

CHAPTER 99

LAND DEVELOPMENT (PROVISION FOR ROADS) LAW.

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CHAPTER 99

ANSL CAP 74

LAND DEVELOPMENT (PROVISION FOR ROADS) LAW

A Law to make provisions for any necessary reservation of land for roads where land is sold off in lots.

(27th August 1991)

1. This Law may be cited as the Land Development (Provision for Roads) Law.

Short title

Application of this Law

2. This Law shall apply to any areas within Enugu State to which the Commissioner may, by order, apply it.

Application
of this Law

3. (1) In this Laws-

Interpretation

“approved plan “ means a plan approved by the prescribed authority;

"Commissioner" means the Slate Commissioner assigned with the responsibility for lands:

"local government” means Local Government established, or deemed to be established under the Local Government Law;

“land" includes any estate or interest in land, "owner"" with reference to land means any person receiving rents or profits from any tenant or occupier thereof who would receive such rents or profit if the land were let. whether on his own account or as agent for any other person; "prescribed authority" means, in relation to any area for which a planning authority has been appointed under the provisions of Town and Country Planning Law, that authority; and Law is applied by order made under section 2 the person appointed by the order to be the prescribed authority for that area;

"reserved” means reserved for roads, and “reservation" has a corresponding meaning,

"sale” includes leasing; “to divide up land into lots with a view to sale" includes the delineation on a plan or the demarcation in situ of any portion or portions of any land with a view to the sale of such portion or portions.

(2) A person shall be deemed to begin to sell off land in lots as soon as he sells any portion of any land at any time after the coming into force of an order made under section 2 applying the provisions of this Law to an area which includes such land.

4. (1) Where an owner intends to divide up any land into lots with a view to sale, he may if he so desires, before he proceeds to survey the land for the purpose of the next section, inform the prescribed authority of such intended division and transmit to such authority two identical plans (which may be sketch plans) showing approximately the position of the land and how he proposes to effect such division and the parts of the land, it any, which he proposes to reserve for roads

Procedure
where owner
intends to
divide up
land for sale

(2) If the plans do not indicate that any part of the land is to be reserved for roads the prescribed authority shall return to the owner one of the plans with an endorsement thereon stating that it does not require that any part of the land shall be reserved or with an indication thereon on the parts of the land which it requires to be reserved-

(3) If the plans indicate that any part of the land is to be reserved for roads, the prescribed authority shall return to the owner one of the plans with an endorsement thereon stating that it approves of the proposed reservation, or with an indication thereon of any variation it may require in the proposed reservation or of any other parts which it may require to be reserved.

5. (1) Except where an owner is exempted from complying with the provisions of this section by writing under the hand of the prescribed authority, he shall, before he begins to sell off any land in lots, cause a survey of the land to be made and shall deliver to the prescribed authority four identical plans of such survey showing the divisions of the land into lots and the parts, if any, of the land which it purposes to reserve for roads.

(2) If the plans do not indicate that any part of the land is to be reserved for roads the prescribed authority shall either record on the plans that it does not require any part of the land to be reserved for roads or delineate thereon the parts which it considers should be so reserved

(3) If the plans indicate that any parts of the land are to be reserved for roads the prescribed authority shall either record on the plans its approval of the proposed reservation or delineate thereon the parts of the land which it considers should be so reserved.

(4) The prescribed authority shall return one of the plans to the owner, and shall in any case where its requirements under subsection (2) or subsection (3) are at variance with the proposals of the owner notify the owner that if he object to such requirement he may within one month of such notification deliver to the prescribed authority in writing his objections thereto.

(5) On the expiration of the said period and after considering any objections which it may have received from the owner the prescribed authority shall decide which parts of the land are to be reserved and shall notify the owner of its decision.

(6) Where an owner has, before submitting plans under this section, submitted plans under section 4, the parts of the land which the prescribed authority may require to be reserved

Provisions
to be
complied
with where
Land is
sold off in
lots

under this section shall not differ substantially in position or extent from the parts of the land which it required should be reserved under section 4.

(7) After receiving a notification from the prescribed authority under subsection (5) the owner shall demarcate in situ to the satisfaction of the prescribed authority the parts of the land which are to be reserved.

(8) After receiving such notification the owner shall also prepare four identical plans showing the parts of the land demarcated under subsection (7) as reserved for roads and shall transmit the plans to the prescribed authority, who shall, if it finds them to be correct, record its approval on each plan and return one of them to the owner.

