

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE SATELLITE TOWNS DEVELOPMENT AGENCY TO BE CHARGED WITH THE RESPONSIBILITY FOR DEVELOPMENT AND DEFINING THE BOUNDARIES OF THE SATELLITE TOWNS AND FOR RELATED MATTERS

Sponsored by Hon. Uzoma Nkem-Abonta

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

PART I - ESTABLISHMENT, FUNCTIONS AND POWERS OF THE SATELLITE

1 TOWN DEVELOPMENT AGENCY

2 1. There is established a Satellite Towns Development Agency for
3 Federal Capital Territory (in this Bill referred to as "the Agency").

Establishment of
the Satellite Towns
Development
Agency

4 2.-(1) The Agency shall consist of an administrator and other
5 members who shall be appointed by the Minister after due consultation with
6 the President.

Composition of
the Agency

7 (2) The Agency:

8 (a) shall be a body corporate with perpetual succession and
9 common seal; and

10 (b) may sue and be sued in its corporate name.

11 3.-(1) The President shall by order published in the Federal Gazette
12 designate existing and new towns as satellite towns.

Designation of
Satellite Towns

13 (2) Satellite towns shall consist of areas not comprising the Federal
14 Capital Territory.

15 (3) The area comprised in the satellite towns shall, as from the
16 portion of the Federal Capital Territory be administered by the Agency to the
17 exclusion of any other person or body.

Ownership of
land

1 **4.** The ownership of the land comprised in the Satellite Towns and the
2 Federal Territory is vested in the Federal Government.

Functions of
the Agency

3 **5.**-(1) Subject to the provisions of the Federal Capital Territory Act
4 and in accordance with this Act, the Agency shall be charged with the
5 responsibility for:

6 (a) defining the boundaries of the satellite towns by reference to the
7 limits, distances and hearings demarcated by the authority which shall have
8 carried out the survey referred to in the FCT Act;

9 (b) preparation of a master-plan for the satellite towns and precepts
10 for land use and planning within the satellite towns;

11 (c) development of the satellite towns so created;

12 (d) provision of intercity services within the satellite towns;

13 (e) establishment of infrastructural facilities in accordance with the
14 master-plan; and

15 (f) coordination of the activities of the Federal Government within the
16 satellite towns in the Federal Capital Territory.

17 (2) Subject to other provisions in this Act, the Agency shall have
18 power to do anything which in its opinion is calculated to facilitate the
19 performance of its functions' including and without prejudice to the generality
20 of the foregoing power:

21 (a) to hold and manage movable and immovable property;

22 (b) to construct and maintain such roads, buildings, plants,
23 machineries and such other works as may be necessary;

24 (c) to purchase or otherwise acquire or take over any asset, business,
25 property, privilege, contract, right, obligation and liability of any person or
26 body (whether corporate or unincorporated) in furtherance of its activities;

27 (d) to enter into contracts or partnerships with any person or body
28 (whether corporate or unincorporated) which in the opinion of the Agency will
29 facilitate the discharge of the functions under this Act;

30 (e) to train managerial and technical staff for the purpose of

1 discharging the functions conferred on it by or in pursuance of this Act;

2 (f) to undertake such research as may be necessary for the
3 performance of its functions under this Act;

4 (g) to exercise such other powers as are necessary or expedient to
5 give full effect to the provisions of this Act.

6 (3) Except with the general or special approval of the President and
7 as otherwise prescribed by this Act, the Agency shall not have the power to
8 borrow money or to dispose of any property.

9 6.-(1) For the purpose of the efficient discharge of the
10 responsibilities of the Agency under this Act, the Administrator, any other
11 officer or staff of the Agency authorized in that behalf:

Power to enter
premises and
obtain information

12 (a) shall have a right of access at all times to any land or building
13 within the satellite towns for the purpose of ascertaining that the provisions
14 of this Act are not being contravened;

15 (b) may issue a notice calling upon any person whom he has reason
16 to believe is able to give any information respecting the ownership,
17 possession or the boundaries of land within the Satellite Towns or any part
18 thereof, or in whose possession or power any documents relating to any such
19 matter is alleged to be, to attend before him and give such information or
20 produce such documents on a date and at a place mentioned in the notice;
21 and

22 (c) may by notice in writing served on any person carrying on an
23 industrial, commercial, educational or any other undertaking whatsoever,
24 require that person to furnish in such form as he may direct information on
25 such matters as may be specified by him.

26 (2) Any person required to furnish information pursuant to
27 subsection (1) of this section, shall within one month from the date of the
28 notice comply with the notice.

29 7.-(1) The Agency may accept gifts of land, money or other
30 properties on such terms and conditions, if any, as may be specified by the

Power to accept
Gifts

1 person making the gift.

2 (2) The Agency shall not accept any gift if the conditions attached by
3 the person making the gift to the acceptance therefore are inconsistent with the
4 functions of the Agency under this Act.

Borrowing
power

5 8.-(1) The Agency may, with the approval of the Minister, borrow on
6 such terms and conditions such sums of money as the Agency may require in
7 the exercise of functions conferred on it under this Act.

