



Benue State of Nigeria G a z e t t e

Published by Authority

No. 52A

MAKURDI- 24th December, 2020

Vol. 45

Benue State Notice No. 52A

The following is Published as Supplement to this Gazette:-

A LAW TO AMEND THE URBAN DEVELOPMENT BOARD LAW, (CAP 169 LAWS OF BENUE STATE, 2004) AND FOR PURPOSES CONNECTED THEREWITH.

PRINTED AND PUBLISHED BY THE GOVERNMENT PRINTER, MAKURDI. [2513/12/2020/1,300]
Annual Subscriptions: Nigeria and Overseas N5,000.00 post free Present issue N1,000.00 per copy. Application for the purchase of Gazette and other Government Publications should be submitted to the Government Printer, Printing Services, Makurdi. Remittances should be in money or postal order crossed and made payable to the Government Printer, Printing Services, Makurdi.



BENUE STATE OF NIGERIA
No. 18, of 2020

A LAW TO AMEND THE URBAN DEVELOPMENT BOARD LAW, (CAP 169 LAWS OF BENUE STATE, 2004) AND FOR PURPOSES CONNECTED THEREWITH.

[23rd December, 2020]

Date of commencement.

ENACTED by the Benue State House of Assembly of Nigeria as follows:

Title and commencement.

1. This Law may be cited as the Urban Development Board (Amendment) Law, 2020 and shall come into force on the 23rd day of December, 2020.
2. The Urban Development Board Law (hereinafter called "the Principal Law") is hereby amended as follows:
By the insertion into Section 2 of the following definitions:
"Commissioner" means the Commissioner charged with the responsibility of Housing and Urban Development in the State;
"Ministry" means the Ministry of Housing and Urban Development;
"He" includes "She".
3. By the deletion of Section 4 of the Principal Law and the substitution therefor of the following new Section 4:
 - (1) The Board shall consist of a Chairman and Eight (8) other Members, Five (5) of whom shall be Ex-Officio Members representing Ministries of Finance, Health, Works, Land and Survey and Housing and Urban Development.
 - (2) The Chairman and Two (2) other Members shall be appointed by the Governor.
 - (3) An act or proceedings of the Board shall not be invalid by reason of any defect in the appointment or membership of the Board.
 - (4) The tenure of the membership of Board shall be four (4) years single tenure.
 - (5) There shall be paid to the members of the Board, not being an ex-officio member such remuneration and allowances as the Governor may approve.

Amendment of the Principal Law CAP 169 BNSL 2004.

Composition of the Board.

- (6) A member of the Board shall not be personally liable for any act or omission to do any act or for any default of the Board if the commission or omission is in the course of the performance of the functions under this Law and is in good faith.
- (7) The Chairman and members of the Board other than the Ex-officio Members shall be professionals with at least Ten (10) years working experience.
4. By the deletion from Section 6. (2) (b) (ii) of the Principal Law the words "Ministry of Works" *Cap.22.*
5. By the insertion into Section 9 of the Principal Law, the following new subsection (6): The Notices to be issued:
- (a) the notices to be issued by the Board includes:
- (i) STOP NOTICE;
 - (ii) ABATEMENT NOTICE,
 - (iii) ABATEMENT/DEMOLITION NOTICE; AND
 - (iv) DEMOLITION NOTICE"
- (b) the life span of the Notices shall be as follows:
- (i) Stop Notice – seven (7) days.
 - (ii) Abatement Notice – twenty one (21) days.
 - (iii) Abatement/Demolition Notice – Thirty (30) days.
 - (iv) Demolition Notice – can be executed a day or any longer period after service provided that Stop Notice and Abatement Notices have been served in accordance with the provisions of this law.
6. By the deletion from the Principal Law Section 10 (3).
7. By the insertion into Section 15 (2) of the following proviso... *Borrowing Powers.*
"provided that the request to borrow money shall be made by the Board through the Commissioner to the Governor for approval".
8. By the deletion of Section 18 (4) of the Principal Law and the substitution therefor of a new subsection (4) as follows: *Accounts and Audit.*
"The audited statement of accounts shall be forwarded to the Governor through the Commissioner".
9. By the deletion of Section 19 (1) and substitution therefor of the following new Section 19(1) as follows: *Annual Report.*
"The Board shall, within three (3) months after the end of the financial year, forward to the Governor through the Commissioner, a report in such form and containing particulars dealing with the activities of the Board during that financial year".

