

CHAPTER 144

STATE LANDS LAW

Arrangement of sections

PART 1.-MANAGEMENT GENERALLY

Section

1. Short title
2. Interpretation.
3. Power to grant Certificate of Occupancy and licences for temporary occupation
4. Power of Governor to accept surrender.
5. Licences to take building materials

GENERAL PROVISION RELATING TO CERTIFICATE OF OCCUPANCY

6. Implied Covenants
7. (1) covenants and conditions binding on persons claiming under the certificate of occupancy.
(2) Obligation of minors
8. Revision of rent
9. Penal rent
10. Building on state lands
11. Sale of Certificate of Occupancy by order of court to be a purchaser approved by Governor
12. Rent.
13. Penalty which rent in arrear
14. Chief land officer may sue for rents in arrear
15. Chief land officer may destrain for rent due
16. Forfeiture of certificate of occupancy
17. Debt to state not extinguished by forfeiture.
18. Acceptance of rent not to operate as a waiver of forfeiture.

RESERVATIONS

19. Reservation of Water
20. Reservation of foreshore
21. Reservation of minerals

RESUMPTION OF LAND FOR PUBLIC PURPOSES

22. Power to erect telegraph poles, etc.
23. Resumption of lands for roads, railways, etc.

Section

ROADS AND THOROUGHFARES

24. Saving of public thoroughfare

SURVEYS AND BOUNDARY MARKS

25. State land to be surveyed before sale or grant
26. Purchaser, etc, to maintain boundary marks
27. Owners and occupiers of land abutting on State lands to keep the boundaries defined.

MISCELLANEOUS

28. Recovery of State lands in unlawful occupation
29. Order of Court
30. Evidence in proceedings
31. Right of State to sue not barred by limitation
32. Suit for rent not to be presumed against the state
33. Right of way not to be presumed against the State
34. Service of notice
35. Grantee to permit officer to enter and inspect State land
36. Penalty for unauthorized occupation of State land
37. Power to make regulations.

PART II.-EVICTON OF SQUATTERS

38. Commencement of this part.
39. Definitions
40. Power of the commissioner
41. Squatters
42. Eviction of Squatters
43. Immunity of Officers
44. Immunity of Officers
45. Proof of State land

CHAPTER 144

STATE LANDS LAW

A law to make further and better provisions for the management and disposal of state lands.

ANSI. Cap.
137

[27th August 1991]

1. This Law may be cited as the State Lands Law

Short title

2. In this Law—

"Public purpose" has the meaning assigned to it by the Land use Act;

Interpretation

"Governor" means Governor of the State;

"State" means Enugu State of Nigeria.

"State Land" includes all public land within the State which were on 27th August 1991 subject to the control of State Government and held for public purpose, and all lands thereafter acquired or to be acquired by or on behalf of the State Government and held or to be held as the case may be for any public purpose;

PART II. — CERTIFICATES OF OCCUPANCY

3. (1) Subject to any regulations now in force or hereafter to be made regarding State lands the Governor may grant—

Power to grant
Certificate of
Occupancy
and licences
for temporary
occupation

(a) certificate of occupancy of State Land to any person for any term of years, or in the ease of a citizen of Nigeria for an indefinite term,

(b) licences to any person for the temporary occupation of State land.

(2) The Governor may delegate any of the powers conferred on him under this Law to the State Commissioner assigned with the responsibility for lands.

(3) All certificates of occupancy granted under this Law shall for the purposes of this Law be regarded as Certificates of Occupancy.

4. The Governor may—

(a) accept on such terms and conditions (if any) as he may thin proper the surrender of any certificate of occupancy granted under any Law repealed by this Law.

(b) wholly or partially remit, except as otherwise prescribed, all or any of the covenants or conditions in any certificate of occupancy, where owing to special circumstances, compliance therewith would be impossible or

(c) extend, except as otherwise prescribed, the time to grantee for performing the conditions contained in any certificate of occupancy liable to forfeiture for Such period. and upon such terms and conditions, as he may think fit, and the period so extended and the terms and conditions so imposed shall be deemed to be inserted in the certificate of occupancy and shall be binding on the grantee.

5. (1) It shall be lawful for the Governor to grant a licence to any person to enter upon any State land which is not the subject of a certificate of occupancy or a temporary occupation licence granted under this Law, or of a mining right or exclusive prospecting licence granted under the Minerals Act or of a certificate of occupancy or licence granted under the Mineral Oils Act, and remove or extract therefrom any stone, gravel, clay, sand or other similar substance (not being a mineral within the meaning assigned to that term in the Minerals Act) that may be required for building or for manufacture of building materials.

(2) A licence may be granted for such period and subject to such conditions as the Governor thinks fit or as may be prescribed.

(3) A licence shall not be transferable.

(4) The Governor may cancel a licence if the licensee fails to comply with any of the conditions thereof.

PART III. — GENER AL PROVISIONS RELATING TO CERTIFICATES OF OCCUPANCY

6. (1) Except as otherwise prescribed or provided in the certificate of occupancy there shall in every certificate of Occupancy under this Law by virtue of this I .aw covenants by the grantee—

Power of
Government
to accept
surrender

Rent
covenants

Extend time
for performing
condition.

Licences to
take building
materials.

Implied
Covenants

(a) that he will pay to the Chief Lands Officer or to such officer as the Governor may appoint on the issue of the certificate of occupancy rent at the rate of rent specified in the instrument for the period from the commencement of the certificate of occupancy to the 31 day of December next following, and that he will thereafter pay in advance without demand on the 1st day of January in each year to the Chief Lands Officer or to such other officer as the Governor may appoint the yearly rent specified in the certificate of occupancy, or if the yearly be revised or penal rent be imposed in lieu of the yearly rent, such revised or penal as may for the time being be payable in respect of the grant.

(b) that he will pay all taxes, rates, charges, duties, assessment or outgoings of whatever description as may be imposed, charged or assessed upon the lands comprised in such certificate of occupancy or the buildings thereon or upon the grantee.

(c) not to assign sublet or otherwise part with the possession of the land comprised in such certificate of occupancy or any part thereof without the previous consent rent fixed shall not exceed the rent obtainable at the time of revision for similar lands of similar area and amenities similarly situate.

Provided that if for any reason the Governor considers it desirable to postpone the revision of the rent reserved under any certificate of occupancy, the Governor may postpone such revision for such time, irrespective of any revision period, as he shall think fit; but should the right to revise be subsequently exercised the rent fixed shall be payable for the remainder of the current revision period.

(2) In revising the rent no improvements made by the grantee on the land shall be taken into account.

(3) The amount at which the rent is fixed by the Governor shall be notified to the grantee, who if he considers that the rent fixed is in excess of that which can properly be demanded under the terms of subsection (1)

(a) may within one month of such notification appeal to the Governor in writing.

7. (1) Every covenant or condition whether expressed or implied in a certificate of occupancy under this Law, which is binding on a grantee shall, unless otherwise expressly provided in the instrument, be binding on all persons claiming an interest in the land subject of the certificate of occupancy and whose title is derived through or under the certificate of occupancy.

