



From the Military Administrator
Imo State of Nigeria

OWERRI
THE OWERRI CAPITAL DEVELOPMENT AUTHORITY
(AMENDMENT No. 2) EDICT, 1978
The Military Administrator of Imo State of Nigeria hereby makes
the following—

EDICT

1. This Edict may be cited as the Owerri Capital Development Authority (Amendment No. 2) Edict, 1978 and shall come into force on the 1st day of November, 1978.

Citation
and
commence-
ment.

2. The Owerri Capital Development Authority Edict, 1977, No. 2 of 1978 is further amended by—

Amendment
of Edict
No. 2 of
1978.

- (a) inserting a comma after the word "Manager" in paragraph (c) of section 5;
- (b) adding the following *ex officio* members in the following new paragraphs—
 - (d) the Chief Town Planning Officer;
 - (e) the Chief Medical Officer of Health;
 - (f) the Secretary, Owerri Local Government; and
 - (g) the Secretary, Mbaitoli/Ikeduru Local Government";
- (c) adding immediately after the word "the" and before the word "members" in the first line of subsection (2) of section 5, the following words—"six part-time".

MADE at Owerri this 17th day of November, 1978.

COLONEL SUNDAY AJIABADE ADENIHUN
Military Administrator
Imo State of Nigeria

OWERRI CAPITAL DEVELOPMENT AUTHORITY EDICT, 1977

Arrangement of Sections

Section

1. Citation.
2. Interpretation.
3. Establishment of Owerri Capital Development Authority.
4. Establishment of Imo State Capital Territory.
5. Constitution of the Authority.
6. General Manager.
7. Powers and functions of the Authority.
8. Remuneration and allowances to Chairman and members.
9. Resignation.
10. Quorum.
11. Power to co-opt.
12. Meeting of the Authority.
13. Power to engage staff.
14. Development without Authority's approval prohibited.
15. Power to enter premises and obtain information.
16. Offences.
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18. Offences by bodies corporate.
19. Accounts and audit.
20. Annual report to the Military Governor.
21. Regulations.
22. Staff regulations.
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24. Limitation of suits against the Authority.
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27. Representation.
28. Pensions, gratuities, etc.

Edict No. 2 of 1978



From His Excellency
The Military Governor
Imo State of Nigeria

OWERRI

THE OWERRI CAPITAL DEVELOPMENT AUTHORITY
EDICT, 1977

The Military Governor of Imo State hereby makes the following

EDICT

PART I—PRELIMINARY

1. This Edict may be cited as the Owerri Capital Development Authority Edict, 1977 and shall be deemed to have come into force on the 1st day of August, 1977.

Citation and
commence-
ment.

2. In this Edict, unless the context otherwise requires—

Interpreta-
tion.

"appointed date" means the date on which this Edict or any part thereof comes into force;

"the Authority" means the Owerri Capital Development Authority established under section 3 of this Edict;

"building" includes any structure built on land for dwelling, commercial purposes, worship or other purposes whatsoever;

"Capital Territory" means the Imo State Capital Territory as described in subsections (1) and (2) of section 4 of this Edict;

"chairman" means the person appointed under subsection (1) (a) of section 5 of this Edict;

"Commissioner" means the Commissioner in charge of Town and Country Planning and Urban Development;

"development" means the carrying on of any building, engineering, mining or other operations in, on, or over land or water, or the making of any material change in the use of any land or buildings thereon or on any stream or body of water whatsoever;

"Financial Year" means the period beginning from the 1st day of April in any year and ending on the 31st day of March in the year next following;

"General Manager" means the General Manager of the Authority;

"Government" means the Government of Imo State;

"interim development" means such temporary development as may be authorized by the Authority, pursuant to the Town and Country Planning Law, of any land within the Capital Territory between the date of the commencement of this Edict and the coming into operation of any of the Authority's scheme of development for the particular portion of land;

"land" includes land of any tenure, buildings or parts of buildings (whether the division is horizontal, vertical or made in any other way), and other corporal hereditaments; also a rent and other incorporeal hereditaments, and an easement, right, privilege or benefit in, over, or derived from land;

"member" means a member of the Authority appointed under subsection (1) (b) of section 5 of this Edict;

"Military Governor" means the Military Governor of Imo State;

"State" means Imo State;

"urban Region" means the conurbation of Owerri Capital Territory.