10. By the deletion of section 20 of the Principal Law and the substitution therefor of a new Section '20' as follows: *General Manager.*
- (1) The Governor shall appoint by name or office a General Manager to the Board upon such terms and conditions as specified in his letter of appointment and he shall be a Member of the Board.
 - (2) The General Manager shall be a professional in a field relevant to Housing and Urban Development with at least Ten (10) years post qualification experience provided that where the Governor has appointed a non professional as General Manager before the commencement of this Law he shall be allowed to complete his tenure.
 - (3) The General Manager shall attend meetings of the Board and execute policy decisions of the Board and the Ministry.
 - (4) The Governor shall exercise disciplinary control over the General Manager and may remove him from office for misconduct or inability to discharge his duties and for fraud or dishonesty.
 - (5) The tenure of the Office of the General Manager shall be four (4) year single tenure from the date of his appointment.
11. By the deletion of Sections 21 and 22 of the Principal Law and the substitution therefor of a new Section 21 as follows: *Condition of service of staff.*
- (1) The appointment, remuneration and other conditions of service of staff shall be as conditions of service in the Civil Service of the State.
 - (2) The Board may accept staff on secondment on condition that the staff enjoys his pension benefits.
12. By the deletion of the words "One Thousand Naira" (N1000) in Sections 36 and 37 of the Principal Law and the substitution therefor of the words "Ten Thousand Naira" only (N10,000)" respectively. *Penalties.*
13. By insertion into Section 37 of the Principal Law, the following new Paragraph (C) as follows: *Contravention of regulation.*
- "(C) Where a Corporate Organization refuses or neglects to comply with any of the Notices served under this law, it shall be guilty of an offence and liable on conviction to a fine not exceeding One Hundred Thousand Naira only (N100,000.00)."
14. By the deletion of Section 38 of the Principal Law and substitution therefor of new Section 38 as follows: *Constitution and jurisdiction of Mobile Court.*
- (1) The Chief Judge of the State shall designate a Mobile Court to try offences created by the Principal Law and Other enabling Laws.
 - (2) The Court shall sit at venues to be designated by the Board for that purpose from time to time.
 - (3) The Court created under this section shall be presided over by a

- Magistrate or Area Court judge duly appointed by the Chief Judge of the State and his appointment shall be subject to the same condition of service applicable to other Magistrates and or other Area Court judges in the State.
- (4) The Court shall have original jurisdiction over offences specified in this Law and other enabling laws enacted by the State House of Assembly.
 - (5) The practice and procedure of the Court shall be in conformity with practice and procedure obtainable in Magistrate or Area Court in the State except that such practice and procedure may be subject to modifications as may be necessary to carry into effect the provisions of this law.
 - (6) The prosecutor of the mobile Court shall be a legal officer from the Benue State Ministry of Justice who shall be paid such extra allowances as approved by the Board.
 - (7) The Mobile Court shall be duly constituted by the presiding Magistrate or Area Court Judge and a member who shall be a Certified Registered Town Planner appointed by the General Manager.
 - (8) Where the member of the Mobile Court is absent by reason of ill health or bereavement, the proceedings of the Court shall not be valid.
 - (9) Police officers must be present in the sittings of the Court to provide Security.
 - (10) Notwithstanding the provision of Section 38(3), the Magistrate and Area Court shall be paid such extra allowances as may be approved by the Board.
15. By the deletion of the word "UGBOKOLA" in line 21 of the first schedule to the Principal Law and the substitution thereto of the word "UGBOKOLO" and by inclusion of the word *WANNUNE* as No. 25 in the First Schedule to the Principal Law.