(2) Any minor who becomes a grantee under this Law shall be in the same position with regard to his liability and obligation under or in respect of his certificate of occupancy as if he were of full age.

8. (1) In every certificate of occupancy under this Law there shall, unless expressly expected be reserved by virtue of this Law to the Governor the right to revise and fix the rent for such periods (hereinafter referred to as the revision periods) as may be specified in the certificate of occupancy.

(2) As nearly as conveniently may be to the commandment of each revision period the Governor shall revise and fix the yearly rent which shall be payable for such revision period.

Covenants and conditions binding on persons claiming under the certificate of occupancy

Obligation of minors

Revision of rent

(3) If the Governor and the grantee are unable to agree as to the rent to be paid the matter shall be referred to an arbitrator to be agreed upon by the Governor and the grantee or in the absence of such agreement to be appointed by a judge of the High Court.

(4) The decision of the arbitrator shall be final and if the rent fixed by the arbitrator is not less than that demanded by the Governor the grantee.

9. (1) when in any Certificate of Occupancy under this Law the grantee has covenanted to develop or effect improvements on the land granted and has committed a breach of such covenant the Governor may at the time of such breach or at any time thereafter, and at the expiration of every year thereafter so long as the breach be not remedied, fix a penal rent which shall be payable for one year from the date it is fixed and shall be paid by the grantee in addition to and at the same time and manner as the rent reserved is payable and shall be recoverable as rent. The first penal rent shall not exceed the rent reserved in the instrument and penal rents subsequently fixed shall not exceed double the penal rent payable in respect of the preceding year.

(2) Notice of such penal rent being imposed and the amount thereof and the date from which it is payable shall be given in writing to the grantee.

(3) The fact that a penal rent has been imposed shall not preclude the Governor, in lieu of fixing a subsequent penal rent, from taking or directing to be taken proceedings for the forfeiture of the certificate of occupancy by reason of the breach in relation to which the penal rent has been imposed, provided that such proceedings shall not be taken during the period for which a penal rent has been paid.

10. In the absence of special provisions to the contrary in any certificate of occupancy under this Law all buildings and improvements on State lands, whether erected or made by the grantee or not shall on the determination of the certificate of occupancy pass to the State without payment of compensation:

Provided, however, that, in the absence of any special provision to the contrary in the certificate of occupancy, when land is granted for a term not exceeding third years the grantee shall be at liberty' within three months of the termination (otherwise than by forfeiture) of such lease to remove any buildings erected by him on the land granted during the currency of such certificate of occupancy unless the Governor shall elect to purchase such buildings. In the event of the Governor and the grantee not agreeing as to the purchase price of such buildings, the same shall be determined by arbitration. The grantee shall make good any damage done to the land by any such removal.

11. No Certificate of Occupancy under this Law which contains it covenant express or implied, not to assign without the consent of the Governor, and no certificate of occupancy under, shall be sold by or under the order of a court in execution of a decree or otherwise however, save to a purchaser approved in writing by the Governor and under terms, as to adequacy of price or otherwise, also so approved.

12. The rent reserved or payable under any lease granted under this Law or under any Law repealed by this Law shall the a debt to the State and shall be paid at the office of the Chief Lands Officer or at such other office as the Governor may appoint.

Building on
state lands

Sale of
Certificate of
Occupancy by
order of court
to be a
purchaser
approved by
Governor

Rent

Penal rent

Penalty when
rent in arrear.

13. If any such rent as aforesaid shall at any time be unpaid for a space of ninety days after the same become due, and a notice shall have been served on the person in default, there shall be payable by way of penalty a sum equivalent to five per centum of the rent due. If such rent and penalty shall be unpaid for a space exceeding one hundred and twenty days after the rent became due and a notice shall have been served as aforesaid, there shall be payable by way of penalty a further sum equivalent to five per centum of the rent due.

Chief Land
Officer may
sue for rents

14. The Chief Lands Officer or any person appointed by the Lands Officer on that behalf may. Without prejudice to the right of the State to recover rent in arrear in any other way, sue for the same, together with the penalty (if any) which may be payable under the last preceding section, and such suit may be instituted in the High Court or a magistrate's court.

Chief land
officer may
distrain for
due rent

15. The Chief Lands Officer may, on behalf of the state. distrain for rent due under any lease under this Law, or under may Law repealed by this Law and may authorize any person to act of him in that behalf.

Forfeiture of
certificate of
occupancy

16. (1) If the recent reserved or payable under a certificate of occupancy under this Law or under any Law repealed by this Law is in arrear, or if there shall be any breach of the grantee's covenants or of the conditions of the certificate of occupancy whether express or implied, the Chief Lands Officer may serve a notice upon the grantee specifying the rent in arrear or the covenant or condition of which a breach has been committed, and at any time after one month from the service of the notice may commence an action in the High Court or in a Magistrate's Court for the recovery of the premises and on proof of the facts, the court shall subject to relief on such terms as may appear just, declare the certificate of occupancy forfeited, and the Chief Lands Officer may re-enter upon the premises.

(2) The Governor may cancel a certificate of occupancy granted under this Law in respect of any property. where the grantee-

- (a)** has failed to fulfil the purpose for which the said Certificate of Occupancy has been granted;
- (b)** has in fact ceased to exist; or
- (c)** has by operation of law become incompetent to fulfil the purpose for which the Certificate of Occupancy has been granted.

17. No forfeiture shall operate to extinguish any debt to the State in respect of any rent or payment to be made by a grantee under a Certificate of Occupancy forfeited.

Debt to State
not
extinguished
by forfeiture

18. The acceptance by or on behalf of the State of any rent shall not be held to operate as a waiver by the State of any forfeiture accruing by reason of the breach of any covenant or condition, express or implied, in any Certificate of Occupancy under this Law or under any Law repealed by this Law.

Acceptance of
rent not to
operate as
waiver of
forfeiture

PART IV. —RESERVATIONS

19. A conveyance or Certificate of Occupancy under this Law shall not, unless otherwise expressly provided therein, confer any right to the water of any spring, river, lake or stream, other than such water as may be required for domestic purposes upon the land sold or granted.

Reservation of
water

Reservation of
foreshore

20. A conveyance or Certificate of Occupancy under this Law shall not, unless otherwise expressly provided therein, confer any right to the foreshore, or to the banks of any navigable waterway.

21. (1) A conveyance or Certificate of occupancy under this Law shall not confer any right to any mineral as defined in the Minerals Act or to any mineral oil. Reservation of mineral

(2) There is hereby reserved to the State the right to enter upon any land sold or granted under this Law and—

(a) to search for, mine and remove any mineral as aforesaid or any mineral oil; and

(b) except in the case of lands granted for building purposes only, to remove any stone, gravel, soil or other substance required for the construction or repair of any road. Government building or other public work.

