

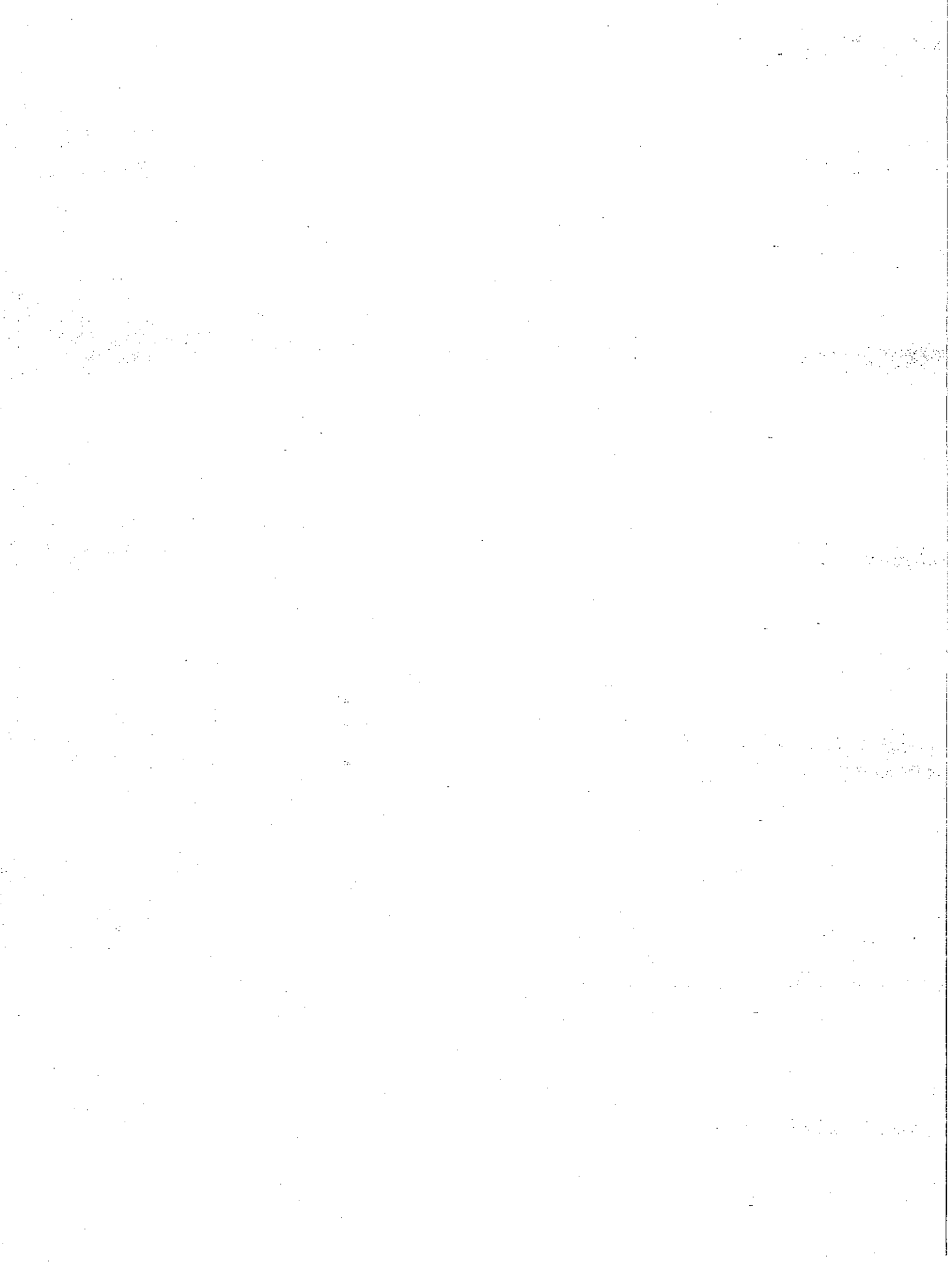
NATIONAL URBAN DEVELOPMENT AND REGIONAL PLANNING
COMMISSION (ESTABLISHMENT, ETC) BILL, 2019