8 (2) The Agency may, subject to the provisions of this Act and the
9 conditions of any trust created in respect of any property, invest all or any of its
10 funds with the approval of the Minister or in accordance with any general
11 guidelines approved by the President.

12 (3) The Agency may invest any surplus funds in such securities as
13 may be approved by the Minister.

14 PART II - THE ADMINISTRATOR AND STAFF OF THE AGENCY

Staff of the
Agency

15 9.-(1) There shall be appointed by the Minister after due consultation
16 with the President an administrator to the Agency who shall be the Chief
17 Executive Officer of the Agency.

18 (2) The Administrator shall be responsible for the day to day running
19 of the affairs of the Agency.

20 (3) The Administrator shall hold office on such terms and conditions
21 as may be specified in his instrument of appointment.

22 (4) The Agency may appoint such other persons to be staff of the
23 Agency as it may deem fit.

24 (5) The remuneration and tenure of office of the staff (other than the
25 Administrator) shall be determined by the Agency after due consideration with
26 the Minister for establishment.

27 PART III - OFFENCES AND PENALTIES

Prohibition of
development
Agency's
approval

28 10.-(1) As from the commencement of this Act, no person or body
29 shall within satellite towns carry out any development within the meaning of
30 this Act unless the written approval of the Agency has been obtained by such

1 person or body provided that the Agency may make a general order with
2 respect to the interim development of land within the satellite towns, and
3 may make special orders with respect to the interim development of any
4 portion of land within any particular area.

5 (2) The Agency shall have power to require every person who,
6 other than in pursuance of any approval granted or order made under
7 subsection (1) of this section proceeds with or does any work within the
8 satellite towns land or, where applicable, the "building in the condition in
9 which it was before the commencement of such work.

10 (3) In the event of any failure on the part of any such person to
11 comply with any such requirement, the Agency shall cause the necessary
12 work to be carried out, and may recover the expenses thereof from such
13 person as debt.

14 (4) In this section:

15 "development" means the construction of any building, engineering, mining
16 or other operations in, on over, or under land or water, or the making of any
17 material change in the use of any land or building thereon or of any stretch of
18 whatsoever;

19 "interim development" means such temporary development as may be
20 authorized by the Agency of any land comprised in the satellite towns
21 between the date of commencement of this Act and the coming into
22 operation of any of the Agency's schemes of development for the particular
23 portion of land.

24 11.-(1) If any person required to furnish information pursuant
25 Section 5 of this Act fails to furnish the information as required, commits an
26 offence.

Offences and
penalties

27 (2) If a person in purported compliance with a requirement to
28 furnishing information, knowingly or recklessly makes, any statement
29 which is false in a material particular, commits an offence.

30 (3) Any person who willfully obstructs, interferes with, assaults or

1 resists any officer or staff of the Agency in the execution of his duty under this
2 Act; or who aids, incites, induces or abets any other person to do so shall be
3 guilty of an offence.

4 (4) Any person found guilty of an offence under this Act shall be liable
5 on conviction to a fine of N500.00 or to imprisonment for 6 months or to both
6 such fine and imprisonment.

Offences by
bodies corporate

7 12. Where an offence under this Act which has been committed by a
8 body corporate is proved to have been committed with the consent of, or to be
9 attributed to any neglect on the part of any Director, Manager, Secretary or
10 other official of the body corporate, or any person purporting to act in any such
11 capacity, he as well as the body shall be deemed to have committed an offence
12 and is liable to be proceeded against and punished accordingly.

13 PART IV-FUNDING, ACCOUNTS AND COMPENSATION

Funding

14 13.-(1) The Agency shall establish and maintain a fund from which
15 shall be defrayed all expenditure incurred by the Agency.

16 (2) There shall be paid into the Fund of:

17 (a) such sums as may, from time to time, be granted to the Agency by
18 the Federal Government, the Federal Capital Territory and the Area Councils of
19 the Territory;

20 (b) all fees and other money payable to the Agency in pursuance to
21 this Act;

22 (c) such money as may be payable to the Agency in the course of the
23 discharge of its functions under this Act;

24 (d) such money as may, from time to time, be lent or granted to the
25 Agency by the Federal Government of the Federation, a state, local
26 government or Area Council.

27 (3) There shall be paid out of the Fund of the Agency:

28 (a) such sums as are expended in the course of administration of the
29 Agency;

30 (b) reimbursement of members of the Agency or of any committee set

1 up by the Agency for such expenses as maybe expressly authorized by the
2 Agency in accordance with such rates as may be approved from time to time
3 by the Minister;

4 (c) payment of salaries, fees or other remuneration or allowances,
5 pensions, superannuation allowances and gratuities payable to the
6 employees of the Agency and fees to agents;

7 (d) maintenance of any property acquired or vested in the Agency;

8 and

9 (e) such other expenses incurred by the Agency in the discharge of
10 its function under this Act.

11 14.-(1) The Agency shall keep proper accounts and records and Accounts
12 shall prepare in respect of each financial year a statement of accounts in such
13 forms as it may direct.

