

FEDERAL CAPITAL TERRITORY URBAN DEVELOPMENT AND PLANNING

COMMISSION BILL, 2020

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A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE FEDERAL CAPITAL TERRITORY (FCT) URBAN DEVELOPMENT AND PLANNING COMMISSION FOR THE PURPOSE OF FORMULATION AND PREPARATION OF PHYSICAL DEVELOPMENT PLANS AND THE IMPROVEMENT OF SOCIAL AMENITIES WITHIN THE FCT AND FOR RELATED MATTERS

Sponsors:

Hon. 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 Federal Capital Territory Urban Development and Planning Commission
3 (in this Act referred to as "the Commission").

Establishment
of the Federal
Capital Territory
Urban Development
and 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 Federal Capital Territory
11 Physical Development and Regional Physical Development plans;

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

15 (c) initiate, prepare and implement the progression of waste
16 disposal mechanism across the Federal Capital Territory;

- 1 (d) formulate the Federal Capital Territory policies for Urban
2 Development and Regional Planning;
- 3 (e) appraise from time to time the progress achieved in the
4 implementation of Federal Capital Territory 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 Federal Capital Territory;
- 9 (h) promote peace and harmony among the stakeholders in the area of
10 preparation and implementation of Urban Physical Development and Regional
11 Physical Development plans;
- 12 (i) supervise and monitor the implementation of the Federal Capital
13 Territory Physical Development Plan and Development control;
- 14 (j) provide the technical and financial assistance to States in the
15 preparation and implementation of physical development plans;
- 16 (k) perform any other functions as may be assigned to the
17 Commission, from time to time; and
- 18 (l) prepare and submit the annual progress report on the
19 implementation of the Federal Capital Territory Physical Development Plan to
20 the Minister.

Composition of
the Commission
Governing Board

- 21 3.-(1) There is hereby established for the Commission a Governing
22 Board (in this Act referred to as "the Board") which shall consist of:
- 23 (a) a Chairman;
- 24 (b) the Secretary to the Commission;
- 25 (c) one representative each of the following professional bodies, that
26 is-
- 27 (i) Town Planners Registration Council of Nigeria;
- 28 (ii) The Nigerian Institute of Building;
- 29 (iii) Architects Registration Council of Nigeria;
- 30 (iv) The Council for the Regulation of Engineering in Nigeria;

- 1 (v) Surveyors Registration Council of Nigeria;
- 2 (vi) Nigerian Bar Association; and
- 3 (vii) Estate Surveyors and Valuers Registration Board of Nigeria;

4 (d) one representative each of the following Federal Ministries,
5 that is-

- 6 (i) the Federal Ministry of Power, Works and Housing;
- 7 (ii) the Federal Ministry of Health;
- 8 (iii) the Federal Ministry of Finance;
- 9 (iv) the Federal Ministry of Environment; and
- 10 (v) the Federal Ministry of Transport.

11 (2) The supplementary provisions contained in the Schedule to this
12 Act shall have effect with respect to the proceedings of the Commission
13 Governing Board and the other matters contained therein.

14 (1) The Chairman shall be appointed by the Minister and subject
15 to the approval of the Senate.

The Chairman
of the Commission

16 (2) He must be a person of distinction in the Town Planning or any
17 related profession with at least ten years post qualification experience.

18 (3) He shall be the Chief Executive Officer of the Commission.

19 (1) There shall be appointed for the Commission, a Secretary
20 who shall be a senior officer not below the rank of a Director in the civil
21 service of the Federation and shall be the accounting officer of the
22 Commission and also serve as the Secretary to the Commission Governing
23 Board.

Appointment of
the Secretary and
other Staff of the
Commission

24 (2) The Secretary shall be appointed by the Minister.

25 (3) The Secretary shall be a person with wide knowledge and
26 experience in the Building and Construction fields.

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

29 (5) The Secretary shall hold office in the first instance for a period
30 of four years and shall be eligible for re-appointment for such further periods
as the Minister may, from time to time, deem fit.

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

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

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

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

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

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

11 (e) directing and controlling disciplinary panel, recruitment and
12 appraisal processes at the directives of the Chairman and the governing Board.

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

Tenure of Office

15 6.-(1) The chairman and other members of the Commission
16 Governing Board shall hold office for three years and can be renew for one
17 further period of three years only.

18 (2) The chairman or a member of the Commission may resign his
19 appointment at any time by notice in writing under his hand addressed to the
20 Minister.

21 (3) If a member of the Commission dies or resigns or otherwise
22 vacates his office before the expiry of the term for which he is appointed, a fit
23 and proper person shall be appointed for the remainder of the term of office of
24 the predecessor, so however that the successor shall represent the same interest
25 and shall be appointed by the Minister.