CHAPTER 169

URBAN DEVELOPMENT BOARD

ARRANGEMENT OF SECTIONS

PART I—PRELIMINARY

SECTION

1. Short title and commencement.
2. Interpretation.

PART II—ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE BOARD

3. Establishment of the Board.
4. Constitution of the Board.
5. Delegation of powers by the Board.
6. Planning Areas First Schedule.
7. Supplementary.
8. Powers of the Board.
9. Demolition of illegal structures.
10. Appointment of committee or task force.
11. Governor's directives.

PART III—FINANCIAL PROVISIONS, ASSETS AND LIABILITIES OF THE BOARD

12. Vesting in the Board of assets etc.
13. Funds and resources of the Board.
14. Loans and grants by the Government and advance account for working capital.
15. Borrowing powers.
16. Debenture.
17. Investment of moneys.

PART IV—ACCOUNTS AND FINANCIAL REPORTS

18. Accounts and audit.
19. Annual report.
20. General manager.
21. Disciplinary control over staff.
22. Other staff.
23. Power to make regulations relating to employees of the Board.
24. Execution of contracts or instruments.
25. Acts not to be invalidated.
26. Settlement of disputes.
27. Protection of members and servants of the Board.

SECTION

28. Notice of action against the Board.
29. Evidence of Board approval.
30. Signing of notices.
31. Service of notice and documents.
32. General power of Board to pay compensation.
33. Compensation to be paid by offender for damage caused by him.
34. Power of entry.
35. Power to summon person to give information or produce title deeds.
36. Penalties.
37. Contravention of regulation.
38. Jurisdiction.
39. Disposal of damages.
40. Powers of Board to make regulations.
41. Exemptions from stamp duties.
42. Service of notices.
43. Power to amend First Schedule.

FIRST SCHEDULE (section 6)
SECOND SCHEDULE (section 7)

CHAPTER 169

URBAN DEVELOPMENT BOARD

BNSL 8 of 1986.

PART I—PRELIMINARY

1. This Law may cited as the Urban Development Board Law, and shall be deemed ~~to deemed~~ to have come into operation on the 1st day of July, 1986. Short title and commencement.

2. In this Law:—

Interpretation.

"the Auditor" means the Auditor-General of the State or his representative;

"the Board" means the State Urban Development Board established under section 3;

"the Chairman" means the Chairman appointed under section 4;

"permission" means a Right of Occupancy issued in respect of a plot of land granted by a Local Government or by the Governor;

"Financial year" means the twelve months ending on the 31st day of December in any year;

"General Manager" means the General Manager appointed under section 20 or any other person appointed for the time being to discharge the functions of the General Manager;

"the Government" means the Government of the State;

"Governor" means the Governor of the State;

"Owner" includes joint owner, lessee, tenant for life and any other person in actual possession of premises of any tenure or description or the agent or attorney of such person or any of them and any other person who has an interest in or draws the rent;

"person" shall have the same meaning as in the Interpretation Law; Cap. 85.

"Right of Occupancy" shall have the same meaning as in the Land Tenure Law and the Land Use Act; Cap. 202.
LFN 1990.

"State" means Benue State of Nigeria;

"Structure" includes, buildings tents, stalls, kiosks, tenements, hereditaments, drains, ditches, constructions or erections of any kind.

PART II—ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF THE BOARD

Establishment of
the Board.

3. There is hereby established the Benue State Urban Development Board which shall be a body corporate with perpetual succession and a common seal and which shall have power to sue and be sued in its corporate name.

Constitution of
the Board.

