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K.S. Law No. 1. of 2012

Kano State Urban Planning and
Development Authority (KNUPDA)
Law 2011 (1433 A.H).

I assented to this 28th day of December, 2011 (1433AH)

RABI'U MUSA KWANKWASO,
Governor,
Kano State of Nigeria

**KANO STATE URBAN PLANNING AND DEVELOPMENT AUTHORITY
(KNUPDA) LAW 2011 (1433 AH)**

No. 1

2012



**No. 1 of 2012
Kano State of Nigeria**

A Law to provide for the Establishment of the Kano State Urban Planning and Development Authority (KNUPDA) and for other matters connected thereto.

BE IT ENACTED BY The Kano State House of Assembly as follows:-

PART I - PRELIMINARY

1. This Law may be cited as the Kano State Urban Planning and Development Authority (KNUPDA) Law 2011 and shall come into effect on 28th day of December, 2011 (11433 AH). Citation and commencement.

2. In this law unless the context otherwise requires:- Interpretation.
"Authority" means Kano State Urban Planning and Development Authority established under section 3 of this Law;

"Constitution" means the Constitution of the Federal Republic of Nigeria 1999, (as amended);

"The Law" means the Town and Country Planning Law 1991 (Cap 145);

"Member" means a member of the Authority and included the Chairman;

"Leave" include apology in a meeting of the Authority;

"Governor" means the Governor of the State;
"State" means Kano State of Nigeria;

A 2 Law No. 1 of 2012 Kano State Urban Planning And Development Authority (KNUPDA) Law 2011 (1433 AH)

"Urban Area" means an area designated in the schedule to this Law as Urban Area and includes the area within a radius or ten kilometers from the area so designated;

"Public Amenities and Conveniences" means corner shops, public conveniences other than mobile, parking areas, Bus and Taxi stands.

PART II ESTABLISHMENT AND CONSTITUTION OF THE AUTHORITY

Establishment
of the
Authority.

3. (1) For the purpose of Urban Planning and Development in the State, there is hereby established an Authority to be known as the "Kano State Urban Planning and Development Authority (KNUPDA)".

(2) The Authority shall be a body Corporate with perpetual succession and a common seal and with power to sue and be sued in its corporate name and to acquire, hold and dispose of any property, movable or immovable.

(3) In this Law the word "Authority" whenever it appears shall include the "Board".

Composition
of the Board.

4. The Authority shall consist of the following members to be appointed by the Governor:

(a) A Chairman who shall be a person of unquestionable integrity and sound knowledge;

(b) Five persons one of whom shall either be an Architect, Town Planning Expert or a Civil Engineer;

(c) One person from amongst the members of the State's Business Community;

(d) One person from amongst the Community Leaders in the State;

(e) Five ex-officio Members;

(f) Managing Director of the Authority;

(g) A representative of Ministry of Justice;

(h) A representative of Ministry of Land and Physical Planning;

(i) A representative of Ministry of Environment; and

(j) A representative of the Ministry for Local Government.

Tenure of
office.

5. Subject to section 7 of this law a Member other than ex-officio member shall hold office for a period of three years and shall be eligible for re-appointment for one term only.

Remuneration
and
Allowances.

6. The members shall be paid such remunerations and allowances subject to such terms and conditions as the Governor may, from time to time approve.

7. The office of a member shall become vacant if:-
(a) He has completed his period as a member;
(b) He resigns by writing under his hand addressed to the Governor;
(c) He has without leave of the Governor absented himself from three consecutive meetings of the Authority;
(d) He is adjudged Bankrupt;
(e) He is found insane;
(f) His appointment has been revoked by the Governor;
(g) He is convicted for a crime by a competent court of Law.
8. (1) The Governor may upon such terms and conditions as he may approve, appoint the Managing Director of the Authority.
(2) The Managing Director shall be the Chief Executive Officer and responsible for the execution of the policies of the Authority and the general management of its day-to-day business and shall carry out such other functions as the Authority may, from time to time direct.
9. (1) The Governor may upon such terms and conditions as he may approve, appoint a person who shall be a Legal practitioner with not less than ten years post call experience, to be a Secretary and Legal Adviser of the Authority.
(2) The Secretary/Legal Adviser shall conduct the correspondence, and perform such other functions as the Authority may, from time to time direct.