(3) The right reserved to the State under subsection (2) may be exercised as to (a) by any person authorized by or under any Act relating to minerals or mineral oils, or as to (b) by any person authorized by the Governor.

PART V. —RESUMPTION OF LAND FOR PUBLIC PURPOSES

22. Any person authorized by the Governor may at any time enter upon any land sold or granted under this Law and may enter and resume any portion of such lands for any of the purposes mentioned in subsection (1), paying compensation for the land taken.

(3) Wherever land which has been granted is resumed under this section the grantee shall be entitled to proportionate reduction in his rent.

(4) The Governor may authorize any officers of the Government, their servants and agents, to exercise the powers reserved to him by this section.

(5) Compensation payable under this section shall not exceed, in the case of buildings or crops, the market value of such building or crops and in the case of land resumed the market value of such land.

(6) The compensation to be awarded under this section shall, if not agreed upon between the Governor and the claimant be determined by the High Court in the like manner as compensation is determined under the Public Lands Acquisition Law.

(7) Resumption of land under this section may be effected before the compensation (if any) is paid, by actual entry either—

(a) to set up poles on and carry electric lines across such land; or

(b) to lay sewers, drains, water pipes or electric lines therein, without paying compensation but making good all damage done

23. (1) When any land sold or granted under this Law exceeds one hundred hectares the Governor may at any time enter and resume any portion of such lands for roads, railways, tramways, canals, water channels or trigonometrical stations or any other public undertaking without paying compensation for the land, but compensation shall be paid for buildings or crops destroyed or damaged:

Power to erect
telegraph
poles

Resumption of
lands for roads
railways, etc

Provided that in the event of a larger portion than four per centum of such land being resumed for any such purpose as aforesaid there shall be paid to the owner or grantee, as the case may be, compensation for the land taken in excess of such portion.

(2) When any land sold or granted under this Law does not exceed one hundred hecres the Governor may at any time the land resumed or by service of notice of resumption on the owner of grantee.

PART VI. —ROADS AND THOROUGHFARES

24. All public thoroughfares existing on any land sold or granted under this Law shall deemed to be and shall be reserved and shall remain free and uninterrupted unless the same be close or altered by the order of the Governor or by other competent authority.

Saving of
public
thoroughfare

PART VII.—SURVEYS AND BOUNDARY MARKS

25. No State land shall be sold or granted under this Law' until the same has been surveyed and demarcated by a Government or licensed surveyor and the plan thereof has been approved and signed by the State Surveyor-General, or by an Officer of the Survey Department acting on his behalf.

State land to
be surveyed
before sale or
grant.

26. The owner or grantee of any Stale land sold, or granted before or after the commencement of this Law shall at all times maintain in repair to the satisfaction of the Chief Lands Officer or of such other officer as the Governor may appoint in that behalf, all boundary marks placed or erected to denote the boundaries of the land, sold or granted.

Purchasers
etc, to
maintain
boundary
mark

27. (1) Every owner or occupier of land abutting on State land shall define and keep defined the boundary between the land owned or occupied by him and the adjoining State land to the satisfaction of the Chief lands Officer, or of such other officer as the Governor may appoint in that behalf, and in default of his so doing the Chief Lands Officer or other officer as aforesaid may by notice in writing require such owner or occupier to define such boundary in such manner and within such time as may be specified in such notice.

Owner and
occupiers of
State
Land to keep
the boundaries
defined

(2) Any owner or occupier who shall fail to comply with such requisition shall, on summary conviction, be liable to a fine of forty naira and in additions shall be ordered by the court to pay the expenses (if any) incurred by the Governor in defining the boundary which he has neglected to define.

PART VIII. —MISCELLANEOUS

28. When any person without right, title or licence or whose right, title or licence has expired or been forfeited or canceled, is in occupation of State land, the Attorney-General, or the Chief Lands Officer, or some person appointed by the Attorney-General, without prejudice to the provisions of Part 11 of this Law, may enter a suit in the High Court to recover possession thereof.

Recovery of
state lands in
unlawful
occupation

29. If on the hearing of such suit the defendant does not appear, or appears but fails to establish an absolute right or title to the possession of the land, the court shall order that the possession of the land sought to be recovered shall be given by the defendant to the plaintiff. either forthwith or on or before such day as the court shall think fit to name, and shall issue such process as may be necessary for carrying such order into effect.

Order of
Court

Evidence of proceedings	30. In any action, suit or proceedings against any person for or in respect of any alleged unlawful occupation. use of or trespass upon State Land, the proof that the occupation or sue in question was authorized, shall lie on the defendant, and in even such action, suit or proceedings and in every action by or against the Governor in which title to land shall be in issue the averment that any land is State land shall be sufficient without proof of such tart, unless the defendant prove the contrary.	
Right of state to sue not barred by limitation.	31. No action or other remedy by or on behalf of the State for the recovery of the possession of State land shall he barred or affected by any law of limitation.	
Suit for rent not barred by limitation	32. No Law of limitation shall bar or affect any action or remedy for the recovery of any rent due under this Law.	
Right of way not to be presumed against the State	33. No right of way shall be presumed or allowed to be asserted or established against the State, by' reason only of user, whether such user commenced before or after the commencement of this Law.	
Service of notice	34. A notice served personally on the person to be served, or left at or sent by registered post to his last known address in Nigeria, or if his address is not known, published in the Enugu State Gazette, shall be deemed to be good service for the purposes of this Law	
Grantee to permit officer to enter and inspect State	35. A grantee of State land shall permit any land officer or Governor Surveyor, or any Administrative Officer to enter upon and inspect the same penalty; a fine of one hundred naira.	
	36. Any persons who shall unlawfully occupy State land in any manner whatsoever, shall without prejudice to the provisions of part 2 of this Law be liable to a fine of one hundred naira.	Penalty for unauthorized occupation of State land.
	37. The Governor may make regulations for all or any of the purposes following—	
	(a) classifying Certificate of Occupancy according to the purpose for which or the class of persons to whom the same may be granted and prescribing the form of any Certificate of Occupancy;	Power to make regulation
	(b) prescribing the covenants or conditions which shall be implied in any class of Certificate of Occupancy;	
	(c) prescribing the term of years for which any class of Certificate of Occupancy may be granted;	
	(d) prescribing the praemia and rends to be paid and providing for the revision of rents;	
	(e) prescribing the manner in which application for Certificate of Occupancy shall be made and the fees to be paid;	
	(f) providing for the survey and demarcation of State land to be sold or granted, and the fees to be paid for such survey and demarcation;	
	(g) prescribing the fees to be paid for any instrument issued under this Law;	
	(h) providing for and regulating the sale of land under Certificate of Occupancy by auction;	

- (i) prescribing the period for which and the conditions under which licences for the temporary occupation of State land may be issued;
- (j) providing for the care, management and protection of unoccupied State land; and
- (k) generally, for carrying out effect to the purposes of this Law.

PARTS IX. —EVICTION OF SQUATTER

Commencement
of this Part.