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A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL URBAN DEVELOPMENT AND REGIONAL PLANNING COMMISSION FOR THE DEVELOPMENT AND THE IMPROVEMENT OF SOCIAL AMENITIES IN THE URBAN AREAS AND PREPARATION OF THE FEDERAL AND REGIONAL PHYSICAL DEVELOPMENT PLANS AND FOR RELATED MATTERS

Sponsored by:

Jimoh Abdulraheem Olajide

Hon. Aliyu Ibrahim Almustapha

[] Commencement

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

1 1.-(1) There is hereby established a Commission to be known as the
2 Urban Development and Regional Planning Commission (in this Act
3 referred to as "the Commission").

Establishment
of the National
Urban Development
and Regional
Planning
Commission

4 (2) The Commission shall be a body corporate with perpetual
5 succession and a common seal and may sue or be sued in its corporate name.

6 (3) The Commission may hold, acquire and dispose of any
7 property or interest in property, movable or immovable for the purpose of its
8 functions and powers under this Act.

9 2. The Commission shall-

Functions and
Powers of the
Commission

10 (a) initiate, prepare and implement the National Physical
11 Development and Regional Physical Development plans;

12 (b) intervene and provide such facilities in urban centers, slums
13 and pollution control in cities and riverine areas for the attainment of rapid
14 Urban Development across the country;

15 (c) initiate, prepare and implement progressional waste disposal
16 mechanism across the country;

1 (d) formulate the national policies for Urban Development and
2 Regional Planning;

3 (e) appraise from time to time the progress achieved in the
4 implementation of National Urban Development Plans;

5 (f) establish and maintain the Urban Development and Regional
6 Planning standard;

7 (g) conduct research for the purpose of improving the Urban
8 Development and Regional Planning in the country;

9 (h) promote peace and harmony among Federal, State and local
10 governments in the preparation and implementation of Urban Physical
11 Development and Regional Physical Development plans;

12 (i) supervise and monitor the implementation of the National Physical
13 Development Plan and Development control;

14 (j) provide the technical and financial assistance to States in the
15 preparation

16 and implementation of physical development plans;

17 (k) perform any other functions as may be assigned to the
18 Commission, from time to time; and

19 (l) prepare and submit the annual progress report on the
20 implementation of the National Physical Development Plan to the President of
21 the Federal Republic of Nigeria.

Composition
of the Commission
Governing Board

22 3.-(1) There is hereby established for the Commission a governing
23 Board (in this Act referred to as "the Board") which shall consist of:

24 (a) a Chairman;

25 (b) the Secretary to the Commission;

26 (c) one representative each of the following professional bodies, that

27 is-

28 (i) Town Planners Registration Council of Nigeria;

29 (ii) Architects Registration Council of Nigeria;

30 (iii) The Council for the Regulation of Engineering in Nigeria;

- 1 (iv) Surveyors Registration Council of Nigeria;
2 (v) Nigerian Bar Association; and
3 (vi) Estate surveyors and Valuers Registration Board of Nigeria;
4 (d) one representative each of the following Federal Ministries, that

5 is-

- 6 (i) the Federal Ministry of Power, Works and Housing;
7 (ii) the Federal Ministry of Finance;
8 (iv) the Federal Ministry of Environment; and
9 (v) the Federal Ministry of Transport.
10 (e) one representative from each geo-political zone of the

11 Federation, that is:

- 12 (i) South-West;
13 (ii) North-East;
14 (iii) North-West;
15 (iv) South-East;
16 (v) North-Central; and
17 (vi) South-South.

18 (2) The supplementary provisions contained in the Schedule to
19 this Act shall have effect with respect to the proceedings of the Commission
20 and the other matters contained therein.

21 4.-(1) The Chairman shall be appointed by the President and
22 subject to the approval of the Senate.

The Chairman
of the Commission

23 (2) He must be a person of distinction in the Town Planning
24 profession with at least fifteen years post qualification experience.