Establishment of
Owerri
Capital
Development
Authority.

3. (1) There is hereby established an authority to be known as the Owerri Capital Development Authority, whose function shall be the planning and development of the Imo State Capital Territory.

(2) The Authority shall be a body corporate with perpetual succession and a common seal, and shall have the power to sue and be sued in its corporate name, and to hold, acquire and dispose of or otherwise deal with land.

Establishment of Imo
State Capital
Territory.

4. (1) There is hereby established a Capital Territory for Imo State of Nigeria which shall be designated as the Imo State Capital Territory.

(2) The Capital Territory shall comprise the area described in Schedules A, B, C, to the Imo State Capital (Special Provisions) (Amendment) Edict No. 3 of 1976 and Schedules D and E to the Imo State Capital (Special Provisions) (Amendment) (No. 2) Edict No. 6 of 1976 and such other areas as the Military Governor may from time to time add.

(3) The Capital Territory shall, from the commencement of this Edict, cease to be within the jurisdiction of the Owerri Town Planning Authority.

Composition
of the
Authority.

5. (1) The Authority shall consist of—

(a) a Chairman who shall be appointed on a part-time basis, and

(b) six part-time members, who shall be appointed by the Military Governor.

(2) The Chairman and the members shall hold office for a period of three years in the first instance, and may be reappointed for another term of three years.

6. (1) The Authority may subject to the approval of the Military Governor, appoint a fit and proper person to be the General Manager.

General
Manager.

(2) The General Manager shall be the Chief Executive of the Authority and shall—

(a) be responsible for carrying out the policy and decisions of the Authority;

(b) manage the business and preserve all the property of the Authority;

(c) define and assign responsibilities to the staff; and

(d) submit to the Authority quarterly progress report of the activities of the Authority.

7. (1) The Authority shall have the power to exercise the functions of a planning authority for the Capital Territory as if appointed under the Town and Country Planning Law Cap. 126 of the Laws of Eastern Nigeria, 1963.

Powers and
functions of
the authority.

(2) For the avoidance of any doubt, the responsibility of the authority shall include—

(a) the definition of the boundaries of the Capital Territory as specified in section 4 (2) of this Edict.

(b) the implementation and five yearly review of the Imo State Capital Master Plan for Owerri;

(c) the preparation, execution and five yearly review of an "urban region" master plan for the whole of the Capital Territory.

(d) the provision of municipal services for the Capital Territory.

(e) the establishment of infrastructural services in accordance with the master plans referred to above;

(f) the co-ordination of all the building and development activities of all parastatals and Government agencies within the Capital Territory.

(3) Subject to the provisions of this Edict the Authority shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities including the power—

(i) to make and formulate building regulations and bye-laws which shall be subject to approval by the Commission and shall be published in the State Gazette;

(ii) to hold and manage movable and immovable property;

- (iii) to liaise with the appropriate bodies in the construction and maintenance of such works as roads, railways, sidings, tramways, bridges, reservoirs, watercourses, buildings, plants and machinery and such other works as may be necessary for the efficient discharge of its functions under this Edict;
- (iv) to purchase or otherwise acquire or take over any assets, business, property, privilege, contract, right, obligation and liability of any person or body in furtherance of its activities;
- (v) to enter into contracts and partnerships with any person or organization which in the opinion of the authority will facilitate the discharge of its functions under this Edict;
- (vi) to train managerial and technical staff for the purpose of the discharge of functions conferred on it by or in pursuance of this Edict;
- (vii) to approve building plans in accordance with the Planning Authorities (Imo State (Approval of Building Plans) Regulations 1977 and any other law for the time being in force, and adopt development schemes which shall be subject to approval by the Commissioner;
- (viii) to prepare building plans for sale to members of the public for buildings within the various layouts in the Capital Territory in accordance with the declared schemes;
- (ix) to undertake such research as may be necessary for the performance of its functions under this Edict;
- (x) to exercise such other powers as are necessary or expedient for giving full effect to the provisions of this Edict;
- (xi) to borrow money, subject to the approval of the Military Governor, raise stocks and debenture and invest such moneys in profitable ventures for the lawful pursuit of the aims and objectives of this Edict;
- (xii) subject to the approval of the Military Governor, to dispose, sell, mortgage or otherwise deal with land within the Capital Territory.