38 This part comes into effect on 27th August 1991.

Definition

39. In this Part—

"authorized officer" includes the Chief Lands Officer of the State and any person authorized in writing by the Commissioner or by the Committee whether generally or specifically to carry out any functions under this Law.

"Commissioner" means the State Commissioner assigned responsibility for land matters;

"Committee" means any person or body of persons, corporate or unincorporated appointed by the Governor for carrying out functions relating to land use and allocation in the State;

"Government" means Government of the State;

"public officer" means a person in the public service of the State;

"Structure" includes a house or other erection;

"State" means Enugu State of Nigeria;

"State Land" has the meaning assigned to that expression in part 1 (section 2) and includes any land declared as "State land" by the Commissioner in accordance with section 40(1) of this Law.

Powers or the
Commissioner

40. (1) The Commissioner may, by notice published in the manner set out in subsection (2) declare any land acquired or used for public purpose as State land.

(2) A notice under this section may be published—

- a) in the State official Gazette;
- b) in a newspaper circulating in the place where the land is situate; or
- c) in any other manner as the Commissioner deems fit.

(3) The Commissioner may himself exercise all the powers conferred by section 42 of this Law, and may, at any time as the occasion requires, in writing authorize any person to exercise such powers.

Squatters

41. Where any person—

- a) is in possession or occupation of State land without a certificate of occupancy or other valid and existing authority or licence of the Government given under the hand of the Commissioner.
- b) is in possession or occupation of State land by virtue of a certificate of occupancy or other authority or licence which was issued or obtained on the basis of a misrepresentation or misstatement of facts or circumstances relating to the land; or
- c) derives any right or interest in State land from any person mentioned in paragraph (a) or (b) of this section; that person shall for the purpose of this Law be or be deemed a squatter.

42.(1) An authorized officer may at any time by notice in the form prescribed in the Schedule to this Law require any squatter to quit or vacate any State land in his possession or occupation.

(2) An authorized officer may at any time after the expiry of any notice given under subsection (1) evict the squatter from the State land.

(3) The notice referred to in subsection (1) shall be deemed to have been properly served on the squatter if it is—

- (a) served on him personally;
- (b) posted up conspicuously in any place in the State land;
- (c) published in the State Official Gazette, or
- (d) published in a newspaper circulating in the place where the land is situate.

(4) For the purpose of subsection (2) of this section, an authorized officer may use or employ such force or means as is reasonably necessary or sufficient to—

- (a) remove a squatter from the State land; or
- (b) demolish or remove from the State land any structure erected or being used by or on behalf of a squatter.

(5) Any expenses incurred in the removal or demolition of any structure pursuant to subsection (4) shall, on demand, be reimbursed or paid to Government in full by the squatter or user of the structure,

(6) Any person who—

- (a) obstructs the commissioner, an authorized officer or any person assisting either of them in the due enforcement of any provision of this Law;
- (b) resists his eviction or removal of a structure affected by this Law, from any State land, or
- (c) on demand, fails or refuses to pay or reimburse in full to Government any expenses inclined pursuant to subsection (4) of this section, shall, on summary conviction, be liable, in the case of a first offender, to a fine of five hundred naira or imprisonment for six months; and for subsequent offence, to a fine of one thousand naira or imprisonment for one year.

(7) Any eviction under this section shall not be invalid by reason of the fact that—

- (a) the notice mentioned in subsection (1) was not given prior to the eviction;
- (b) the eviction was carried out prior to the expiry of the notice; or
- (c) such notice was not given in the prescribed form.

43(1) No person shall be liable under any action for anything done or omitted to be done in the lawful exercise of his powers under 42 of this Law,

(2) A person assisting or otherwise carrying out the lawful order of any other person in the exercise of that other person under section 42 of this Law is entitled to the immunity conferred by subsection (1) of this section.

44(1) With effect from the date of coming into force of this part no action relating to or affecting title, right or any interest whatever in any land in the State shall lie or be instituted by a squatter against the State or a public officer in his official capacity, and where prior to the coming into force of this part such action has been instituted and is pending in any court in the State, the same shall abate, be discharged and made void without prejudice to any order including an order for—

- (a) eviction or removal of the squatter from the land, demolition or removal of any structure on the land, and
- (b) demolition or removal of any structure on the land, and

(c) payment of costs by the squatter, which the court may deem fit to make in the circumstances.

(2) Subsection (1) shall not apply in the case of a person deemed a squatter by virtue of paragraph (b) of section 4 where such person asserts that his certificate of occupancy or other authority or licence was not issued or obtained on the basis of a misrepresentation or misstatement of facts or circumstance relating to the land.

45(I) Where in any action relating to any right or interest of the State in any land, an issue arises as to whether any piece, parcel or area of land is State land, a notice published in pursuance of section 40 of this Law, or other statement in writing under the hand of the Commissioner confirming or certifying that the piece, parcel or area of land is State land, shall be conclusive evidence of that fact.

(2) The notice or other statement referred in subsection (1) may be produced in Court by an officer in the State Ministry responsible for land matters authorized in that behalf by the Commissioner.

(3) If at any stage of the proceedings in any such action as is mentioned in subsection (1) an issue is raised that a party in the action is a squatter, that issue shall be tried and determined by the Court before any further proceedings in the action may be continued.

(4) Where upon the trial and determination of the issue referred to in subsection (3), the Court holds that the party in the action is a squatter, the action shall abate and be discharged without prejudice to any order including an order for—

(a) eviction or removal of the party adjudged a squatter from the land:

(b) demolition or removal of any structure on the land; and

(c) payment of costs by the party,

which the Court shall deem fit to make in the circumstances.

SCHEDULE

(Section 42 (1))

OFFICE OF THE COMMISSIONER

MINISTRY OF.....

.....

.....

LANDS DIVISION ENUGU

To.....

.....

.....

NOTICE TO QUIT OR VACATE STATE LAND

You are hereby required within.....days from the date hereof, to vacate or give up possession and or occupation of State land situate at.....in Local Government Area being land in your possession or occupation as a squatter.

DATED at..... the.....day of.....20.....

.....

Authorized Officer

SUBSIDIARY LEGISLATION

STATE LANDS (CERTIFICATE OF OCCUPANCY)

REGULATIONS

made (under section 37)

Short title.

1. These regulations may be cited as the State Lands (Certificate of Occupancy) Regulations:
2. A Certificate of Occupancy of State lands shall ordinarily be of one of the several descriptions following—

Different kind of certificate of occupancy.

- (a) "agricultural certificate of occupancy" issued for the purpose of cultivation, planting and farming;
- (b) "building certificate of occupancy" issued for the purpose of erecting buildings for residential, business or any special purpose;
- (c) "railway site certificate of occupancy" issued in respect of land situate near a railway for the purpose of erecting warehouses to be used for the storage or manipulating or railway-borne produce;
- (d) "an occupation certificate of occupancy" issued for residential, business or, in the case of a Nigeria, farming purposes.