25 (3) He shall be the chief executive officer of the Commission.

26 5. -(1) There shall be appointed for the Commission, a Secretary
27 who shall be a senior officer not below the rank of a Director in the civil
28 service of the Federation and shall be the accounting officer of the
29 Commission and also serve as the Secretary to the Commission governing
30 Board.

Appointment of
the Secretary and
other Staff of the
Commission

1 (2) The Secretary shall be appointed by the President.

2 (3) The Secretary shall be a person with wide knowledge and
3 experience in Building and Construction.

4 (4) The Secretary shall be responsible for the execution of the policies
5 of the Commission and its day-to-day administration.

6 (5) The Secretary shall hold office in the first instance for a period of
7 five years and shall be eligible for re-appointment for such further periods as
8 the President may, from time to time, deem fit.

9 (6) Subject to this section, the Secretary shall hold office on such
10 terms as to emolument and otherwise as may be specified in his letter of
11 appointment and as may, from time to time, be approved by the President.

12 (7) The Secretary, subject to the general control of the Commission,
13 be responsible for:

14 (a) the execution of the policies and decisions of the Board and its
15 day-to-day operations and administration;

16 (b) keeping proper record of the proceedings of the Board;

17 (c) direction and control of all other employees;

18 (d) upholding the legal requirements of governing documents;

19 (e) directing and controlling disciplinary panel, recruitment and
20 appraisal processes at the directives of the Chairman and the governing Board;

21 (8) The Commission may appoint such other employees to assist the
22 Secretary in the exercise of his functions under this Act.

Tenure of Office

23 6.-(1) The chairman and other members of the Commission Board
24 shall hold office for three years renewable for one further period of three years
25 only.

26 (2) The chairman or a member of the Commission may resign his
27 appointment at any time by notice in writing under his hand addressed to the
28 President.

29 (3) If a member of the Commission dies or resigns or otherwise
30 vacates his office before the expiry of the term for which he is appointed, a fit

1 and proper person shall be appointed for the remainder of the term of office
2 of the predecessor, so however that the successor shall represent the same
3 interest and shall be appointed by the President.

4 (4) A member of the Commission may be removed from office by
5 the President if he is satisfied that it is not in the interest of the Commission
6 or the interest of the public that the member should continue in office.

7 (5) Notwithstanding the provisions of subsection (1) of this
8 section, a member of the Board shall cease to hold office as a member if:

9 (a) he becomes of unsound mind;

10 (b) he is convicted of felony or any of offence involving dishonesty
11 or corruption; or

12 (c) he becomes incapable of carrying on the functions of his office
13 arising from an infirmity of mind or body.

14 7. The Governing Board of the Commission shall have power to:

Powers of the
Government
Board

15 (a) employ either directly or on secondment from any civil or
16 public service in the Federation or a State such number of employees as may,
17 in the opinion, be required to assist the Board in the discharge of any of its
18 function under this Act; and

19 (b) pay the persons employed by the Commission (including
20 allowances) as the Board may determine.

21 8. The President may give to the Commission or its governing
22 Board such directive of a general nature or relating generally to matters of
23 policy with regard to the exercise of the Commission or Board powers and
24 functions as provided for in this Act, as he may consider necessary, and the
25 Commission and its governing Board shall comply therewith.

Directed by the
President

26 9. There is hereby established an Urban Development and
27 Regional Planning Enterprise Fund (in this Act referred to as "the Fund") the
28 resources of which comprise:

Establishment
of the Urban
Development
and Regional
Planning Enterprise
Fund

29 (a) such amounts as may be voted for the purpose by the National
30 Assembly;

1 (b) such amounts as may be borrowed by the Commission for its
2 purposes;

3 (c) such amounts as may be collected under the authority of this Act or
4 any order made thereunder; and

5 (d) such other moneys as may become available to the Commission
6 from any other source approved by the President.