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

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

1 (a) he becomes of unsound mind;

2 (b) he is convicted of felony or any of offence involving dishonesty
3 or corruption; or

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

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

Powers of the
Governing Board

7 (a) employ either directly or on secondment from any civil or
8 public service in the Federal Capital Territory such number of employees as
9 may, in its opinion, be required to assist the Board in the discharge of any of
10 its function under this Act; and

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

13 8. The Minister may give to the Commission or its governing Board
14 such directive of a general nature or relating generally to matters of policy
15 with regard to the exercise of the Commission or Board powers and
16 functions as provided for in this Act, as he may consider necessary, and the
17 Commission and its governing Board shall comply therewith.

Directives by
the Minister

18 9. There is hereby established an FCT Urban Development and
19 Planning Enterprise Fund (in this Act referred to as "the Fund") the
20 resources of which comprise:

Establishment of
the FCT Urban
Development and
Planning Enterprise
Fund

21 (a) such amounts as may be voted for the purpose by the Federal
22 Capital Territory Authority;

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

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

27 (d) such other moneys as may become available to the Commission
28 from any other source approved by the Minister.

29 10. The resources of the Fund shall be applied towards discharging

Application of
the Enterprise
Fund

1 the obligations and performing any function of the Commission under this Act.

Establishment of Directorates

2 11.-(1) There shall be established in the Principal Office of the

3 Commission, the following Directorates:

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

5 (b) the Directorate of Utilities, Infrastructural Development and

6 Waterways,

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

8 (d) the Directorate of Finance;

9 (e) the Directorate of Procurement;

10 (f) the Directorate of Planning, Research, Statistics and Management

11 Information System;

12 (g) the Directorate of Legal Services

13 (h) the Directorate of Education and Training;

14 (i) the Town Planning and Architect;

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

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

17 (2) The Board may with the approval of the Minister of the Federal

18 Capital Territory, increase the number of directorates as it may deem necessary

19 and expedient to facilitate the realisation of the objectives of the Commission.

Application of the Pension Act

20 12. Notwithstanding the provisions of the Pensions Act, service in the

21 Commission shall be approved service for the purposes of that Act and,

22 accordingly, officers and other Persons employed in the Commission shall in

23 respect of their service in the Commission be entitled to pensions, gratuities

24 and other retirement benefits as are enjoyed by persons holding equivalent

25 grades in the civil service of the federation.

Expenditure of the Commission

26 13.-(1) The Commission may, from time to time, apply the proceeds

27 of the fund established pursuant to Section 9 of this Act to-

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

29 (b) the payments of salaries, fees and other remuneration, allowances,

30 pensions, and gratuities payable to members or employees of the Commission.

1	14. The Commission may accept gifts of money or other property	
2	and upon such terms and conditions, if any, as may be specified by the	Power to accept gifts
3	person or organisation making the gift provided that such gifts are not	
4	inconsistent with the objectives and functions of the Commission under this	
5	Act.	
6	15. The Commission may with the consent of the Minister borrow,	Borrowing power
7	on such terms and conditions as the Commission may determine, such sums	
8	of money as the Commission may require in the exercise of the functions	
9	conferred on it under this Act.	
10	16.-(1) The Commission shall, not later than 31 October in each	Annual estimates, accounts and audit
11	year, submit to the Minister an estimate of its expenditure and income during	
12	the next succeeding financial year.	
13	(2) The Commission shall cause to be kept proper accounts of the	
14	Commission in respect of each year and proper records in relation thereto	
15	and shall cause its accounts to be audited not later than six months after the	
16	end of each year by auditors and in accordance with the guidelines approved	
17	by the Auditor-General for the Federation.	
18	17. The Commission shall prepare and submit to the Minister not	Annual reports
19	later than 30 June in each year, a report in such form as he may direct on the	
20	activities of the Commission during the immediately preceding year, and	
21	shall include in such report a copy of the audited accounts of the	
22	Commission for that year and Auditor-General's report thereon.	
23	18. Every member of staff or other personnel of the Commission	Indemnity etc., of the Commission and staff
24	shall be entitled to be indemnified by the Commission against losses or	
25	liabilities sustained or incurred in or about the execution of the duties	
26	attached to his office or otherwise in relation thereto, and no member, staff or	
27	other officer of the Commission shall be liable for any loss, damage or	
28	misfortune which may happen to or be incurred by the Commission in the	
29	execution of the duties of his office or in relation thereto unless the same	
30	happened through his wilful neglect or default.	