Agricultural Certificate of Occupancy

Term and area

3. An agricultural certificate of occupancy shall not ordinarily be issued for a term exceeding fifty-five years, or for an area exceeding twelve hundred acres.

4. No person who already holds an agricultural certificate of occupancy shall be granted a further agricultural certificate of occupancy unless two-thirds of the cultivable portion of the area held by him under his existing certificate of occupancy, under cultivation to the satisfaction of the Governor

Restriction on the holder of a certificate of occupancy acquiring a further certificate of occupancy

5- The following special covenants on the part of the certificate of occupancy and conditions shall, unless expressly varied or excepted, be implied in every agricultural certificate of occupancy—

Implied covenants and conditions

A _____ COVENANTS

- (a) To pay such compensation as may be fixed by the Governor or his authorized agent for disturbance of the inhabitants in their use or occupation of the land.
- (b) During the first two years of the term of the certificate of occupancy to expend on cultivation and clearing a sum at least equivalent to one naira per acre of the total area demised.
- (c) To bring the cultivable portion of the land demised under cultivation at the rate of one-eighth of such land in each of the first eight years of the term of the certificate of occupancy and thereafter to keep in cultivation the whole of the cultivable portion of the area of the certificate of occupancy to the satisfaction of the Governor.
- (d) Should live stock be brought on the land demised, to erect and maintain such fences as will prevent such stock from straying off such land.
- (e) Not to construct upon the land demised any dwelling-house or any permanent erection except labourers' huts and building to be used for storing agricultural machinery, tools or produce or for other purposes directly connected with the carrying on of cultivation, planting or farming or the housing of live stock
- (f) Not to plant or erect any building within eleven metres of the centre of any main road.

B _____ CONDITIONS

- (a) If any question shall arise as to whether any portion of the land demised is cultivable, the decision of the Governor thereon shall be final.
- (b) All right of inhabitants in respect of water, sacred trees and groves, on the land demised are reserved
- (c) The formation of labourers' camps shall be subject to the following conditions—

(i) that the persons living therein remain entirely under the Government and Local Government council shall at all times have the right of access to such camps;

(ii) that the camp is kept in a thoroughly sanitary state;

that no fees or rents are charged to the persons living therein for their houses.

(d) when inhabitants are at the date of the certificate of occupancy occupying any part of the land demised, the compensation to be paid to them by the grantee for improvements and disturbance will be assessed by the Governor or his authorized agent, as soon as conveniently may be after the date of the certificate of occupancy, and any such inhabitant shall have the option either—

(i) to vacate immediately and receive the compensation assessed, or

(ii) to remain on the land until the grantee requires them to vacate or they desire to vacate the land and on vacating the land to receive from the grantee the compensation assessed as aforesaid:

Provided that if the grantee permits persons, whether in occupation of the land at the date of the certificate of occupancy or allowed by the grantee subsequently to occupy any part of the land, to make improvements upon the land after the date of the certificate of occupancy, the grantee shall be liable to pay compensation for such improvements upon requiring the persons to vacate the land.

6. An agricultural certificate of occupancy may be in Form A in the Schedule.

Farm
A

Building Certificate of Occupancy

7. No building certificate of occupancy shall be granted for a term ninety-nine years.

8. The following special covenants on the part of the grantee shall, unless expressly varied or excepted, be implied in every building certificate of occupancy—

(a) within the time stated in the certificate of occupancy to erect and complete on the land demised building or other works of the nature and of a value not less than that stated in the certificate of occupancy to the satisfaction of the Controller of Works Service or of such other officer as the Governor may appoint on that behalf.

(b) not to use or permit the use of the land demised for any purpose other than that specified in the certificate of occupancy.

(c) to clear and keep cleared the land demised of stagnant water, growth of long grass, rank weeds and bush, and accumulation and deposit of rubbish and unwholesome matter; and for such purposes to do and execute all such acts works as the Governor or any officer appointed by the Governor on that behalf may reasonably require

9. A building certificate of occupancy may be in Form B in the Schedule.

Term of
building
certificate of
occupancy,

Form B.

Railway Site Certificate of Occupancy

10. No railway site certificate of occupancy shall be granted for a term exceeding ninety-nine years.

11. The following special covenants on the part of the grantee and conditions shall, unless expressly varied or excepted, be implied in every railway site certificate of occupancy—

ACOVENANTS

(a) Within the time stated in the certificate of occupancy to erect and complete upon the land demised to the satisfaction of the Governor (or of any officer appointed by the Governor in that behalf) a warehouse together with its appurtenances which shall include a suitable platform of a width of not less 2.5 metres and built up to truck floor level (or other specified

Term of
railway site
certificate of
occupancy

Implied
special
covenants

level) on that side of the land which abuts on the railway siding. The said warehouse and all its appurtenances to be in accordance with specifications and plans including a site (or block) plan showing the exact location proposed for the warehouse and appurtenances on the and demised and also the proposed system of drainage for dealing with surface water all of which must have received the approval in writing of the Chief Engineer of the Railway Corporation (or any other officer appointed by the Governor in that behalf) before construction is commenced.

(b) That he will use and permit land demised to be used for warehouse or factory purposes which require railway access and facilities and that he will not use or permit the said land or any building erected thereon to be used as a place of residence except for a caretaker or watchman or as a place of business except as described in the first part of this covenant:

Provided always that in such cases where is no other trading site in possession of the grantee within a distance of 3.219 km. The grantee shall be entitled to use the land demised for trading in merchandise subject to the following conditions—

(i) wines, spirits or beer are to be sold on retails:

(ii) kerosine, petrol, dangerous or inflammable goods are not to be stored or sold;

(iii) access to the store is to be other than over railway lines:

(iv) the right to use the land demised for trading in merchandise may, without in any way derogating from the right to determine the certificate of occupancy by virtue of any condition therein contained or implied, be withdrawn at any time by notice in writing by the General Manager of the Railway Corporation to the effect that such trading is contrary to efficient or safe working of the railway in the locality;

(v) the grantee shall not be entitled to claim compensation for any disturbance or improvements made by him for the purpose of carrying on trading under this proviso.

(c) At all times during the term of the certificate of occupancy to use land demised so as to facilitate the discharge and loading of railway-borne goods.

(d) To clear and keep clear the land demised of stagnant water, growth of long grass, rank weeds and bush, and accumulation and deposit of rubbish and unwholesome matter; and to keep the same in all respects in a clean and sanitary condition, and for such purpose to do and execute all such acts and works as the General Manager of the Railway Corporation or any officer appointed by the Governor on that behalf may reasonably required.

B_____CONDITIONS

(a) If during the term of the certificate of occupancy it shall appear to the Governor that the land demised or any part thereof is required for any public purpose or if the railway system of dealing with traffic is so altered that in the opinion of the Governor it is desirable that the land demised be resumed by the Government. Governor may give notice in writing to the grantee of his intention to resume the land, and on the expiration of six months from the date of such notice the certificate of occupancy shall forthwith determine, and the Governor shall repay to

the grantee the proportion of the annual rent paid in respect of the unexpired portion (if any) of the then current year of the term, and if the certificate of occupancy is determined before the date on which the rent may be first revised, a proportionate part of the premia (if any) paid for the certificate of occupancy.