Application of
the Enterprise
Fund

7 10. The resources of the Fund shall be applied towards discharging
8 the obligations and performing any function of the Commission under this Act.

Establishment
of Directorates

9 11.-(1) There shall be established in the head office of the
10 Commission, the following Directorates:

11 (a) the Directorate of Administration and Human Resources,

12 (b) the Directorate of Utilities Infrastructural Development and
13 Waterways,

14 (c) the Directorate of Environmental Protection and Control,

15 (d) the Directorate of Finance;

16 (e) the Directorate of Procurement;

17 (f) the Directorate of Planning, Research, Statistics and Management
18 Information System;

19 (g) the Directorate of Legal Services

20 (h) the Directorate of Education and Training;

21 (i) the Town Planning and Architect;

22 (j) the Directorate of Estates and Works, and

23 (k) the Directorate of Projects Monitoring and Supervision.

24 (2) The Board may with the approval of the President, Commander-
25 in-Chief of the Armed Forces of the Federal Republic of Nigeria increase the
26 number of directorates as it may deem necessary and expedient to facilitate the
27 realisation of the objectives of the Commission.

Application of
the Pension Act

28 12.-(1) Notwithstanding the provisions of the Pensions Act, service in
29 the Commission shall be approved service for the purposes of that Act and,
30 accordingly, officers and other Persons employed in the Commission shall in

1 respect of their service in the Commission be entitled to pensions, gratuities
2 and other retirement benefits as are enjoyed by persons holding equivalent
3 grades in the civil service of the Federation.

4 13.-(1) The Commission may, from time to time, apply the
5 proceeds of the fund established pursuant to Section 8 of this Act to-

Expenditure of
the Commission

6 (a) the cost of administration of the Commission;

7 (b) the payments of salaries, fees and other remuneration,
8 allowances, pensions, and gratuities payable to members or employees of
9 the Commission.

10 14.-(1) The Commission may accept gifts of money or other
11 property and upon such terms and conditions, if any, as may be specified by
12 the person or organisation making the gift provided that such gifts are not
13 inconsistent with the objectives and functions of the Commission under this
14 Act.

Power to accept
gifts

15 15.-(1) The Commission may with the consent of the President
16 borrow, on such terms and conditions as the Commission may determine,
17 such sums of money as the Commission may require in the exercise of the
18 functions conferred on it under this Act.

Borrowing power

19 16.-(1) The Commission shall, not later than 31 October in each
20 year, submit to the President an estimate of its expenditure and income
21 during the next succeeding financial year.

Annual estimates,
accounts and
audit

22 (2) The Commission shall cause to be kept proper accounts of the
23 Commission in respect of each year and proper records in relation thereto
24 and shall cause its accounts to be audited not less than six months after the
25 end of each year by auditors and in accordance with the guidelines approved
26 by the Auditor-General for the Federation.

27 17. The Commission shall prepare and submit to the President not
28 later than 30 June in each year, a report in such form as he may direct on the
29 activities of the Commission during the immediately preceding year, and
30 shall include in such report a copy of the audited accounts of the

Annual reports

1 Commission for that year and Auditor-General's report thereon.

Indemnity etc.,
of the Commission
and staff

2 18.-(1) Every member of staff or other personnel of the Commission
3 shall be entitled to be indemnified by the Commission against losses or
4 liabilities sustained or incurred in or about the execution of the duties attached
5 to his office or otherwise in relation thereto, and no member, staff or other
6 officer of the Commission shall be liable for any loss, damage or misfortune
7 which may happen to or be incurred by the Commission in the execution of the
8 duties of his office or in relation thereto unless the same happened through his
9 wilful neglect or default.

