

CHAPTER 17
BUILDING LINES LAW

Arrangement of sections

Section

1. Short title.
2. Interpretation
3. Roads to which this Law applies
4. Notice of Commissioner's intention to reconstruct roads
5. Space on both sides of road to be cleared of obstruction
6. The building line at a railway level crossing
- 7 Reduction of space to be kept free of obstruction
- 8 Special provisions as to towns and villages
9. Requirement as to consent of Commissioner
10. Offences
11. Removal of obstruction and recovery of expenses
12. Facilitating reconstruction of a road
13. Right to take materials for maintenance or reconstruction of road
- 14 Exemption of certain obstruction

CHAPTER 17
BUILDING LINES LAW

**A law to provide for regulation of the position of buildings and other obstruction with
reference to roads other than Federal Trunk Roads**

A.N.S.L Cap
17

[27th August 1991]

1. This Law may be cited as the Building Lines Law Short title
2. In this law—

Short title
Interpretation

"Appropriate Authority" in relation to a road the maintenance of which is the responsibility of—

- (a). the Commissioner, means the Commissioner and
- (b). a local government, means the local government

"create an obstruction" includes—

- (a). erect a structure of a permanent nature or another building;
- (b). plant a permanent crop or tree,

"erect a building" includes—

(a). re-erect —

(i). erect a building taken or fallen down to or below the top of the ground floor, or

(ii). a frame-building, of which only the framework is left down to the top of the ground floor; or

(b). convert into a dwelling-house a building not originally constructed for human habitation; and

(c). add a structure to a building;

"Federal trunk road" means a road declared for the time being to be a Federal trunk road for the purposes of item 39 of Part 1 of the Schedule to the Constitution of the Federation in force

"Commissioner" means the Commissioner charged with responsibility for roads,

"permanent crops" includes—

(a). trees valuable as food; and

(b). trees having a trade value for their natural products but does not include crops requiring to be sown and reaped within a period of twelve months;

"Roads" means a thoroughfare, other than a Federal trunk road—

(a). used by the public; or

(b). under construction;

"State" means Enugu State of Nigeria

"structure of a permanent nature" means a structure not removable within a period of twelve months, after notice, without damage to the structure.

3. Subject to section 4, the Appropriate Authority may in its discretion, by order, apply this Law to any road mentioned in the order,

4. (1). The Commissioner may, in his discretion, by notice published in the State Gazette, announce his intention of reconstructing a road—

(a). mentioned in that notice; and

(b). whether or not the responsibility of a local government

(2). After publication of that notice, the Commissioner may—

(a). in relation to that road; and

(b). whether or not he is the Appropriate Authority, exercise the power conferred by section 3

5. (1). Except as may be allowed by this section or an order made under either section 7 or 8. a person shall not—

(a). within a distance of 30, 48 metres of the centre line of a road to which this Law applies,

Roads to
which this
law applies

Notice of
Commissioner's
intention to
reconstruct
roads

Space on
both sides of
road to be
cleared of
obstruction

create or cause to be created an obstruction; or

(b). on the ground occupied by that road or the adjacent drains, plant a crop requiring to be sown and reaped within a period of twelve months.

(2) Subject to such conditions as it may impose, the Appropriate Authority' may, in its discretion, permit the creation of an obstruction,

6. Notwithstanding subsection (1) of section 5, where a road to which this Law applies encounters a railway level crossing, a person shall not—

The building line
at a railway level
crossing

(a). within a distance of 76.20 metres on either side of that road and the railway level crossing, create or cause to be created an obstruction.

(b). for a distance of 30.48 metres along that road on either side of the railway crossing create or cause to be created an obstruction.

7. (1). Subject to section 9 the Appropriate Authority may, in its discretion, by order, substitute, for the distance mentioned in section 5, a distance of not less than 15.4 metres,

Reduction of
space to be
kept free of
obstruction

(2) That order may—

(a). be made applicable to a specified portion of a named road to which this law applies; and

(b). vary in respect of different portions of the same road.

8. (1). Subject to this section and to section 9 and in relation to a road to which this Law applies, where the road is in or passes through a town or village, the Appropriate Authority may, in its discretion, by order prescribe—

Special
provisions as to
towns and
villages

(a). the line in which buildings shall be erected in that town or village, as the case may be; or

(b). the distance from the centre of the road within which a person shall not—

(a). create an obstruction, or

(b). place obstructions specified in the order.

(2). Where he is the Appropriate Authority, the Commissioner shall consult the local government concerned.

(3). That order may—

(a). be made applicable to a specified portion of a named road to which this Law applies;

(b). vary in respect of different portions of the same road;

(c). prescribe different distances in respect of buildings and other obstructions as seem proper to the Appropriate Authority; and

(d). either be—

(a). published in the State Gazette, or

(b). communicated to the inhabitants of that town or village, as appropriate.

(4) Notwithstanding section 19 of the Interpretation Law, that order has the force of law from and including the date of that publication or communication.

9. Where the Appropriate Authority is a local government, the approval of the Commissioner, given in his discretion, is necessary for an order either under section 7 or section 8.

Requirement as
to consent of
Commissioner

Offence

10. A person who—

(a). creates, or causes to be created, an obstruction in contravention of—

(i). subsection (1) of section 5, or

(ii). an order made under section 8; or

(b). plants a crop in contravention of paragraph (b) of subsection (1) of section 5,
is guilty of an offence:

Penalty a fine of one hundred naira

Removal of
obstruction
and recovery
of expenses

11. (1). Subject to section 12, the Appropriate Authority may, without compensation, cause to be pulled down or removed, as the case may be—

(c). a building or part of a building, erected or being erected; or

(d). other obstruction erected or being erected in contravention of—

(i). subsection (1) of section 5, or

(ii). an order made under section 7 or 8

(e). a crop planted in contravention of paragraph (b) of subsection (1) of section 5; or

(f). a natural obstruction within 30, 48 metres of the centre of a road to which this Law applies.

(2). Where expenses have been incurred in the pulling down or the removal of anything mentioned in subsection (1), the Commissioner may, on behalf of the Government authorize, in writing, an officer to recover, in a summary manner in a court of law, from the person who—

(a). created or caused to be created the obstruction in question; or

(b). planted the crop in question, as the case may be, the expenses so incurred'

Facilitating
reconstruction
of a road

12. (1) Subject to this section, where—

(a). a local government is the Appropriate Authority, and

(b). in order to facilitate the reconstruction of a road mentioned in a notice under subsection (1) of section 4 the Commissioner considers it necessary for himself, and not that local government to exercise the powers mentioned in subsection (1) of section 10 the Commissioner—

- (i). may fix a date with effect from which he shall exercise those powers, and
- (ii). shall so inform that local government

(2). At six monthly intervals, the Commissioner shall review his retention of those powers and not unreasonably withhold them from the local government.

13. The appropriate Authority may, without compensation—

(a). take from anywhere within an area of 30.48 metres of the centre line of a road to which this Law applies, or such lesser distance substituted by an order made either under section 7 or section 8, such materials as may be necessary for the maintenance or reconstruction of that road and

(b). may construct and maintain with that area, all drainage works necessary for the maintenance of that road.

14. Section 5, 7, 8 and 11 do not apply to —

a structure of a permanent nature erected, or permanent crops planted on land, before this Law was applied to that land

Right to take materials for maintenance or reconstruction of road

Exemption of certain obstruction

SUBSIDIARY LEGISLATION

(No subsidiary legislation)