Remuneration and allowances to Chairman and members.

8. There shall be paid to the Chairman and members such remunerations and allowances as the Military Governor may determine.

Resignation.

9. The Chairman or a member may resign his appointment in writing under his hand addressed to the Military Governor and upon acceptance of such letter of resignation by the Military Governor, the appointment of such person shall determine.

10. (1) Four members of the Authority including the Chairman or, in the absence of the Chairman, any member elected by members present to act as Chairman, shall form a quorum.

(2) Any vacancy in membership shall not invalidate the decisions and acts of the Authority.

11. Whenever the need to obtain any specialist or professional advice arises, the Authority may co-opt such a specialist or professional to attend the meeting at which the advice is sought and such person shall participate in such meeting save that he shall not be entitled to vote upon any question.

12. (1) The Authority shall meet at least once every three calendar months.

(2) Notwithstanding the provisions of subsection (1) of this section the Chairman may call a meeting of the Authority at any time.

(3) Any four members of the Authority may by notice in writing signed by them, request the Chairman to call a meeting of the Authority for such purpose as set out in the notice and upon receipt of such notice the Chairman shall summon a meeting.

(4) The Chairman shall have an original vote and, when the votes are equally divided, a casting vote.

13. Subject to the provisions of this Edict, the Authority may—

(a) appoint and employ such persons as officers and servants of the Authority as it may consider necessary and shall determine the salaries, emoluments and conditions of service, so however that the Authority shall be guided by the salary structures and conditions of service existing in similar organizations within the State;

(b) grant or guarantee loans to employees for such purpose as it may approve;

(c) make standing regulations for the guidance of the operations of the Authority.

(14) Upon the commencement of this Edict no person whether corporate or unincorporated shall within the Capital Territory carry out any development unless a written approval of the Authority has been obtained by such person or body:

Provided that the Authority may, pursuant to the Town and Country Planning Law, make a general order with respect to the interim development of any area within the Capital Territory.

(2) The Authority shall have power to require any person who has not received a written approval from the Authority in accordance with subsection (1) of this section, to discontinue the carrying on of such works and may demolish any such structures already erected.

Power to
enter
premises and
obtain
information.

(3) Any person who contravenes or aids and abets the contravention of any of the provisions of this section shall be guilty of an offence.

15. (1) Any officer or servant of the Authority, authorized in that behalf

(a) shall have the right of access between the hours of 6 a.m. and 6 p.m. to any land or building under construction within the Capital Territory for the purposes of ensuring that the provisions of this Edict are adhered to;

(b) may issue a notice calling upon any person whom he has reason to believe is able to give any information respecting the ownership, possession or the boundaries of land within the Capital Territory or any part thereof, or in whose possession or control any document relating to any such matter is alleged to be to attend before him and give such information or produce such documents on a date and at a place mentioned in the notice;

(c) may by notice in writing served on any person carrying on an industrial, commercial, educational or any other undertaking whatsoever, require that person to furnish in such manner as he may direct, information on such matters as may be specified by him.

(2) Any person required to furnish information pursuant to subsection (1) of this section shall within one month of the notice comply with the notice.

(3) Any person who contravenes or aids or abets the contravention of any provisions of this section shall be guilty of an offence.

Offences.

16. (1) Any person who carries out any development without the written approval of the Authority, shall be guilty of an offence.

(2) Any person who wilfully obstructs, interferes with, assaults or resists any officer or servant of the Authority in the lawful execution of his duty under this Edict or aids, abets, incites, or induces any other person so to do, shall be guilty of an offence.