Interpretation

10 19. In this Act:

11 "Commission" means the National Urban Development and Regional
12 Planning Commission established by Section 1;

13 "Secretary" means the secretary and the Accounting Officer to the National
14 Urban Development and Regional Planning Commission appointed under
15 Section 5 of this Act;

16 "Fund" means the Urban Development and Regional Planning Enterprise Fund
17 established under Section 9 of this Act;

18 "Board" means the governing Board of the National Urban Development and
19 Regional Planning Commission established under Section 4 of this Act;

20 "Member" means the members of the governing Board of the Commission
21 mentioned in Section 4 of this Act;

22 "Chairman" means the Chairman of the National Urban Development and
23 Regional Planning Commission governing Board appointed under Section 5;

24 "President" means the President of the Federal Republic of Nigeria and the
25 Commander-in-Chief of the Armed Forces.

Short title

26 20. This Bill may be cited as the National Urban Development and
27 Regional Planning Commission Bill, 2019.

1 SCHEDULE

2 [Section 3 (2)]

3 SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION

4 *Proceedings of the Commission*

5 1. The Commission shall meet for the conduct of its business at
6 such times as the chairman may determine.

7 2. The Commission shall have power to regulate its proceedings
8 and may make standing orders for that purpose and subject to any such
9 standing orders and to paragraph 4 of this Schedule, may function
10 notwithstanding-

11 (a) any vacancy in its membership or the absence of any member;

12 (b) any defect in the appointment of a member; or

13 (c) that a person not entitled to do so took part in its proceedings.

14 3. The quorum at any meeting of the Commission shall be a simple
15 majority of the members.

16 4. Where standing orders made under paragraph 2 of this Schedule
17 provide for the Commission to co-opt persons who are not members of the
18 Commission, such person may attend meetings of the Commission and
19 advise it on any matter referred to them by the Commission but shall not
20 count towards a quorum and shall not be entitled to vote at any meeting of
21 the Commission.

22 *Committees*

23 5. The Commission may appoint one or more committees to
24 advise it on the exercise and performance of its functions under this Act and
25 shall have power to regulate the proceedings of its committees.

26 6. The Commission shall conduct its proceedings in such a manner
27 as shall be best conducive to the proper dispatch of its business and the ends
28 of justice.

29 7. Each vote and official act of the Commission shall be entered on

1 record and its proceedings shall be made public upon request by any party
2 interested.

3 8. The Commission may withhold publications of records or
4 proceedings containing secret information affecting national defence and
5 security.

6 *Miscellaneous*

7 9.-(1) Any contract or instrument which if entered into or executed by
8 a person not being a body corporate would not be required to be made under
9 seal may be entered into or executed on behalf of the Commission by any
10 person generally or specifically authorised in that behalf by the Commission.

11 (2) Any member of the Commission or of a committee thereof, who
12 has a personal interest in any contract or arrangement entered into or proposed,
13 to be considered by the Commission or a committee, as the case may be, shall
14 not vote on any question relating to such contract or arrangement.

15 10.-(1) The common seal of the Commission shall not be used or
16 affixed to any document except in pursuance of a resolution duly passed at a
17 properly constituted meeting of the Commission and recorded in the minutes of
18 the meeting.

19 (2) The fixing of the seal of the Commission shall be authenticated by
20 the signature of the chairman or some other members authorised generally or
21 specifically by the Commission to act for that purpose.

22 (3) Any document purporting to be a document duly executed under
23 the seal of the Commission shall be received in evidence and shall, unless the
24 contrary is proved, be deemed to be so executed.

25 *Offices and premises of the Commission*

26 11.-(1) The principal office of the Commission shall be in the Federal
27 Capital Territory, Abuja where its general sessions shall be held, with its
28 regional offices located in each of the six geo-political zones of the Nigeria.

29 (2) For the purposes of providing offices and premises necessary for
30 the performance of its functions under this Act, the Commission may, subject

1 to Land Use Act:

2 (a) purchase or take on lease any interest in land, or other property;

3 and

4 (b) construct offices and premises and equip and maintain same;

5 (3) The Commission may, subject to the Land Use Act, sell or lease
6 out any office or premises held by it, which office or premises is no longer
7 required for the performance of its functions under this Act.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the National Urban Development and Regional Planning Commission for the development and the improvement of social amenities in the urban areas and preparation of the Federal and Regional Physical Development Plans.

