of this Law, any Community or Joint holder of land or its leader(s) or its agent(s), who partitions and alienates or sells any portion of community land without registering the land title or preparing a Layout Plan and obtaining a Layout Permit is guilty of an offence under this Law, and shall be liable upon conviction to pay a fine of Two Hundred and Fifty Thousand Naira (N250,000.00) or a 3 - month term of imprisonment on each count of infraction.
- (5) Where lands are held in common by several persons, the Registrar may, on the receipt of an application and approved layout plan and any other relevant document, from one or more of the holders or a person in whose favour an order for the sale of an undivided share of such land has been made, approve the partition in accordance with relevant State Urban Planning Laws.
- (6) The partitioning of land shall be completed by closing any relevant register and opening new registers and also by filing the application together with the agreement or the Order in the Land Registry.
42. (1) All existing certificates of occupancy shall cease to be valid upon expiration of (24) twenty four months after the commencement of this Law. *Certificates of Occupancy and Statutory Rights of Occupancy*
- (2) All existing certificates of occupancy must be re-registered in compliance with this law and holders of such certificates shall be issued with new, electronic certificates of occupancy.
- (3) All issue of land certificate(s) applies only to the registration of lands over which there currently exists certificates of occupancy, statutory right of occupancy or Governor's consent.
- (4) All other lands shall upon registration in compliance with this Law, be issued certificates of occupancy.
43. (1) The Registrar shall issue to the registered holder of any land or mortgage a document showing in the prescribed manner all subsisting entries in the register affecting the land or mortgage. *Information on Register Entries*
- (2) The registered holder of a sub-lease or mortgage over land comprised in a

State grant shall submit a copy of the sub-lease, mortgage or grant, in a form to be annexed to the certificate.

- (3) A receipt for each land certificate shall be signed by the recipient.
- (4) A land certificate shall be prima facie evidence of matters contained in it.
44. (1) Where any mortgage or disposition is made in respect of any land, the registered holder shall produce the land certificate or title to the Registrar for endorsement of such disposition or mortgage. *Production of Certificates on Registration of Disposition*
- (2) Subject to the provision of subsection (1) of this section, on the registration of every change of holding of any land or mortgage, where the same certificate is re-issued, a note of the disposition or change of holding shall be endorsed on it.
- (3) A purchaser from the registered holder of a mortgage selling under the power of sale conferred by the mortgage, may be registered as the holder of the land or sub-lease and a new certificate of title to that land or sub-lease may be re-issued.
- (4) The provisions of subsection (3) above shall apply only to mortgages in respect of properties registered in compliance with this Law.
45. (1) Where a Certificate of Occupancy is lost or destroyed, the holder may apply to the Registrar for the re-issuance of an extract of the title document. *Lost or Destroyed Title Documents*
- (2) The holder referred to in subsection (1) above shall make a statutory declaration under the Oaths and Affirmations Law stating the fact of the loss or destruction of the title document and publish the fact of the loss of the document in a national newspaper.
- (3) If satisfied with such evidence and where no objection is raised within fourteen (14) days of the publication, the Registrar may issue an extract of the title document.
- (4) Where a Land Certificate is lost or destroyed, the holder may apply to the Registrar for the issuance of a new Land Certificate on production of an affidavit of loss and a Police report.
- 46 Judicial notice shall be taken of the signature of the Chief Registrar of Titles and Deputy Registrars, and every document signed either manually or electronically by any of them shall in all court proceedings be admissible as such unless the contrary is proven. *Judicial Notice of Signatories*
- 47 (1) The register in the Lands Registry shall be conclusive evidence of entries made therein. *Entries in and Extracts from Registers*

- (2) Every copy or extract certified by the Registrar shall in any proceedings be received as prima facie evidence of the original entry of the matter and transactions recorded or registered in the register, the Land Registry map or any title document or plan filed in the Lands Registry.

- 48 Notwithstanding the provisions of any Law to the contrary, any subsequent registered encumbrance affecting land shall be dealt with only in accordance with the provisions of this Law and no interest shall be passed or created until a title document is registered.