(b) The grantee shall be entitled to be paid the value of any buildings on the land (such value if not agreed upon, to be determined by arbitration), but shall not be entitled to compensation for disturbance for or any claim arising therefrom

12. A railway site certificate of occupancy may be in the Form C in the Schedule.

Occupation Certificate of Occupancy

13. An occupation certificate of occupancy may be granted to a Nigerian for any or for an indefinite term and to a non-Nigeria for a term not exceeding ninety-nine years.

14. An occupation certificate of occupancy may be granted for residential, business or farming purposes or all or any of such purposes; provided that such a certificate of occupancy shall not be granted for farming purposes to a non-Nigerian.

Implied covenants and conditions

15. The following special covenants on the part of the grantee and conditions shall, unless expressly varied or excepted, be implied in every occupation certificate of occupancy, provided that condition B (a) shall not be implied in

a certificate of occupancy to a non-Nigeria—

A _____ COVENANTS

(a) When the certificate of occupancy is granted for residential or business purposes, the covenants (a) implied in a building certificate of occupancy by virtue of regulation 7.

(b) Not to use or permit the land demised to be used for any purpose other than that specified in the certificate of occupancy.

B _____ CONDITIONS

(a) Wherever a certificate of occupancy shall be forfeited by reason of any breach of the covenants or conditions of the certificate of occupancy, the Governor shall cause the unexhausted improvements effected on the land by the grantee to be valued and shall pay to the grantee the value of such improvement after deducting any moneys which may be due from the grantee to the Government;

Provided that if the grantee is dissatisfied with the valuation of the improvements the matter shall be referred to an arbitrator to be agreed upon by the Governor and the grantee, or in the absence of such agreement, to be appointed by a judge of the High Court, the decision of the arbitrator shall be final, and if the sum awarded by the arbitrator is not more than that offered by the Governor the grantee shall pay the cost of the arbitration.

(a) Except as provided by section 16 of the State Lands Law, the Chief Lands Officer shall not during the terms of the certificate of occupancy recover possession of the land demised otherwise than by voluntary surrender by the grantee, or by proceedings under the Public Lands Acquisition Law,

16. An occupancy certificate of occupancy may be in the Form D in the Schedule.

SCHEDULE

FORM A

AGRICULTURAL CERTIFICATE OF OCCUPANCY

1. This indenture made this day of between Governor for and on behalf of the Government of Enugu State (who and whose successors in office are hereafter designated and included in the term "the Governor") of the one part, and (who and Whose and assigns are hereinafter designated and included in the term "the grantee") of the other part witnesseth that the Governor in pursuance of the powers conferred upon him by the State Lands Law, doth hereby demise unto the grantee all that parcel of land situate at more particularly marked and delineated in the plan set out on these

Form of non-European certificate of occupancy

Purpose for which the certificate of occupancy may be granted

Form D.

presents and coloured for the term of the terms of years from theday of 20 subject to the provision of the aforesaid Law and to the covenants and conditions implied by virtue of the said Law and of the regulations for the time being in force under the said law and of the covenants and conditions hereafter contained).

Rent.....per annum

Revision periods.....

2. The grantee covenants with the Governor as follows (a)_____

.....
.....

3. Provided always that is hereby agreed as follows (b)_____

.....
.....

In witness whereof the parties hereto have set their hands and seals this

.....day of.....20.....

Signed, sealed and delivered by the)

Said.....).

In the presence of)

Signed, sealed and delivered by the)

Said.....).

In the presence of)

(a)Insert any special covenant not implied by virtue of the Law or regulations.

(b)Insert any special conditions not implied by virtue of the law or regulations.

FORM B

BUILDING CERTIFICATE OF OCCUPANCY

Reg. 9 1. This indenture made this.....day of..... between Governor for and on behalf of the Government of Enugu State Nigeria (who and whose successors in office are hereafter designated and included in the term "the Governor") of the one part, and (who and whose and assigns are hereinafter designated and included in the term "the grantee") of the other part witnesseth that the Governor in pursuance of the powers conferred upon him by the State Lands Law, doth hereby demise unto the grantee all that parcel of land situate at more particularly marked and delimited in the plan set out on these presents and coloured for the term of the terms of years from the day of 20 subject to the provision of the aforesaid Law and to the covenants and conditions implied by virtue of the said Law and of the regulations for the time being in force under the said Law and of the covenants and conditions hereafter contained).

FORM C

RAILWAY SITE CERTIFICATE OF OCCUPANCY

Reg 12. 1. This indenture made this day of between Governor for and on behalf of the Government of Enugu State Nigeria (who and whose successors in office are hereafter designated and included in the term "the Governor") of the one part, and (who and whose and assigns are hereinafter designated and included in the term "the grantee") of the other part witnesseth that the Governor in pursuance of the powers conferred upon him by the State Lands Law, doth hereby demise unto the grantee all that parcel of land situate at more

particularly marked and delimited in the plan set out on these presents and coloured for the term of the terms of years from the day of, 20 subject to the provision of the aforesaid Law and to the covenants and conditions implied by virtue of the said Law and of the regulations for the time being in force under the said Law and of the covenants and conditions hereafter contained).

Rent.....per annum.

(Cap 131) Revision periods

2. The grantee covenants with the Governor as follows (a)—

3.Provided always that it is hereby agreed as follows (b)—

In witness whereof the parties hereto have set their hands and seals this

.....day of.....20.....

Said.....)

in the present of)

Signed, sealed and delivered by the)

Said.....)

in the presence of)

(b)Insert any special conditions not implied by virtue of the law or regulations.

(a)Insert any special covenant not implied by virtue of the Law or regulations.

(b)Insert any special conditions not implied by virtue of the law or regulations.

FORM D

NON-NIGERIAN OCCUPATION CERTIFICATE OF OCCUPANCY

1. This indenture made this.....day of..... between..... Governor for and on behalf of the Government of Enugu State Nigeria (who and whose successors in office are hereafter designated and included in the term “the Governor”) of the one part, and (who and whose.....and assigns are hereinafter designated and included in the term “the grantee”) of the other part witnesseth that the Governor in pursuance of the powers conferred upon him by the State Lands Law, doth hereby demise unto the grantee all that parcel of land situate at.....more particularly marked and delimited in the plan set out on these presents and coloured.....for the term of the terms of..... years from the day of..... 20 subject to the provision of the aforesaid Law and to the covenants and conditions implied by virtue of the said Law and of the regulations for the time being in force under the said Law and of the covenants and conditions hereafter contained).

Rentper annum

Revision periods.....

Rentper annum

Revision periods.....

Nature and value of buildings)

to be erected).....

are to be erected)

Time within which such buildings)

Are to be erected).....