4. (1) The Board shall consist of a Chairman and eight other members, four of whom shall be *ex-officio* members, representing the Ministries of Finance, Health, Works and Lands and Survey.

(2) Chairman and the other four members shall be appointed by the Governor.

(3) No act or other proceeding of the Board shall be invalid by reason only of any defect in the appointment of any member.

(4) There shall be paid out of the funds of the Board to each member not being an officer in the Public Service of the State or an officer in the service of any Township or Local Government, such remuneration, if any, whether by way of salary, fees or allowances, as the Governor may determine.

(5) A member shall not be personally liable for any act or omission to do any act or for any default of the Board so long as such act, omission or default is in the course of performance of the functions of the Board and is in good faith.

Delegation of
Powers by the
Board.

5. (1) The Board may, with the approval of the Governor, delegate to the General Manager or any officer of the Board the routine administration of the affairs of the Board.

(2) Nothing in this section shall authorise the delegation of any power to make major decisions of policy in connection with the functions of the Board, or to make standing orders or to authorise expenditure exceeding such amounts as may, from time to time, be fixed by the Board.

Planning areas
First schedule.

6. (1) The areas specified in the First Schedule hereto are hereby declared Planning Areas.

Cap. 165.

(2) It shall be the duty of the Board within the areas:—

(a) to administer, execute and enforce the provisions of the Town and Country Planning Law, for which areas the Board is hereby appointed the Planning Authority under this Law or any other law; and

- (i) generally to plan, promote and secure the physical development and environmental improvement of the State by carrying out building, engineering and other operations, and to execute works in connection with the performance of all functions listed therein;
- (ii) to formulate, monitor, control and co-ordinate physical and regional development policies, plans and activities;
- (iii) to carry on, in association with other bodies and persons or as managing agents, any activities which is necessary or desirable for the performance of its functions under this Law and to provide technical, advisory or managerial services or assistance or plants or machinery required for this purpose;
- (b) (i) to administer, execute and enforce the provisions of the *Cap. 22, Building Lines (Regulation) Law* subject to the provisions of section 2 of the said Law;
- (ii) any reference to Administrative Officer under the said Law shall be deemed to be to the General Manager of the Board and all reference to "Chief Civil Engineer, Ministry of Works" shall be deemed to be to the Head of the Engineering Department or Division of the Board;
- (c) to exercise all the powers of a Local Government under the *Cap. 147, Road Traffic Law* and all reference in the Law to Local Authority or Local Government shall deemed to be reference to the Board;
- (d) to exercise the powers of a Town Council or a Local Government Council under the Township Law and any reference to Town Council or Local Government shall, at the appropriate places, be deemed to be reference to the Board;
- (e) to exercise all the powers of a Local Government under the *Cap. 139, Public Health Law* and rules made thereunder. All references in the Law to Local Government shall be deemed to be reference to the Board.
- (3) Terms defined in all the Laws specified in subsection (2) shall in this Law have the meanings assigned to those terms by the respective Laws.

(4) For the purpose of carrying out its functions under subsection (2) the Board shall deploy such of its employees or appoint such Committees as it deems fit, to execute such of its functions in all the Planning Areas.

Supplementary.

7. The supplementary provisions contained in the Second Schedule hereto shall have effect with respect to the constitution and proceedings of the Board.

Powers of the Board.

8. (1) The Board shall have power to carry on all activities which are necessary, advantageous or expedient.

(2) Without prejudice to the generality of the provisions of subsection (1) the Powers of Board shall include:—

- (a) to enter into any contract necessary for the performance of any of its functions;
- (b) to acquire, hold and dispose of movable and immovable property;
- (c) to advise and approve plans for any development or erection of any structure within the area or areas specified in the First Schedule; and generally to be satisfied that the proposed development or erection will not involve any injury to health or involve excessive or premature expenditure of public funds or the transfer of public funds.

Demolition of illegal structures.