14 (2) The Agency shall soon as reasonable after the end of the
15 financial year cause its accounts to be audited by auditors approved by the
16 Auditor-General of the Federation.

17 (3) The Auditors shall on completion of the audit of the accounts of
18 the Agency for each financial year prepare and submit to the Agency the two
19 reports:

20 (a) a general report setting out the observations and
21 recommendations of the auditors on the financial affairs of the Agency
22 generally for that year and on any important matter which the auditors may
23 consider necessary to bring to the notice of the Agency; and

24 (b) a detailed report containing the observations and
25 recommendations of the auditors on all aspects of the operations of the
26 Agency for that year.

27 15. The Agency shall prepare and submit to the President no later Reports
28 than 30th June in each financial year a report in such form as the President
29 may direct on the activities of the Agency during the immediate preceding
30 financial year, which shall include a copy of the audited accounts of the

Compensation
Cap. 503 LFN

1 Agency for that year and of the reports mentioned in section 13 (3) of this Act.

2 **16.-(1)** Subject to the provisions of the Constitution of the Federal
3 Republic of Nigeria and the Federal Capital Territory Act, compensation
4 payable in respect of any land comprised in the satellite Towns shall be
5 assessed and computed in accordance with the provisions of this Act.

6 (2) In computing the compensation payable under this Act, account
7 shall be taken of any building or crops on the land acquired for the purpose of
8 this Act, and any compensation payable shall be in respect to:

9 (a) land affected by this Act, for an amount equal to the total rent paid
10 by the lessee over the period between the date of the execution of the lease, and
11 the date of its determinations by the Agency and in addition, interest at the bank
12 rate between the last mentioned date and the date of payment of compensation
13 shall be made payable;

14 (b) building on such land, for the amount of the actual cost of
15 construction of the building (less any depreciation) and interest at the bank rate
16 over the period between the date of the acquisition of such building and the date
17 of payment of compensation shall be made payable;

18 (c) crops on such land, for an amount equal to the fair market value of
19 such crops and the cost of mentioned in the foregoing provisions of this
20 subsection shall be such as may be determined by the Agency.

21 (3) Any person who claims any right or interest in any land comprised
22 in the satellite towns shall submit in writing, particulars of his claims to the
23 Administrator on or before the expiration of a period of twelve months from the
24 date of commencement of the order made under section 2 of this Act or such
25 longer period as the President may either generally or in relation to any
26 particular claim(s) prescribe by notice published in the Federal Gazette.

27 (4) No claim for compensation shall be entertained by the Agency
28 unless a written notice of the claim in accordance with subsection (3) of this
29 section is served on the Agency within the period specified in the said
30 subsection.

PART V - MISCELLANEOUS

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17.-(1) Subject to the provision of this Act, the provisions of the Public Officers Protection Act shall be applicable in relation to any suit instituted against any officer, employee or the Agency.

Limitation of
the suits

(2) Notwithstanding anything contained in any other enactment, no suit shall lie against any member of the Board, Administrator, Director(s) and employee(s) of the Agency for any act done in pursuance of this Act, or any other enactment of law or of any public duty or authority or in respect of any alleged neglect or default in the execution of this Act shall lie or be instituted in any court of law unless:

(a) it is commenced within three months after the act, neglect or default complained of;

(b) in the case of a continuation of damage or injury, within six months after cessation thereof.

(3) No suit shall be commenced against the Agency, a board member, Administrator or employee of the Agency before the expiration of a period of one month after a written notice of intention to commence the suit have been served upon the Agency by the intending plaintiff or his or her agent.

(4) The notice referred to in subsection (3) 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 plaintiff and the relief(s) which he claims.

18.-(1) Where there is no express provision on any issue in this Act, the provisions of the Federal Capital Territory Act shall apply to service in the Agency.

Applicability
Cap. 503 LFN

(2) Service in the Agency shall be approved service for the purpose of the Pension Reform Act, and accordingly, employees of the Agency shall in respect of their service in the Agency be entitled to pensions, gratuities and other retirement benefits as prescribed thereunder.

Cap. 386
LFN 2004

1 (3) For the purpose of the application of the Pension Reform Act, any
2 power exercisable thereunder by a Minister or authority of the Federal
3 Government not being the powers to make regulation under this Act, is hereby
4 vested in and shall be exercisable by the Agency and not by any other person or
5 authority.

Minister's
Directives

6 19. The Minister may give to the Agency directives of a general nature
7 with respect to any of the functions of the Agency and the Board shall comply
8 with such directives or cause them to be complied with.

Regulations

9 20. The President may make general regulations for carrying into
10 effect the provisions of this Act.

Interpretation

11 21. In this Act:

12 "Agency" means the Satellite Towns Development Agency established by
13 section 1 of this Act;

14 "Authority" means the Federal Capital Development Authority;

15 "Board" means the Board of Directors of the Agency;

16 "Building" includes any structure whatsoever on land;

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

18 "Satellite Towns" means the satellite towns as described in section 2 of this Act;

19 "Minister" means the Minister of the Federal Capital Territory.

Short Title

20 22. This Act may be cited as the Satellite Towns Development Agency
21 Bill, 2015.