Vacation of Office

Chief Executive Officer of the Authority.

Secretary and Legal Adviser.

PART III FUNCTIONS AND POWERS

10. (1) The Authority is hereby appointed under the provisions of the Town and Country Planning Law 1991 to be the Planning Authority for all Urban Areas and shall be the Executive Authority for the Planning and carrying into effect of any scheme under this Law.
(2) Without prejudice to the generality of subsection (1). It shall be the duty of the Authority to:-
(a) furnish, publish, and approve planning scheme for every Urban area;
(b) control the development and use of land in an Urban area;
(c) provide and maintain proper infrastructure for Urban Development;
(d) plan, design and provide its own Housing Estates in Urban areas;
(e) design and provide Industrial, Commercial and Residential layouts;

Function of the Authority.

- (f) provide, construct and expand markets;
- (g) construct drainages along road networks in Urban Areas;
- (h) carry into effect any scheme or part thereof approved concerning any Urban Area;
- (i) do all such other things and acts as may appear to the Authority necessary for purposes of its functions under this Law.

11. The Authority shall have power to:-

- (a) design and construct roads, bridges, culverts, drainages, sewers, watercourse in Urban Area;
- (b) maintain roads and bridges in Urban Areas;
- (c) beautify all Urban centre's and provide public amenities and conveniences;
- (d) grant permission for road cutting, placement of bills/sign board, underground cables, mast and similar structure;
- (e) operate and maintain Bank Accounts;
- (f) with the approval of the Governor, to borrow money for the purpose of discharging its functions under this Law, and provide other securities in respect of loans;
- (g) collect revenue for its services;
- (h) upon terms and conditions approved by the Authority, engage and remunerate servants and agents to perform any of its functions;
- (i) make rules in respect of staff matters;
- (j) invest its funds not immediately required for its purpose in such securities as may be approved by the Governor and dispose such securities;
- (k) enter into such contracts as the Authority may deem necessary for the purpose of discharging its functions; and
- (l) do such other things as may be deemed incidental and supplemental to functions of the Authority under this Law or any other written Law.

Powers of
the Authority.

Interim
Development
schedule II.

12. (1) Every Urban Area designed in schedule II to this Law is hereby declared a Planning Area within the meaning of this Law.

(2) No person without permission of the Authority shall in an Urban Area carryout any development of land or any construction, demolition, alteration, extension, of any building, cutting of road, placement of Bills/Sign Board under section 13 or any other provision of this Law and publish in the State Gazette with respect to the Urban Area.

(3) The Authority may grant to any person applying in writing thereof, interim development permission subject to such conditions as it may deem necessary to grant and to develop land or to construct, demolish, alter, repair or renovate any building within an Urban Area.

(4) The Authority shall have power to decide on application for interim development, permission within two months either to grant permission with or without condition, or postpone consideration of the said application on the ground that the development cannot be carried out immediately.

13. (1) Where any person or Organization in an Urban Area carry out or cause to be carried out any work in respect of the development of any land or the construction, demolition, alteration, extension of any building:

Removal of Unlawful structure.

(a) Without an interim development permission granted under section 12(3) or

(b) Not in accordance with the said interim development permission or any order made under section 12(2) or a scheme approved under section 12 of this Law; as the case may be, the Authority may by Notice require within the time specified in that notice, to abate such work, remove any structure as a result of such work and reinstate the land or building affected by such work to the state in which it was prior to such work and such person shall comply with the requirements of the Authority.