*Transactions
Subsequent to this
Law*

PART THREE: ENFORCEMENT

- 49 (1) Subject to any restrictions or conditions prescribed by the Constitution or any other Law, a Magistrates Court shall have jurisdiction and powers in respect of trial of offences contained in this Law or Regulations made pursuant to this Law.
- (2) Any person, who contravenes the provisions of this Law and/or Regulations made pursuant to this Law, is guilty of an offence and shall be liable on conviction to pay a fine not exceeding the sum of Two Hundred and Fifty Thousand Naira (₦250,000.00) or to imprisonment for three (3) months or to both such fine and imprisonment.
- (3) Any person who carries out any unauthorized construction work or development on the path or Right of Way of any drainage, waterway, public roadway, moat, NNPC oil or gas pipeline, electricity high tension installation or line or areas declared as undevelopable by the Agency is guilty of an offence under this Law and on conviction is liable to pay a fine of Five Hundred Thousand Naira (₦500,000.00) or to imprisonment for six (6) months or to both such fine and imprisonment.
- (4) Notwithstanding the provisions of subsection 3 above, the Agency shall by order cause any work or development on the path or right of way of drainage, waterway, public roadway, moat, NNPC pipeline, electricity high tension installations or line or areas declared as undevelopable by the Agency, to be pulled down or demolished, and recover the cost from the developer in conformity with provisions of this Law.
- (5) Notwithstanding any other provisions of this Law, any person who obstructs or molests or otherwise hinders any public officer in the course of serving notices, demolishing or removing any unauthorized or illegal development, seizing of working implements or otherwise enforcing the provisions of this Law is guilty of an offence and shall on conviction be liable to pay a fine of One Hundred Thousand Naira (₦100,000.00) or to imprisonment for one (1) month or to both such fine and imprisonment.
- (6) Any person who breaks any seal of the Agency or flouts a Notice/Order or removes any marking placed upon any property in compliance with the

*Offences and
Penalties*

orders of the relevant Department, commits an offence and shall on conviction be liable to pay a fine not exceeding the sum of Two Hundred and Fifty Thousand Naira (₦250,000.00) or in the case of a corporate entity, One Million Naira or three (3) months imprisonment.

- (7) Any person who impersonates an officer of the Agency or impersonates a registered building industry professional as provided for by the Laws of the Federation of Nigeria or forges the seal or mark of a registered building industry professional for the purposes of obtaining or executing a Permit under this law commits an offence and shall on conviction be liable to pay a fine not exceeding the sum of Two Hundred and Fifty Thousand Naira (₦250,000.00) or three (3) months imprisonment or both.
- (8) Where any cost is incurred by the Agency in the course of demolition or removal or enforcement of compliance as provided for under this law, 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 reimbursement of such cost.
- (9) Any person who fails to pay the assessed cost of demolition shall be guilty of an offence and be liable on conviction to pay a fine not exceeding Two Hundred and Fifty Thousand Naira (₦250,000.00) or to three (3) months imprisonment in addition to the payment of the assessed cost referred to in subsection (9) of this Section.
- (10) Any person who trespasses on and/or carries out development on any land acquired by the government according to the provisions of the Land Use Act or under this Law commits an offence and on conviction shall be liable to pay a fine of Five Hundred Thousand Naira (₦500,000.00) or to Six (6) months imprisonment in addition to paying for the cost of restoring the land to its original state.
- (11) Any person who sells, trades or by any means disposes to a third party, any land acquired by the government according to the provisions of the Land Use Act or under this Law without due authorization from the relevant Government Authority, commits an offence and on conviction shall be liable to pay a fine of Five Hundred Thousand Naira (₦500,000.00) or to Six (6) months imprisonment or both.
- (12) Where the act constituting an offence under this section continues after the service of the relevant notices, the offender upon conviction in addition to the penalty for the offence shall be liable to pay an additional fine not exceeding Ten Thousand Naira (₦10,000.00) for each day of such continuation.

50

- (1) Where It appears to the Agency that it is necessary to obtain any land in policies and proposals of any Operative Development Plan, any right of occupancy subsisting on that land may be revoked on recommendation of

Power to acquire land

the Agency to the Governor.

- (2) Any right of occupancy referred to in subsection (1) of this Section shall be revoked only in accordance with the relevant provisions of the Land Use Act.

51 (1) Notwithstanding any other provisions in this Law, the Agency on advice of the relevant department or government agency shall approve the establishment of a Right of Way for drainage, public access and infrastructural services. *Right of Way*

- (2) Nothing in this Law shall be construed as preventing the Agency from removing or demolishing any building or structure or obstruction to an established right of way, to the extent that the building or structure or obstruction contravenes the setbacks as prescribed in the National Building Code or Regulations made pursuant to this Law.