Purposes for which the land)

).....

Demised may be used.

)

(b)Insert any special covenants not implied by virtue of the law or regulations.
(b)Insert any special conditions not implied by virtue of the law or regulations.

2. The grantee covenants with the Governor as follows (a) —

.....
.....
.....

3. Provided Always that it is hereby agreed as follows (b)_____

.....
.....

In witness whereof the parties hereto have set their hands and seals this
..... of 20

Signed, sealed and delivered by the)

Said.....).

in the present of)

Signed, sealed and delivered by the)

Said.....).

in the presence of)

SUBSIDIARY LEGISLATION TEMPORARY OCCUPATION REGULATIONS

made under section 37

1. These regulations may be cited as the State Lands (Temporary Occupation) Regulations.
2. Licences for the temporary occupation of State Lands in the State may be issued by the Chief Lands Officer for a period not exceeding twelve months.
3. All such licences shall expire on the date mentioned therein, unless surrendered or sooner determined under regulations 5.
4. The sum payable for the issue of any such license and the use to which the land is to be put or the persons to whom licences are issuable shall be determined by the Chief Lands Officer.
5. Every such licence shall be subject to the following conditions- —
 - (1) Neither the licence nor any of the rights conferred by its shall be transferred or assigned to any other person; nor shall the land the subject of the licence or any part of it be subject.
 - (2) The buildings standing in the said area shall be kept in repair to the satisfaction of the Chief Lands Officer or other officer authorized in that behalf by the Chief Lands Officer and the provisions of section 11 of the Land shall apply to such buildings as though such licences were a certificate of occupancy under the Law.
 - (3) The Chief Lands Officer may at any time post on the said area a notice to the occupier to quite the whole or part of the said area on or before such date as may be specified in such notice and the occupier shall quit the said area (or part thereof, as the case may be) on or before that date, and no refund or compensation shall be payable to the occupier by the Government in respect of the unexpired period of the licence unless such notice shall have been served owing to the land being required for Government use (as to which the certificate of the Chief Lands Officer shall be final), in which case a refund shall be made in respect of any complete

Regulation
10 of 1928, 2
of 1946

month of such unexpired period; and in the event of the notice to quit applying to a part only of the said area, such refund shall bear a like proportion to the whole sum paid in respect of the months for which it is made, as the area of the said part bears to the whole area.

6. A licence for the temporary occupancy of State lands shall be in the form in the Schedule or in the like effect.

SCHEDULE

LICENCE FOR THE TEMPORARY OCCUPATION OF STATE LANDS

No.....office.

In consideration of the payment of is permitted to occupy the State Land at containing an area of square yards or thereabouts, and (here insert description by referring to plan, if such exists, or if no plan by giving an identifying description).

This licence expires on the....., 20.....

Provided that the Chief Lands Officer or other authorized officer may post on the said area a notice to the occupier to writ the whole or any part of the said area from any date specified in the notice and thereupon this licence expires upon the date so specified in respect of the whole area or such part, as the case may be,

In such case no refund is payable unless the area is required for Government use.

Neither this licence nor any of the rights conferred by it shall be transferred to any other person; nor shall the land herein above described or any part of it be sublet.

Dated this.....day of, 20.

.....
Issuing Officer

SUBSIDIARY LEGISLATION

STATE LANDS (FEES) REGULATIONS

made under section 37

1. These regulations may be cited as the State Lands (Fees) Regulations.

2. The fee set out in the Schedule hereto shall be payable in respect of the matters specified therein:

Provided that the Governor may, at his discretion, reduce or remit the amount of any fee.

1. For the preparation of a building certificate of occupancy,
railway site certificate of occupancy, or
Occupation certificate of occupancy, 6.00

2. For the preparation of a deed of assignment or
sub-certificate of occupancy under
certificate of occupancy 6.00

3. For the preparation of any other certificate of
occupancy for every folio of seventy-two words..... 0.50

4. For the preparation of any deed of variation,
memorandum of agreement, assignment
or sub-certificate of occupancy other than assignment

or sub-certificate of occupancy under certificate of
occupancy, surrender, or other document of a like
nature-for every folio of seventy-two words..... 0.50

APPOINTMENTS

The following Planning Authorities have been appointed under the sections set out in the
Schedule in respect of the areas for which the Authorities have been appointed under section 4
of the Town and Country Planning Law— .

STATE LANDS ALLOCATION REGULATIONS

Arrangement of regulations

Regulations

- 1) Short title
- 2) Interpretation
- 3) Plots
- 4) Advertisements
- 5) Application
- 6) Fees to accompany application
- 7) Eligibility tests
- 8) Allocation for industrial purposes
- 9) Prescribed Authority
- 10) Special allocation
- 11) Allocation to Commissioner, wife and children
- 12) Individual allocations
- 13) Allocation to companies
- 14) Publication
- 15) Undeveloped plot

STATE LANDS ALLOCATION REGULATIONS

made under section 37

1. These regulations may be cited as the State lands Allocation Regulations.

2. In this regulations-

“Commissioner” means the Commissioner charged with responsibility for matters relating to
Land;

“Chief Land Officer” means the Chief Land Officer in the Ministry charged with
responsibility for matters relating to land;

“individual” means a person of the age 21 years or above and includes a wife in a
monogamous family but excludes wives other than one in a polygamous family.

“Land Officer” means Land Officer in the Ministry charged with the responsibility for
matters relating to Land;

"Permanent Secretary" means the Permanent Secretary charged with responsibility for
matters relating to land;

5. Employer's Name and Address

.....

I certify that the above information is true and correct.

.....

Signature and official stamp of Employer

FOR OFFICIAL USE

(Please leave this space blank)

a) two copies shall be sent to the Land Officer in charge of the area where the plot to be allocated is situate;

b) two copies together with the application referred to in regulation (6) shall be sent to the Permanent Secretary.

(2) The Land Officer shall send one copy of the application to the Chief Land Officer who shall transmit same to the Permanent Secretary with his comments; the other copy shall be retained by the Land Officer for record purposes.

(3) The Permanent Secretary shall retain one of the copies sent direct to him by the applicant and shall use this copy to compile a master list of applicants. The other copy shall be forwarded to the Chairman, Board of Internal Revenue.

6. An application for a plot shall be accompanied by a non-refundable fee of third naira, or any such amount as may be prescribed from time to time by the Commissioner in the relevant advertisement for allocation of plots, which shall be paid to the Permanent Secretary;

Fees to
accompany
application

Provided that an applicant who pays the above prescribed application fee in response to any advertisement for allocation of plots but failed to secure an allocation shall not within a period of two years from the date of the advertisement in response to which he paid the application fee be required to apply for an allocation of a subsequent advertisement for allocation of plots but shall have his name placed on the waiting list of applicants for the said period of two years and thus be eligible to be considered for allocation of a plot.

