

CHAPTER L1 - LAND DEVELOPMENT (PROVISION FOR ROADS) LAW

ARRANGEMENT OF SECTIONS

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LAND DEVELOPMENT (PROVISION FOR ROADS) LAW

A Law to make provisions for any necessary reservation of land for roads where land is sold off in lots.

[NN 1963, Cap. 56, KWS LN 1 of 1982, No. 4 of 2006.]

[Date of commencement: *9th November, 1933*]

1. Short title

(1) This Law may be cited as the Land Development (Provision for Roads) Law.

(2) *Application*.—This Law shall apply to any area within the State to which the Governor may by order apply it.

2. Interpretation

(1) Definitions—

"**approved plan**" means a plan approved by the prescribed authority under subsection (8) of section 4;

"**land**" includes any estate or interest in land;

"**owner**" with reference to land means any person receiving rents or profits from any tenant or occupier thereof who would receive such rents or profits if the land were let, whether on his own account or as agent for any other person;

"**prescribed authority**" means, in relation to any area for which a planning authority has been appointed under the provisions of the Town and Country Planning Law, that authority; and in relation to any other area to which this Law is applied by Order made under subsection (2) of section 1, the person appointed by that order to be the prescribed authority for that area;

[Cap. TL.]

"**reserved**" means reserved for roads, and "**reservation**" has a corresponding meaning;

"**sale**" includes leasing;

"**State**" means the Kwara State of Nigeria.

"**to divide up land into lots with a view to sale**" includes the delineation on a plan or the demarcation in situ of any portion or portions of any land with a view to the sale of

such portion or portions;

"urban area" means an area designated as such under the Land Use Act.

[No. 6 of 1978.]

(2) A person shall be deemed to begin to sell off land in lots as soon as he sells any portion of any land at any time after the coming into force of an Order made under section 1 applying the provisions of this Law to an area which includes such land.

3. Procedure where owner intends to divide up land for sale

(1) Where an owner intends to divide up any land into lots with a view to sale, he may, if he so desires, before he proceeds to survey the land for the purposes of section 4, inform the prescribed authority of such intended division and transmit to such authority two identical plans (which may be sketch plans) showing approximately the position of the land and how he proposes to effect such division and the parts of the land, if any, which he proposes to reserve for roads.

(2) If the plans do not indicate that any part of the land is to be reserved for roads the prescribed authority shall return to the owner one of the plans with an endorsement thereon stating that it does not require that any part of the land shall be reserved or with an indication thereon of the parts of the land which it requires to be reserved.

(3) If the plans indicate that any part of the land is to be reserved for roads, the prescribed authority shall return to the owner one of the plans with an endorsement thereon stating that it approves of the proposed reservation, or with an indication thereon of any variation it may require in the proposed reservation or of any other parts which it may require to be reserved.

4. Provisions to be complied with before land is sold off in lots

(1) Except where an owner is exempted by the prescribed authority in writing from complying with the provisions of this section, he shall, before he begins to sell off any land in lots, cause a survey of the land to be made and shall deliver to the prescribed authority four identical plans of such survey showing the division of the land into lots and the parts, if any, of the land which he proposes to reserve for roads.

(2) If the plans do not indicate that any part of the land is to be reserved for roads the prescribed authority shall either record on the plans that it does not require any part of the land to be reserved for roads or delineate thereon the parts which it considers should be so reserved.

(3) If the plans indicate that any parts of the land are to be reserved for roads the prescribed authority shall either record on the plans its approval of the proposed reservation or delineate thereon the parts of the land which it considers should be so reserved.

(4) The prescribed authority shall return one of the plans to the owner, and shall in any case where its requirements under subsection (2) or subsection (3) are at variance with the proposals of the owner notify the owner that if he objects to such requirements he may within one month of such notification deliver to the prescribed authority in writing his objections thereto.

(5) On the expiration of the said period and after considering any objections which it may have received from the owner the prescribed authority shall decide which parts of the land are to be reserved and shall notify the owner of its decision.

(6) Where an owner has, before submitting plans under this section, submitted plans under section 3, the parts of the land which the prescribed authority may require to be reserved under this section shall not differ substantially in position or extent from the

parts of the land which it required should be reserved under section 3.

(7) After receiving a notification from the prescribed authority under subsection (5) the owner shall demarcate in situ to the satisfaction of the prescribed authority the parts of the land which are to be reserved.