(9) The provisions of this section shall *mutatis mutandis* apply where an owner desires to change the manner of dividing up the land into lots or the parts of the land to be reserved.

6. Any person not exempted from compliance with the provisions of section 5 who —

Offence

(a) begins to sell off such land in lots without demarcating in situ to the satisfaction of the prescribed authority the parts of the land which are to be reserved: or

(b) begins to sell off such land in lots without obtaining an approved plan from the prescribed authority; or

(c) purports to sell any parts of such land which the prescribed authority has directed to be reserved;

shall be guilty of an offence and shall on conviction be liable to a fine of one thousand naira,

7. The sale of any of land which the prescribed authority has directed to be reserved shall be null and void

8. (1) As soon as conveniently may be after the prescribed authority has approved a plan in accordance with subsection (8) of section 5 showing the parts of the land which have been reserved for roads, it shall cause one certified copy to be forwarded to the Chief Town Planning Officer, or to such other officer or authority as the Governor may direct and another certified to be deposited in the office of the Local Government area in which the land is situated.

(2) Notice of the approval of the plan and of the deposit of a copy thereof in accordance with the requirements of subsection (1) shall be published in the Enugu State Gazette with a

Nullity of
sale of
reserved land

Deposit
of plans

sufficient description of the situation of the land to which it relates, and such copy shall be open to the public inspection.

Provided that where the plan forms part of a planning scheme approved under section 18 of Town and Country Planning Law, this subsection shall not apply.

9. The deposit of the certified copy of the approved plan in the office of the Local Government area, shall be conclusive evidence that the parts of the land indicated as having been reserved for roads have been so reserved under this Law.

10. Where under section 5 the prescribed authority directs that parts of any land are to be reserved for roads the following provisions shall have effect—

(a) where the total area of the land directed to be reserved does not exceed one-fifth of the land which the owner proposes to sell off in lots (including the area as reserved) no compensation shall be payable;

(b) in so far as the area of the land so reserved exceeds that fraction, compensation shall be payable by the prescribed authority in respect of the excess to the extent to which, if at all, the value of such excess is greater than any increase in value of the land (excluding the area so reserved) to the owner by reason of the reservation of such excess.

(c) where the area of the land so reserved exceeds that fraction compensation shall, subject to the provisions of the immediately preceding paragraph of this section, be paid by the prescribed authority to the owner and to any other persons having an interest in the area so reserved as in the case of private lands acquired for public purposes.

(d) if the amount of compensation to be paid to the owner or any other person cannot be agreed, or if any person claiming compensation has not given, satisfactory evidence of his alleged interest, or if separate and conflicting claims are made in respect of any parts of the land so reserved the amount of compensation due (if any) and every such disputed interest or title shall be settled in accordance with the provisions of the Public Lands Acquisition Law and the provisions of section 19 of that Law with regard to costs shall apply to proceedings under this section;

Provided, however, that no claims for compensation for any parts of the land as reserved shall be entertained, except with the consent of the prescribed authority, unless the claim is made

Deposit of
plan
conclusive
evidence of
parts of
land
reserved

Compensation
payable

within six months of the date of the Enugu State Gazette in which the notice of the deposit of the copy of the approved plan of the land is published.

A Refund compensati on paid-	11. Where the reserved land is situate within the area of authority of a local Government, the Local Government in question shall refund to the prescribed authority any sum paid by the prescribed authority by way of compensation under the provisions of section 10
Vesting of reserved land	12. Where any land is reserved under the provisions at this Law, such land shall vest— (a) if situate within the area of authority of a Local Government, in that Local Government: and (b) if situate elsewhere than within the area of a Local Government, in that Government or such authority as the Governor may from time to time by order vest it.
Proceedings not to affect title of land.	13. Subject to the provisions of section 10, nothing done by the prescribed authority under this Law shall be deemed to affect the title to any land or interest therein or to constitute any representation as to title to any land or interest therein.
Power to demolish building, etc.	14. Where any building or structure is erected or any excavation is made on any land after such land has been reserved for roads under the provisions of this Law, the authority in which the land is vested under the provisions of section 12 may pull down such building or structure or fill in such excavation, and may recover any expenses incurred from the person who erected the building or structure or who made the excavation or who caused the same to be erected or made. (2) The materials of any building or structure if pulled down may be sold by such authority, and the proceeds of any such sale be used by the authority to defray any expenses incurred as aforesaid-