Interpretation	1	19. In this Act:
	2	"Commission" means the Federal Capital Territory Urban Development and
	3	Planning Commission established by Section 1;
	4	"Secretary" means the secretary and the Accounting Officer to the Federal
	5	Capital Territory Urban Development and Planning Commission appointed
	6	under Section 5 of this Act;
	7	"Fund" means the Urban Development and Regional Planning Enterprise Fund
	8	established under Section 9 of this Act.
	9	"Board" means the Governing Board of the Federal Capital Territory Urban
	10	Development and Planning Commission established under Section 3 of this
	11	Act;
	12	"Member" means the members of the governing Board of the Commission
	13	mentioned in Section 3 of this Act;
	14	"Chairman" means the Chairman of the Federal Capital Territory Urban
	15	Development and Planning Commission governing Board appointed under
	16	Section 5;
	17	"Minister" means the Honourable Minister of the Federal Capital Territory.
Short title	18	20. This Bill may be cited as the Federal Capital Territory Urban
	19	Development and Planning Commission Bill, 2020.
	20	SCHEDULE
	21	<i>[Section 3 (2)]</i>
	22	SUPPLEMENTARY PROVISIONS RELATING TO THE COMMISSION AND
	23	ITS GOVERNING BOARD
	24	<i>Proceedings of the Commission Governing Board</i>
	25	1. The Commission Governing Board shall meet for the conduct of its
	26	business at such times as the chairman may determine.
	27	2. The Board shall have power to regulate its proceedings and may
	28	make standing orders for that purpose and subject to any such standing orders
	29	and to paragraph 4 of this Schedule, may function notwithstanding-
	30	(a) any vacancy in its membership or the absence of any member;

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

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

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

5 4. Where standing orders made under paragraph 2 of this Schedule
6 provide for the Board to co-opt persons who are not members of the
7 Commission Governing Board, such person may attend meetings of the
8 Board and advise it on any matter referred to them by the Commission but
9 shall not count towards a quorum and shall not be entitled to vote at any
10 meeting of the Board.

11 *Committees*

12 5. The Board may appoint one or more committees to advise it on
13 the exercise and performance of its functions under this Act and shall have
14 power to regulate the proceedings of its committees.

15 6. The Board shall conduct its proceedings in such a manner as
16 shall be best conducive to the proper dispatch of its business and the ends of
17 justice.

18 7. Each vote and official act of the Board shall be entered on record
19 and its proceedings shall be made public upon request by any party
20 interested.

21 8. The Commission Governing Board may withhold publications
22 of records or proceedings containing secret information that may affect the
23 security of the Federal Capital Territory.

24 *Miscellaneous*

25 9. -(1) Any contract or instrument which if entered into or executed
26 by a person not being a corporate body would not be required to be made
27 under seal, may be entered into or executed on behalf of the Commission by
28 any person generally or specifically authorised in that behalf by the Board.

29 (2) Any member of the Board or of a committee thereof, who has a
30 personal interest in any contract or arrangement entered into or proposed to

- 1 be considered by the Board or a committee, as the case may be, shall not vote on
- 2 any question relating to such contract or arrangement.
- 3 10.-(1) The common seal of the Commission shall not be used or
- 4 affixed to any document except in pursuance of a resolution duly passed at a
- 5 properly constituted meeting of the Board and recorded in the minutes of the
- 6 meeting.
- 7 (2) The fixing of the seal of the Commission Board shall be
- 8 authenticated by the signature of the chairman or some other members
- 9 authorised generally or specifically by the Board to act for that purpose.
- 10 (3) Any document purporting to be a document duly executed under
- 11 the seal of the Board shall be received in evidence and shall, unless the contrary
- 12 is proved, be deemed to be so executed.
- 13 *Offices and premises of the Commission*
- 14 11.-(1) The principal office of the Commission shall be in the Federal
- 15 Capital Territory, Abuja where its general sessions shall be held.
- 16 (2) For the purposes of providing office and premises necessary for
- 17 the performance of its functions under this Act, the Commission may, subject
- 18 to Land Use Act:
- 19 (a) purchase or take on lease any interest in land, or other property;
- 20 and
- 21 (b) construct office and premises and equip and maintain same;
- 22 (3) The Commission may, subject to the Land Use Act, sell or lease
- 23 out any office or premises held by it, which office or premises is no longer
- 24 required for the performance of its functions under this Act.

EXPLANATORY MEMORANDUM

This Bill seeks to provide for the establishment of the Federal Capital Territory (FCT) Urban Development and Planning Commission for the purpose of formulation and preparation of physical development plans and the improvement of social amenities within the FCT.