Punishments
for offences.

17. Any person found guilty of an offence under this Edict shall be liable on conviction to a fine not exceeding N1,000 or to imprisonment for not more than twelve (12) months or to both such fine and imprisonment.

Offences by
bodies
corporate.

18. Where an offence under this Edict which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any negligence on the part of any director, manager, secretary, or other official of the body corporate or any person purporting to act in any such capacity, such person as well as the body corporate shall be deemed to be separately and individually guilty of that offence.

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19. (1) The Authority shall keep proper accounts and proper records in relation to its business and shall prepare in respect of each financial year a statement of accounts in such forms as it may direct.

Accounts
and Audit.

(2) The Authority shall as soon as may be after the end of the financial year to which the accounts relate cause its accounts to be audited by the Auditor-General in accordance with the Audit Law.

20. The Authority shall prepare and submit to the Military Governor not later than 31st August in each financial year a report in such manner as the Military Governor may direct on the activities of the Authority during the preceding financial year and shall include in the report a statement of the financial position of the Authority as reflected in the Auditor-General's report.

Annual
report to the
Military
Governor.

21. The Military Governor may make regulations generally for carrying into effect the provision of this Edict in respect of the following matters---

Regulations.

- (a) establishment matters and the general administrative policy of the Authority;
- (b) the qualifications and the terms and conditions for appointment to any class or grade of officers in the service of the Authority;
- (c) the examinations to be taken by any class or grade of officers and the conduct of such examinations.

22. (1) The Authority may make regulations generally relating to the conditions of service of servants of the Authority and in particular, but without prejudice to the generality of the foregoing, may make regulations relating to

Staff
regulations.

- (a) the appointment, dismissal, discipline, pay and leave of, and the security to be given by such servants,
- (b) appeals by such servants against dismissal or other disciplinary measures.

23. (1) The Authority may, subject to the approval of the Military Governor, appoint by name a Secretary to the Authority.

Secretary.

(2) The Secretary who shall be responsible to the General Manager shall conduct the correspondence and keep records thereof and perform such other duties as the Authority may from time to time direct, or which are placed upon him by this Edict or any other law.

(3) The Secretary shall be an officer of the Authority, but not its member, and he shall attend all meetings of the Authority but shall not be entitled to vote on any question before the Authority.

24. (1) No suit against the Authority or any servant of the Authority for any act done in pursuance or in execution or intended execution of any law or of any public duty or authority or in respect of any alleged neglect or default in

Limitation
of suits
against the
Authority.

the execution of such law, duty, or authority shall lie or be instituted in any court unless it is commenced within three months next after the act, neglect or default complained of or, in the case of a continuance of damage or injury, within twelve months next after the ceasing thereof.

- (2) No suit shall be commenced against the Authority until at least one month after written notice of an intention to commence the same shall have been served upon the Authority by the intending plaintiff or his agent, and such notice shall clearly and explicitly state the cause of action, the particulars of the claims the name and place of abode of the intending plaintiff and the relief which he claims.

Service of
documents.

25. The notices referred to in subsection (2) of section 24 and any summons, notice or other document required or authorized to be served upon the Authority under the provisions of this Edict or any other law, may, unless in any case there is express provision to the contrary, be served by delivering the same to the Chairman of the Authority, or by sending it by registered post addressed to the Chairman of the Authority at the principal office of the Authority.

Restriction
on execution.

26. In any suit against the Authority no execution, attachment or process shall be issued against the Authority, but any sum of money which may be awarded against the Authority by any court shall, subject to any order made by the court where notice of appeal has been given by the Authority in respect of any judgment or order of the court, be paid by the Authority from the funds of the Authority.

Representa-
tion.

27. (1) In any suit, the Authority may be represented in court at any stage of the proceedings by any servant of the Authority.

(2) For the purpose of this part—

Suit includes action or any civil proceeding commenced by writ of summons or in such other manner as may be prescribed by rules of court but does not include criminal proceedings.

Pensions,
gratuities,
etc.