9. (1) Where it appears to the Board within the areas specified in the First Schedule that an illegal structure is erected, the Board shall notify in writing the owner thereof to demolish the same within the period of one month.

(2) If within the period stated in subsection (1) the owner fails to demolish the structure it shall be lawful for the Board to demolish the structure at the cost of the owner.

(3) No structure shall be declared illegal which has been in existence prior to the coming into operation of the First Schedule and which was approved by the relevant authority before the coming into operation of this Law.

(4) Where any area is subsequently declared a Planning Area no person possessing a customary Right of Occupancy over any piece of land within such area shall be dispossessed of same against his personal wishes and desires.

(5) In this section "illegal structures" means any structure erected or developed without prior permission of the Local Government or the State Ministry of Lands and Survey (as the case may be) or without an approved plan by the Board.

10. (1) The Board may appoint one or more committees or task force for the purpose of performing such of its functions as the Board may specify. Appointment of committee or task force.

(2) The members of any committee or task force appointed under this section, the Chairman of the committee or task force, the term of office and remuneration of the members, shall be such as the Board may specify.

(3) The State Environmental Sanitation Task Force established under State Environmental Sanitation Law, shall be deemed to be a task force under this Law. Cap. 64.

11. (1) The Governor may give to the Board such general directions as to the discharge of its functions as appears to him to be necessary to ensure conformity with the policy of the Government and the Board shall give effect to any such directions. Governor's directives.

(2) The Governor may, after due consultations with the Board, give to the Board specific directions for the purpose of remedying any defect which may be disclosed in the arrangements of the Board for the discharge of its functions and the Board shall give effect to any such directions.

(3) The power conferred by subsection (2) on the Governor shall include power to give directions prohibiting or limiting any expenditure proposed to be incurred by the Board which appears to the Governor to be excessive or unnecessary.

(4) The Board shall afford to the Governor facilities for obtaining information relating to the assets and liabilities and functions of the Board, and shall furnish him with returns, accounts, and other information relating thereto and shall afford to him further facilities for the verification of information furnished in such manner and at such time as he may require.

PART III.—FINANCIAL PROVISIONS, ASSETS AND LIABILITIES OF THE BOARD

Vesting in the Board of assets etc.

12. (1) The Governor may, by a notice in the Gazette, vest any other property in the Board and the provisions of this section shall have respect to such property.

(2) Where, any right or liability becomes a right or liability of the Board, the Board and all other persons shall, have the same rights, powers and remedies for ascertaining, perfecting or enforcing that right or liability of the Board.

(3) In this section "property" includes buildings and appurtenances, stores, materials, funds, loans and accounts receivable.

Funds and resources of the Board.

13. The funds and resources of the Board shall consist of:—

(a) all sums, investment or other property whatsoever vested in the Board under section 12;

(b) all sums or such percentage of all sums collected by the Board in respect of each of the items as the Governor may by order determine;

(c) such sums or other property whatsoever as may be advanced by way of loan or granted to the Board by the Government;

(d) such sums or other property whatsoever as may be advanced by way of loan or granted to the Board by any township authority, Local Government, statutory corporation, any other Government, any International agency, any private foundation or any person whatsoever;

(e) any investments or other property whatsoever acquired by or vested in the Board and all monies earned or arising therefrom;

(f) all sums received or falling due to the Board in respect of repayment of any loan made by the Board or the interest payable in respect thereof;

(g) all other sums or other property which may in any manner whatsoever become payable to or vested in the Board.

Loans and grants by the Government and advance account for working capital.

14. (1) It shall be lawful for the Government to make to the Board:—

(a) grants of any sums or property as the Government may deem fit;

(b) loans upon such terms as to repayment or interest or otherwise as the Government may determine.

(2) The Governor may waive in favour of the Board any right to the Government in respect of any property vested in the Board under section 12.

(3) The Board shall in respect of any moneys (other than grants) advanced by the Government to provide working Capital create an advance account in favour of the Government or an amount equal to the total sum of monies so advanced.