7. The following eligibility tests shall apply to all applications for plots—

a) An applicant in the private sector shall be required to produce satisfactory evidence or receipts showing that he had paid his income tax during the three financial years immediately preceding the date of his application and the amount paid in each year. For an applicant in the public sector either a certificate of tax payment for three years immediately preceding the application, or a certificate by the Permanent Secretary or Head of his Department showing that he is an officer in that Ministry or Department and standing his salary grade, shall suffice.

Eligibility
tests

b) An applicant shall satisfy the Prescribed Authority that he has or can raise the capital necessary for the proper development of the plot.

c) In the allocation of plots priority may be given to persons who at the time of application have no plots on State lands.

8. An application for an industrial plot shall be submitted in the manner prescribed in subparagraph (1) of regulation 5. In addition, the following provisions shall apply—

a) An industrial plot shall only be allocated to a bona fide industrial concern. The allocation shall be made in the name of the company or individual concerned in relation to the industry and shall be made solely for the specific purposes stated in the application.

b) It shall be a condition of the lease that such lease shall automatically determine and revert to the State as soon as the purpose for which the allocation is made is altered.

c) An applicant for a plot shall show satisfactory proof that he is able to develop the plot for the industrial purposes.

d) No application for an industrial plot shall be approved unless it is recommended by the Ministry of Industries, Co-operatives, Trade and Transport and all applicants shall in their interest complete the special forms prescribed by the Ministry of Industries Cooperatives, Trade and Transport.

Allocation for
industrial
purposes

Prescribed
Authority

9. (1) All applications for plots shall be considered by a body of persons in these regulations referred to as the Prescribed Authority, which shall be constituted in accordance with this regulation.

(2) The Prescribed Authority shall consist of a Chairman and four other members all of whom shall be appointed *ad hoc* by the Governor whenever plots in any layout are advertised for allocation.

(3) Members of the Prescribed Authority shall include public servants and persons of honourable character and distinguished reputation in the private sector

Provided that in the case of public servants such public servants shall be officers not below salary Grade Level fifteen (51):

Provided further that public servants in the Ministry of Works and Housing shall not be eligible for appointment as such members.

(4) The recommendation of the Prescribed Authority shall be made to the Commissioner who shall base the allocation on the recommendation of the Authority:

Provided that Commissioner for vary the recommendation of the Authority, if in his opinion it is fit and proper to do so, but such a variation shall not exceed 5 percent of the total number of plots advertised for allocation at any material time.

(5) After considering the report of the Prescribed Authority, the Commissioner shall forward to the Governor for approval the recommendation of the Authority together with the allocation made by him including any variation made by him on the recommendation of the Authority and the reasons for such variation.

10. Any allocation of plots made contrary to the provisions of these regulations or in breach of any regulation thereof shall be void:

Provided that the Commissioner may in the following cases allocate plots notwithstanding the provisions of these regulations—

(a) where land is required for purposes of a government-owned or other Government-sponsored concern or company, a corporation or a Government agency or for the purpose of other government of the Federation which may propose to establish a project in this State;

(b) where the applicant is a genuine industrial concern and the Commissioner responsible for industries certified that the allocation is required as a matter of urgency in the interest of the economy of the State;

(c) where land is required for social, religious, philanthropic or sporting facilities.

Provided that whenever the original purpose for which the allocation was made is departed from or abandoned, the lease shall asthmatically determine and the land shall revert to the State;

(d) where the Commissioner is directed in writing to do so by the Governor.

11. No allocation of plot shall be made to the Commissioner responsible for land, his wife or children without application, to, and the express written approval of, the Governor.

12. An individual shall be entitled to one plot in any town subject to a maximum of two towns in the State.

13. (1) A public company may be allocated as much land for industrial, commercial or residential purposes as it genuinely requires for its industrial, commercial or residential needs having regard to the nature and size of its activities.

(2) Private companies other than private companies owned or sponsored by the Government of Enugu State shall, for purposes of plot allocation on State land, be treated as individuals. In addition, no plot allocation shall be made to a private company unless it established a genuine need lor such land for purposes of its commercial/industrial activities.

Special
allocation

Allocation to
Commissioner,
wife and
children

Individual
allocations

Allocations
to

Publication

14. The Ministry responsible for land shall publish in the Enugu State *Gazette* and local newspapers the names of allottees and the plots allocated within fourteen days of the date of allocation.

Undeveloped
plot

15. Any plot allocated and not developed within two years of the execution of the lease thereof shall revert to the State notwithstanding that such plot was allocated in accordance with the provisions of these regulations.

Land
Form

SCHEDULE *(Regulations 5)*

APPLICATION FOR A LEASE OR RIGHT OF OCCUPANCY

1. Applicant's Name (in full)
 2. Name of Company or Organization
 3. Registered Number of Company or Organization (if registered)
.....
 4. Nationality (of Applicant)
 5. Applicant's Local Government Area and Town.....
 6. Residential Address
 7. Postal Address
 8. Annual Income
 9. Town and Layout applied for
 10. Purposes for which land is required (residential or commercial)
.....
 11. Particulars of State Leases held by the Applicant, his wife and adult child children by direct allocation or assignment and those of Companies in which he or his wife or adult child is sole or major shareholder
.....
 12. Particulars of Right of Occupancy held by the applicant, his wife or adult children however acquired
.....
 13. Estimated cost of development
 14. Tax paid on individual incomes during the last three years (Tax Clearance Certificate to be attached)
.....
 - (a) Tax receipt No..... Date
Station
 - (b) Assessment Notice No..... Date
Station.....
- Assessment Notice, Tax Receipt and Tax Clearance Certificate should be enclosed in respect of employed persons, enclose certificate of Income Tax Payment in the prescribed form certified by the Board of Internal Revenue.*
- I enclose herewith the prescribed fee in Postal / Money Order.
- I hereby declare that the particulars given by me in the form are true and correct
- Date.....
-

Signature/Thumb-print of Applicant

NOTES

- (1) Two copies together with the prescribed fee should be forwarded direct to the Permanent Secretary, Ministry of Works and Housing Enugu. Two copies should be submitted to the Land Officer in charge of the area in which the land is situated.
- (2) Applicants for Industrial Plots should addition complete other forms obtainable from the Ministry of Industries, Co-operatives, Trade and Transport, Enugu in that regard.
- (3) Only applicants accompanied by the prescribed fee in crossed Postal or Money Order and made payable to the Permanent Secretary, will be acknowledged.
- (4) A letter of acceptance of an allocation shall be accompanied with a passport photograph of the allottee and such photograph shall be certified to be the true likeness for the allottee by a Magistrate, an administrative officer, a clergyman or a notary public and in each case the signature of the identifying officer or person shall be accompanied by his official.

CERTIFICATE OF INCOME TAX PAYMENTS

1. Name of employee..... Official No.....
2. Rank/Duty.....
3. (a) Annual emoluments (Gros) N K Year.....
- (b) Annual Emoluments (Net) N K
4. Tax deducted to date/.....
- during the yea.....
- to.....(P.A.Y.E)
- and paid to Government.....N K