52 All matters connected with the payment of compensation for the revocation of a Right of Occupancy under this Part shall be governed in accordance with the relevant provisions of the Land Use Act. *Limit of payment of Compensation*

53 (1) The Board may by regulation set fees, charges and standards of calculating fees and charges to be paid in respect of services rendered by the Agency or for the supply of any data by the Agency. *Charges and Fees*

Such regulation may stipulate the means by which any fee or charge is to be paid, and may require pre-payment as a condition for the carrying out of a function or the provision of a service or the supply of any data.

54 (1) **The Board may by regulations:** *Powers to make Regulations*

a) Prescribe forms and formats of documents to be used by the Agency and the means by which these are to be procured or authenticated;

b) Make such further provisions as are necessary for the effective operation of the Agency and performance of its functions.

55 (1) The common seal of the Agency shall not be used or affixed to any document except in pursuance of a resolution duly passed at a meeting of the Board and recorded in the minutes of such meeting. *Authentication of Documents*

- (2) The fixing of the common seal of the Agency shall be authenticated by the signature the Chairman and the Secretary or such members as may be specifically authorized in that behalf by a resolution of the Board.

- (3) Any contract or instrument which would not be required to be under seal if entered into or executed by a person, may be entered into or executed as the case may be on behalf of the Agency by any person generally or specifically authorized in that behalf by the Agency.

- (4) Any document purported to be duly executed under the seal of the Agency shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
- 56 (1) Notwithstanding anything contained in any other law, no suit shall be instituted in any court or shall lie against the Agency, a member of the Board or any officer or employee of the Agency for acts done or omitted to be done in pursuance of or execution of the provisions of this Law, or any other law unless it is commenced: *Limitation of Time for Litigation*
- (a) Within three months of the act, neglect or default complained of; or
- (b) In the case of a continuing of damage or injury, within six (6) months of the cessation thereof.
- (2) No suit shall be commenced against the Agency, a member of the Board or any officer or employee of the Agency before the expiration of a period of one month after written notice of the intention to commence such suit shall have been served on the Agency by the intending claimant or his agent.
- (3) The notice referred to in sub section (2) of this section shall clearly and explicitly state the cause of action, the particulars of claim, the name and place of abode of the intending claimant and the relief(s) sought.
- 57 The Governor may give directives of a general nature as to the exercise or performance by the Agency of any of its functions in relation to matters appearing before him, and the Agency shall give effect to such directives. *Directions of the Governor*
- 58 The scope of the powers and functions of the Agency under this Law may be extended or limited by Executive Order(s) duly signed by the Governor provided that such orders to take effect are first published in the State Official Gazette. *Extension and limitation of the scope of the Agency's Powers and Functions*
- 59 (1) Where the provisions of any other State Law on Lands and other related matters are inconsistent with the provisions of this Law, the provisions of this Law shall at all times prevail and the provisions of that other law shall to the extent of its inconsistency be void. *Savings*
- (2) The Bendel State Regional Development Plan 1975-2000, applicable to Edo State, Benin City Master Plan 1992-2012 as may be amended from time to time shall remain valid subject to any enactment of the Edo State House of Assembly.
- 60 Under this Law, unless the context otherwise requires: *Definitions*
- "Abandoned Building" includes an existing previously occupied but vacated building and left in that condition for a period of up to six years, or a building which is under construction on which work has ceased for up to five years;

"Agency" means the Edo State Geographic Information Service (EDOGIS) established by Section 2 of this Law;

"Any person" shall include 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 any Regulation made under this Law;

"Auditor-General" means the Auditor-General of Edo State;

"Board" means the Board established for the Edo Geographic Information Service;

"Building Plans" shall mean design drawings with specifications representing intent to develop a building as prepared by registered architects, structural and services drawings as prepared by registered engineers and based on survey plan prepared by a registered surveyor.

"Constitution" means the Constitution of the Federal Republic of Nigeria 1999, as amended;

"Developer" means a builder, contributor, owner, creator and pioneer;

"Development" in relation to any land includes any building or rebuilding operations and any use of the land or building thereon for a purpose which is different from the purpose for which the land or building was last being used to include:

- (a) The carrying out of any building operations excluding mining or other operation in, on, over or under any land;
- (b) The making of any material change in use of any land for building or structure, or
- (c) Conversion of land, building or structure from its established or approved use;
- (d) Placement or display of urban furniture on the land, on building or structure;
- (e) Making of any environmentally significant change in use of any land and
- (f) Demolition of building including felling of trees;
- (g) 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 framework is left down to or below the top of the ground floor.
- (h) The re-erection, wholly or partially, of any building of which an outer wall is pulled down to or within 3 meters of the surface of the ground.