(4) The advance account shall be subject to such conditions as to interest and repayment as the Governor may determine.

15. (1) The Board may, by issuing debentures, stocks or other securities, or in any other manner borrow sums required by it for meeting any of its obligations or discharging any of its functions. Borrowing powers.

(2) The power of the Board to borrow shall be exercisable only with the approval of the Governor as to the amount or source of the loan, and the approval given for the purpose of this subsection may be either general or limited to a particular borrowing.

16. (1) If the Government makes any loan to the Board the Board shall, if required by the Governor, issue to the Government a debenture or debentures for the sum loaned. Debenture.

(2) Debentures issued shall bear interest at such rate, if any from such date as the Governor may specify.

17. The Board may invest moneys standing to its credit and not immediately required, in stocks, shares, debentures or any other securities whatsoever. Investment of moneys.

PART IV—ACCOUNTS AND FINANCIAL REPORTS

18. (1) The Board shall:—

- (a) cause to be kept proper accounts and records in respect of its functions; and
- (b) prepare in respect of each financial year a statement of accounts in such form as may be approved by the Governor.

Accounts and
audit.

(2) The said annual statement of accounts shall be a fair and accurate statement of the financial position, and of the result of the operations of the Board for the financial year to which it relates.

(3) The said annual statement of accounts shall be audited by the State Auditor-General.

(4) As soon as the said annual statement of accounts has been audited the Board shall forward to the Governor a copy of the statement of accounts together with a copy of the report made by the Auditor-General.

(5) Before the commencement of each financial year the Board shall prepare an estimate of its revenue and expenditure for that financial year and submit the same to the Governor for his approval.

Annual report.

19. (1) The Board shall, within three months after the end of each financial year, make to the Governor a report in such form and containing such particulars as he may direct, dealing with the activities of the Board during that financial year.

(2) Every annual report shall contain particulars of all directions given by the Governor to the Board during the financial year.

General manager.

20. (1) The Governor shall appoint by name or office a General Manager to the Board upon such terms and conditions as to remuneration or otherwise but he shall not be a member of the Board.

(2) The General Manager shall be the Chief Executive Officer of the Board and shall attend all meetings of the Board and have ultimate responsibility for the operations of the Board.

Disciplinary control over staff.

21. The Board shall have power to appoint and exercise disciplinary control over such other officers, servants and agents as it may think necessary for the discharge of its functions under this Law and to determine their terms and conditions of service as to remuneration or otherwise.

22. (1) The Board may appoint such other persons to be officers and staff of the Board as it may deem fit. Other staff.

(2) The remuneration and tenure of the officers and servants shall be determined by the Board.

(3) The Board may employ such officers on secondment as it may deem necessary or expedient.

23. (1) The Board may, with the approval of the Governor, make regulations with respect to the appointment, promotion, transfer and dismissal of, and exercise of disciplinary control over its employees and without prejudice to generality of the foregoing provisions, make regulations for any of the following matters:- Power to make regulations relating to employees of the Board.

- (a) the qualification required for appointment;
- (b) the method of appointment, including probation and confirmation;
- (c) the form of any agreement to be entered into between the Board and its employees;
- (d) the terms and conditions of service, including the salaries and allowances, the grant of advances, the provision of quarters, leave, and medical treatment;
- (e) the procedure and requirements for promotion;
- (f) the maintenance of discipline including dismissal and the termination of appointment;
- (g) the transfer of employees between the Board and the Government of the State, any other State, Township Authority or Local Government, or any statutory corporation;
- (h) such other matters relating to departmental procedure and duties and responsibilities of employees as the Board considers can be best provided for by regulations;
- (i) the pension, gratuities and retirement allowances to be granted to pensionable employees of the Board and their dependants;
- (j) the gratuities and retirement allowances to be granted to non-pensionable employees of the Board and their dependants; and
- (k) all ancillary matters.