(8) After receiving such notification the owner shall also prepare four identical plans showing the parts of the land demarcated under subsection (7) as reserved for roads and shall transmit the plans to the prescribed authority, who shall, if it finds them to be correct, record its approval on each plan and return one of them to the owner.

(9) The provisions of this section shall *mutatis mutandis* apply where an owner desires to change the manner of dividing up the land into lots or the parts of the land to be reserved.

5. Offences

Any person not exempted from compliance with the provisions of section 4 who—

- (a) begins to sell off such land in lots without demarcating in situ to the satisfaction of the prescribed authority the parts of the land which are to be reserved; or
- (b) begins to sell off such land in lots without obtaining an approved plan from the prescribed authority; or
- (c) purports to sell any parts of such land which the prescribed authority has directed to be reserved,

shall be guilty of an offence and shall be liable to a fine of fifty thousand naira.

[No. 4 of 2006.]

6. Nullity of sale of reserved land

The sale of any land which the prescribed authority has directed is to be reserved shall be null and void.

7. Deposit of plans

(1) As soon as conveniently may be after the prescribed authority has approved a plan in accordance with subsection (8) of section 4 showing the parts of the land which have been reserved for roads, it shall cause one certified copy to be forwarded to the principal officer in charge of land, or to such other officer or authority as the Commissioner may direct, and another certified copy to be deposited in the office of the local government council of the area.

(2) Notice of the approval of the plan and of the deposit of a copy thereof in accordance with the requirements of subsection (1) shall be published in the *State Gazette* with a sufficient description of the situation of the land to which it relates, and such copy shall be open to public inspection.

Provided that where the plan forms part of a planning scheme approved under section 18 of the Town and Country Planning Law, this subsection shall not apply.

[Cap. Tl.]

8. Deposit of plan conclusive evidence of parts of land reserved

The deposit of the certified copy of the approved plan in the office of the Local Government Council, shall be conclusive evidence that the parts of the land indicated as having been reserved for roads have been so reserved under this Law.

9. Compensation

Where under section 4 the prescribed authority directs that parts of any land are to

be reserved for roads the following provisions shall have effect—

- (a) where the total area of the land directed to be reserved does not exceed one-fifth of the land which the owner proposes to sell off in lots (including the area so reserved) no compensation shall be payable;
- (b) in so far as the area of the land so reserved exceeds that fraction compensation shall be payable by the prescribed authority in respect of the excess to the extent to which, if at all, the value of such excess is greater than any increase in value of the land (excluding the area so reserved) to the owner by reason of the reservation of such excess;
- (c) where the area of the land so reserved exceeds that fraction compensation shall, subject to the provisions of the preceding paragraphs of this section, be paid by the prescribed authority to the owner and to any other persons having an interest in the area so reserved as in the case of private lands acquired for public purposes;
- (d) if the amount of compensation to be paid to the owner or any other person cannot be agreed, or if any person claiming compensation has not given satisfactory evidence of his alleged interest, or if separate and conflicting claims are made in respect of any parts of the land so reserved, the amount of compensation due (if any) and every such disputed interest of the title shall be determined by the High Court.

Provided, however, that no claims for compensation for any parts of the land so reserved shall be entertained, except with the consent of the prescribed authority, unless the claim is made within six months of the date of the State *Gazette* in which the notice of the deposit of the copy of the approved plan of the land is published.

10. Refund by local government council of compensation paid

Where the land is situated within an urban area, the local government council shall refund to the prescribed authority any sums paid by the prescribed authority by way of compensation under the provisions of section 9.

11. Vesting of reserved land

Where any land is reserved under the provisions of this Law such land shall vest in the State or such authority as the Governor may from time to time by order vest it.

12. Proceedings under Law not to affect title to land

Subject to the provisions of section 8 nothing done by the prescribed authority under this Law shall be deemed to affect the title to any land or interest therein or to constitute any representation as to the title to any land or interest therein.

13. Power to demolish buildings or fill in excavation on land reserved

(1) Where any building or structure is erected or any excavation is made on any land after such land has been reserved for roads under the provisions of this Law, the authority in which the land is vested under the provisions of section 11 may pull down such building or structure or fill in such excavation, and may recover any expenses incurred from the person who erected the building or structure or who made the excavation or who caused the same to be erected or made.

(2) The materials of any building or structure so pulled down may be sold by such authority, and the proceeds of any such sale may be used by the authority to defray any expenses incurred as aforesaid.

CHAPTER LI

LAND DEVELOPMENT (PROVISION FOR ROADS) LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