(2) If such person or Organization fails to comply with the requirements in sub-section (1) of this section, the Authority may itself remove such structure or reinstate such land or building to its original state prior to such work, and the cost incurred by the Authority in that regard shall be re-imbursed by such person or organization.

14. A person shall apply for the Building approval of his plot from the Authority in accordance with the requirements of Land Use Act 1990 and Town and Country Planning Law 1991.

Building Approval.

KNS Cap
145 Penalty
for unlawful
structure

15. Any person or Organization that contravenes the provisions of sections 12, 13 and 14 of this Law shall be guilty of an offence and liable upon conviction to a fine of Ten Thousand naira or Imprisonment for one year or to both such fine and imprisonment.

PART IV STAFF OF THE AUTHORITY

Other staff.

16. (1) The Authority may appoint such number of staff as it may think necessary from time to time including approved staff on secondment or transfer from the State Civil Service.
(2) The Governor shall determine the remuneration and nature of offices of employees of the Authority.

Pension and
other
benefits.

17. Persons employed by the Authority shall in respect of their service in the Authority be entitled to pensions, gratuities and other retirement benefits in accordance with the condition of service as obtained in the State Civil Service.

PART V MISCELLANEOUS PROVISIONS

Proceedings.

18. The proceedings of the Authority are set out in Schedule 1 to this Law.

Funds.

19. (1) The funds of the Authority shall consist of:-
(a) such sums of money as may from time to time be provided by the State Government;
(b) such sums as may be collected or received by the Authority in the performance of its functions; and
(c) such other sum as may accrue to the Authority from any other source.

(2) The Funds of the Authority shall be paid into the State Treasury.

Audit of
Account by
State Auditor
General.

20 (1). At the end of each financial year, the Managing Director shall prepare estimate of recurrent and capital expenditures of the Authority and when approved by the Authority, the Managing Director shall forward such estimates to the Governor through the Commissioner, Ministry of Land and Physical Planning.

Cap 11 of
1999
constitution.

(2) The State Auditor General shall provide and recommend a list of Auditors qualified to be appointed by the Authority as external Auditors to audit the Accounts of the Authority every year as provided by Audit Law of 1991 and section 125 of the 1999 Constitution (as amended.)

Decree No.
24 of 1999.

21. The Authority shall not later than June in each Financial Year prepare and submit to the Governor through the Commissioner of Land and Physical Planning a report on its activities of the preceding year, and a copy of the audited account of the Authority for that year and Auditor General's report thereon. Annual Reports.
22. (1) In any suit, the Authority may at any stage of the proceedings be represented in court by a State Counsel.
(2) For the purpose of this section "Suit" includes action or any Civil Proceedings commenced by a writ of summons or in such other manner as may be prescribed by the Rules of Court but does not include Criminal Proceedings. Representation in Court.
23. The Governor may give to the Authority directions of a general or specific character with respect to the performance of its functions and it shall give effect to such directions. Governor's Direction.
24. The Authority may make Standing Orders to prescribe its own procedure and the conduct of its meeting or the meetings of its committees and may amend, vary or revoke such Standing Orders. Standing Orders.
25. The Governor may make Regulations in respect of all or any of the provisions of this Law. Regulations.

TRANSITIONAL PROVISION AND SAVINGS

26. (1) The Kano State Environmental Planning and Protection Agency (KASSEPA) Edict is hereby repealed. Repeal, Edict No. 15 of 1990.
(2) The Kano State Urban Area Order 1993 is hereby revoked.
27. (1) The Kano State Environmental Planning and Protection Agency (KASEPPA) is hereby dissolved. Dissolution and Transfer of Asset and Liabilities.
(2) The Assets and Liabilities of the Agency are hereby transferred to the Authority and shall by virtue of this section without further assurance vest in the Authority.
(3) Any reference to the Agency in any contract previously executed, pending legal proceedings, legislation or any other document shall be construed as a reference to the Authority.
(4) "Agency" means the defunct Kano State Environmental Planning and Protection Agency.