(2) Until such rules are made all rules and regulations applicable in the State Civil Service shall apply to the Board.

Execution of contracts or instruments.

24. (1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not require to be under seal may be entered into or executed on behalf of the Board by the General Manager or by any person generally or specially authorised by the Board for that purpose.

(2) Any document purporting to be a document duly executed or issued under the seal of the Board or on behalf of the Board shall, unless the contrary is proved, be deemed to be a document so executed or issued as the case may be.

Acts not to be invalidated.

25. No act done or proceeding taken under this Law shall be questioned on the ground merely of:-

- (a) the existence of any vacancy in, or any defect in the constitution of the Board; or
- (b) any omission, defect or irregularity not affecting the merits of the case.

Settlement of disputes.

26. The General Manager may, with the approval of the Board:-

- (a) compound any offence against this Law; and
- (b) compromise any claim made by or against the Board.

Protection of members and servants of the Board.

27. No act or thing done or omission made by the Board or member or servant or other person acting under the direction of the Board, shall, if done or made *bona fide* for the purpose of carrying out the provisions of this Law, subject the Board or person to any personal action, liability or claim whatsoever.

Notice of action against the Board.

28. No suit shall be instituted against the Board in respect of any act purporting to be done or any neglect of duty under any law until the expiration of one month next after a written notice has been delivered at the office of the Board stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims.

Evidence of Board approval.

29. Whenever the power or right to do any act requires the approval or the consent of the Board or the General Manager, a document signed by the General Manager purporting to express such approval or consent shall be sufficient evidence thereof.

30. (1) Every notice required or authorised by this Law or by any regulation made hereunder to be served or given by or on behalf of the Board shall be signed by the General Manager or other officer authorized in that behalf.

Signing of notices.

(2) Any such notice shall be deemed to have been duly signed until the contrary is proved, if it purports to bear the signature of the General Manager or such other officer.

31. (1) Every notice, order or other document required or authorized by this Law or by any regulation made hereunder to be served on any person may be served:-

Service of notice and documents.

- (a) by delivering the same to such person or delivering the same at the abode where such person ordinarily resides to some adult member or servant of his family; or
- (b) if the abode where such person ordinarily resides is not known, by forwarding the same by registered post addressed to such person at his last known place of abode or business; or
- (c) if the name of such person is not known, or if service cannot with reasonable diligence, be effected under paragraph (a) or (b) of this section by fixing the same on a conspicuous part of the premises in respect of which the notice, order or other document is issued.

(2) A notice, order or other document required or authorised by this Law or any regulations made hereunder to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of such premises without further name or description.

32. In any case not otherwise expressly provided for in this Law the Board may pay reasonable compensation to any person who sustains damage by reason of the exercise of any of the powers vested in the Board or in the Chairman or in an officer or servant of the Board.

General power of Board to pay compensation.

33. (1) If on account of any act or omission any person has been convicted of any offence against this Law or any regulation made hereunder, and by reason of the same act or omission of the said person, damage has accrued to any property of the Board an order for compensation shall be made against the said person for the said damage by the court notwithstanding any punishment to which he may have been sentenced for the said offence.

Compensation to be paid by offender for damage caused by him.

(2) If the amount of any compensation due under this section be not paid, the same shall be recovered under a warrant from the said court as if it were a fine inflicted by the court on the person liable thereto.

Power of entry.

34. Any person authorised in writing by the General Manager, may at all reasonable times after giving not less than three days' notice to the occupier or to the owner, if the owner is known, of his intention to enter into or upon any building or land situated in any area to which this Law applies:-

- (a) for the purpose of survey, examination and valuation necessary in order to determine whether any powers conferred on the Board should be exercised in respect of any building or land; and
- (b) for the purpose of doing any act necessary to perform any duty imposed on the Board.