- (i) The conversion into more than one dwelling house or other uses of a building originally constructed as one dwelling house only
- (j) The making of any addition to an existing building by raising any part of the roof, constructing or altering any wall, or making a projection from the building, or making structural additions to the building.

"Development Plan" means detailed drawings and specifications for a development rendered at appropriate scales, dimensions and sizes as prescribed by regulations made pursuant to this law;

"Executive Council" means the Edo State Executive Council;

"Gazette" means Edo State Government Official gazette;

"Government" means the Government of Edo State of Nigeria;

"Governor" means the Executive Governor of Edo State;

"Land" includes land covered with water and everything attached to the earth or permanently fastened to anything which is attached to earth and also chattels real, and tenure of every description and any interest therein, and undivided shares of land but does not include minerals;

"Member" means board members and includes the Chairman;

"Ministry" means any ministry or department (where applicable) in charge of Lands, Survey, Physical Planning or Urban Development;

"National Building Code" means National Building Code 2006 (as amended) of the Federal Republic of Nigeria

"Operative Development Plan" means any Urban planning scheme that has formally been endorsed for implementations;

"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 incorporated body registered under the relevant laws;

"Owner" includes joint owner, lessee, tenant for life, and any other person in the actual possession of premises or entitled to receive the rents of the premises of any tenure or description, and the agent or attorney of such persons and any other person who has any interest in or draws the rent.

"Redevelopment" means a planning process where an existing old and

decayed settlement or neighbourhood which has been declared a blighted area is completely pulled down and redeveloped from scratch thereby creating a new and modern development in replacement of the old one.

“Registered Building Industry Professional” means any person registered by Statute through their respective Regulatory Bodies to practice in Nigeria, any of the seven professions in the building industry - Architecture, Building, Engineering, Estate Surveying and Valuation, Quantity Surveying, (Land) Surveying, and Urban and Regional Planning.

“Relevant Department” means the Government department in charge of Housing, Physical Planning, Development Control or Urban Renewal and Planning, and Lands and Survey;

“Rehabilitation” means a planning process whereby individual structures are improved to meet established building standards and criteria also called “renovation scheme”.

“Renovation” means to rebuild, reclaim, recondition reconstruct, rehabilitate, reinstate, rejuvenate, restitute, restore, rebuilding (excluding painting).

“Right of Way” means a particular tract of land(s) specifically required, acquired or reserved solely for the provision of:

- (a) historical moats
- (b) drainage canals and channels.
- (c) roads, highways and associated drains
- (d) electricity high tension pylons and cable runs
- (e) oil and gas pipeline installations
- (f) rivers, streams, water courses, water sheds.

“Setbacks” means the minimum distance of any development from a protected or public infrastructure installation as stipulated in the National Building Code or by regulations made pursuant to this Law which shall be a minimum of:

- (a) for historical moats, 15meters;
- (b) for drainage canals and channels, 6meters;
- (c) for roads, highways and associated drains, whatever is defined in the National Building Code;
- (d) For high tension pylons and cable runs,15meters;
- (e) for oil and gas pipeline installations, 15meters;
- (f) for rivers, streams, water courses, water sheds, 150 meters;

“Special Building Project” includes refineries, petrochemical plants, or complex storage/holding tank farms or container/bonded terminals;

"State" means Edo State of Nigeria.

"Urban Furniture" includes physical structures placed on the landscape and affixed to the land distinct from actual buildings and includes bus stop shelters, communication antennae, mast and towers cables and pipes, street neon signs, advertisement bill boards, **light status**, artifact placement fountains, and direction finders;

"Undevelopable Land" means a tract of land or area declared as unbuildable or undevelopable other than in a manner specified by the Agency for purposes of maintenance of cultural heritage, drainage, green areas and public parks.

"Waste Land" includes land which for the time being is unworkable and includes burrow pit, land degraded by erosion, abandoned waste dumps and liable to flood.

SCHEDULE

LIST OF SERVICES FOR WHICH THE AGENCY SHALL CHARGE FEES

A. LAND ADMINISTRATION CHARGES (Urban / Rural Areas)

1. Application Forms

- 1.1. Direct Allocation
- 1.2. Conversion of Land Use
- 1.3. Re-Grant of Title
- 1.4. Merger of Title
- 1.5. Extension of Offer of Title
- 1.6. Recertification of Property Title
- 1.7. Regularization of Property Title
- 1.8. Registration of Property Title
- 1.9. Others

2. Processing Fees

- 2.1. Direct Allocation
- 2.2. Conversion of Land Use
- 2.3. Re-Grant
- 2.4. Sub-Division/ Partitioning
- 2.5. Private Layout
- 2.6. Certificate of Occupancy (Statutory)
- 2.7. Certificate of Occupancy (Customary)
- 2.8. Recertification of Property Title
- 2.9. Regularization of Property Title
- 2.10. Registration of Property Title
- 2.11. Others

3. Valuation Fees

- 3.1. Rental
- 3.2. Purchase
- 3.3. Probate
- 3.4. Re-Grant
- 3.5. Compensation

4. Re-Instatement Fee of Revoked Land

5. Certified True Copies (CTC) of Registered Documents

- 5.1. Certificate of Occupancy
- 5.2. Deeds
- 5.3. Land Documents

6. **Re-Issuance of Land Documents**
 - 6.1. Letter of Grant
 - 6.2. Certificate of Occupancy
7. **Land Use Contravention Charges**
8. **Premium**
9. **Land Development Charges**
10. **Request for Caveat**
11. **Penalty Fees**
 - 11.1. Non-Development of Land After Two Years of Allocation
 - 11.2. Default of Other Fees
12. **Capital Gains Tax**
- B. **LAND TRANSACTION CHARGES (Urban / Rural Areas)**
 13. **Application, Consent, Processing and Registration Fees**
 - 13.1. Power Of Attorney
 - 13.2. Revocation of Power of Attorney
 - 13.3. Release/Surrender of Legal Mortgage
 - 13.4. Deed of Mortgage
 - 13.5. Supplemental Mortgage
 - 13.6. Deed of Release
 - 13.7. Deed of Surrender
 - 13.8. Deed of Assignment
 - 13.9. Deed of Devolution
 - 13.10. Court Order
 - 13.11. Letter of Administration
 - 13.12. Deed of Gift
 - 13.13. Deed of Sub-Lease
 - 13.14. Deed of Lease
 - 13.15. Deed of Purchase
 - 13.16. Deed of Cancellation
 - 13.17. Deed of Conveyance
 - 13.18. Deed of Grant
 - 13.19. Deed of Purchase
 - 13.20. Deed of Rectification
 - 13.21. Deed of Sale
 - 13.22. Deed of Transfer

- 13.23. Deed of Variation
- 13.24. Deed of Vesting Assent
- 13.25. Deed of Release
- 13.26. Development Levy
- 13.27. Lodgment of Court Judgment
- 13.28. Devolution Order
- 13.29. Letter of Exchange
- 13.30. Tenancy Agreement

14. Application for Extension of Time

- 14.1. To Submit Deed for Registration of Assignment
- 14.2. To Submit Deed for Registration of Mortgage
- 14.3. To Submit Deed for Registration of Sub-Lease
- 14.4. To Perfect Documents
- 14.5. For Late Registration of Land Transactions
- 14.6. To Develop Land After Two Years of Allocation

15. Penalty Fees

- 15.1. Default of Other Fees

16. Extra Copies of Deeds

C. SURVEY/GIS CHARGES (Urban / Rural Areas)

17. Site Plan Fees

- 17.1. Direct Application
- 17.2. Conversion
- 17.3. Partitioning
- 17.4. Extension

18. Survey Fees

- 18.1. Investigation Search
- 18.2. Beacon Fee
- 18.3. Processing
- 18.4. Additional Field Work

19. Sale of Map Products

20. Sale of GIS Products

21. Online Geospatial Services

22. Spatial Data Repository Service

D. LAND VALUATION AND PROPERTY TAX ASSESSMENT (Urban / Rural Areas)

23. Property Valuation Charge

24. Property Tax in conjunction with Land Use Charge

25. Ground Rent in conjunction with Land Use Charge

This printed impression has been compared by me with the Law which has been passed by Edo State House of Assembly and found by me to be a true and correctly printed copy of the said Law.



.....
Clerk of the House of Assembly

Assented to by me this 3rd day of April 2018



.....
Governor of Edo State of Nigeria

Assent withheld by me this day of 2018

.....
Governor of Edo State of Nigeria