Power to
summon person
to give
information or
produce title
deeds.

35. (1) The General Manager of the Board may issue a notice calling upon any person whom he has reason to believe is able to give any information respecting the ownership of or the boundaries of land within a Planning Area, or in whose possession or powers any document relating to such ownership or boundaries is believed to be, to attend before him and give such information or produce such document within two weeks at a place to be mentioned in the notice.

(2) Any person on whom such notice is served shall be legally bound to attend and give such information or to produce such document as required by the notice.

Penalties.

36. If any person unlawfully:-

- (a) obstructs or molests any member of the Board or any officer, servant of the Board, or any person with whom the Board has entered into a contract, in the performance or execution of his duty or of anything which he is empowered or required to do; or
- (b) removes any mark set up for the purpose of indicating any level or direction necessary for the execution of works authorized by this Law or any regulation made or scheme sanctioned hereunder; or
- (c) removes any notice fixed by the Board on any premises;

shall be liable to a fine of ^{Five thousand} one thousand naira or to imprisonment not exceeding three months or to both such fine and imprisonment.

37. Any person who:-
- Contravention of regulation.
- (a) acts in contravention of any regulation made under the provisions of this Law; or
- (b) being legally bound to comply with any lawful order or with the regulations contained in any notice served under this Law refuses or neglects to comply therewith, shall be guilty of an offence and liable to a fine of one thousand naira or to imprisonment not exceeding three months or both such fine and imprisonment.
38. Any offence under this Law may be tried by a Magistrate's court of any grade or by the Upper Area Court.
39. All damages realised in cases in which prosecutions are instituted under this Law or any regulation made hereunder shall be paid to the Board directly, and if paid to the court, shall be remitted to the Board.
- Disposal of damages.
40. The Board shall make regulations with respect to:-
- Powers of Board to make regulations.
- (a) the furtherance of the provisions and purposes or schemes or of any particular scheme;
- (b) any other matter which under this Law is required or permitted to be prescribed.
41. Stamp duties under the Stamp Duties Act shall not be payable by the Board in respect of any instrument to which the Board is a party.
- Exemption from stamp duties.
Cap. 411.
LFN 1990.
42. Service upon the Board of any notice, order or other document may be effected by delivering it or sending it by registered post addressed to the General Manager of the Board at its Head Office.
- Service of notices.
43. The Governor may add to, reduce or vary the First Schedule.
- Power to amend First Schedule.

FIRST SCHEDULE (section 6)

1. Adikpo	9. Lessel	17. Otukpo
2. Allade	10. Makurdi	18. Sankara
3. Buruku	11. Naka	19. Tee-Agberagba
4. Gbajimba	12. Gbagaji	20. Ugba
5. Gboko	13. Obarike-Ito	21. Ugbokola
6. Idelupa	14. Oju	22. Ugbokpo
7. Igumale	15. Okpoga	23. Vandelkya
8. Katsina-Ala	16. Otukpa	24. Zaki-Biam

SECOND SCHEDULE (section 7)

Meetings.

1. (1) The Board shall hold such and so many meetings as may be necessary for the due fulfilment of its functions so, however, that it shall hold at least four meetings every year.

(2) At a meeting of the Board:-

(a) the Chairman of the Board shall, if present, be Chairman of the meeting;

(b) if the Chairman is not present or if the office of Chairman is vacant, the members of the Board present shall elect one of their number to be Chairman of the meeting;

(3) Every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting. In the case of any equal division of votes, the Chairman shall have a casting vote.

(4) The Board may act notwithstanding one or more vacancies among its members.

(5) Any three members of the Board may by notice in writing signed by them request the Chairman to call a special meeting of the Board for the purpose set out in such notice and the Chairman shall thereupon call a special meeting.

Quorum.

2. A quorum at a meeting of the Board shall be six members.

Standing orders.

3. The Board may regulate its own proceedings and may make standing orders for that purpose.