28. The Authority may grant pensions, gratuities and other retiring benefits to its employee or to the estates or to the dependants of deceased employees of the Authority in accordance with the Civil Service Pensions Scheme as provided in the Pensions Law, Cap. 92 Laws of Eastern Nigeria, 1963, and the Regulations made thereunder and for the time being in force.

Made at Owerri this 19th day of December, 1977.

By *COMMONS* *ADENKUNLE SHAMSIdeen LAWAL*
Military Governor
Imo State of Nigeria

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Military Governor
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By *COMMONS* *ADENKUNLE SHAMSIdeen LAWAL*
Military Governor
Imo State of Nigeria

EDICT No. 18 of 1978



From The Military Administrator
Imo State of Nigeria

OWERRI

THE OWERRI CAPITAL DEVELOPMENT AUTHORITY
(AMENDMENT) EDICT, 1978

The Military Administrator of Imo State, hereby makes the following—

EDICT

1. This Edict may be cited as the Owerri Capital Development Authority (Amendment) Edict, 1978 and shall be deemed to have come into force on the 1st day of August, 1977.

2. The Owerri Capital Development Authority Edict, 1977, No. 2 of 1978 is hereby amended by—
(a) deleting subsection (2) of section 4 thereof and replacing it with a new subsection "(2)" to read—

"(2) The area of the Capital Territory shall comprise all the land edged pink within the Owerri Urban Region Map, being Town Planning Division of the Ministry of Works and Housing Drawing No. OW/32 of March, 1977, drawn to scale of 1:25,000, which map is reduced and attached as Schedule hereto, and such other areas as the Military Administrator may from time to time add. The area shall be surveyed and demarcated by the Authority and the Authority's description shall be as if so described in this subsection."

(b) deleting subsection (3) of section 4 thereof and replacing it with a new subsection "(3)" to read—

"(3) From the commencement of this Edict the Owerri Town Planning Authority shall cease to exist. Its functions shall be performed by the Authority in addition to other functions assigned to the Authority by this Edict."

(c) deleting the word "and" in paragraph (a) of subsection (1) of section 5;

(d) inserting a comma after the word "Governor" in paragraph (b) of subsection (1) of section 5;

(e) adding a new paragraph "(c)" to subsection (1) of section 5 to read—
"the General Manager";

(f) deleting paragraph (d) of subsection (2) of section 7 and renumbering paragraphs (e) and (f) to "(d)" and "(e)" respectively.

Citation
and
commence-
ment.

Amendment
of Edict
No. 2 of
1978.

Owerri Capital Development
Authority (Amendment).

I.S.N. Edict No. 18 of 1978

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(g) deleting section 11 thereof and substituting therefor a new section "11" to read—

"Power to co-opt.

11. The Authority may, with the approval of the Commissioner, co-opt any person with specialist or professional knowledge as a member for such period or for such purpose as it thinks fit, but a person who is a member by virtue of this subsection shall not be entitled to vote at any meeting of the Authority and shall not count for the purpose of forming a quorum."

(h) adding a new section "29" immediately after section 28 to read—

"Sources of revenue to the Authority.

29. The sources of revenue of the Authority shall include—

- (a) planning rates levied on every building plot in an approved layout according to size and use of the plot;
- (b) inspection fees as charges made by the Authority for carrying out site inspection and checking building plans for all kinds of development;
- (c) loans granted by Government for specific projects;
- (d) subvention and grants-in-aid made to it by the Government;
- (e) rents and charges accruing to the Authority from the management of movable and immovable property in accordance with the provisions of subsection (3) of section 7 of this Edict;
- (f) interests on investment;
- (g) donations and legacies made to the Authority from any sources for general or specific purposes of the Authority;
- (h) any other moneys which the Authority may legitimately derive in the course of its activities.

(i) adding a new section "30" to read—

"Revocation of E.C.S.L.N. No. 25 of 1970 and I.S.L.N. No. 2 of 1976.

30. The Owerri (Declaration of Planning Area) Orders 1970 and 1976 are hereby revoked".

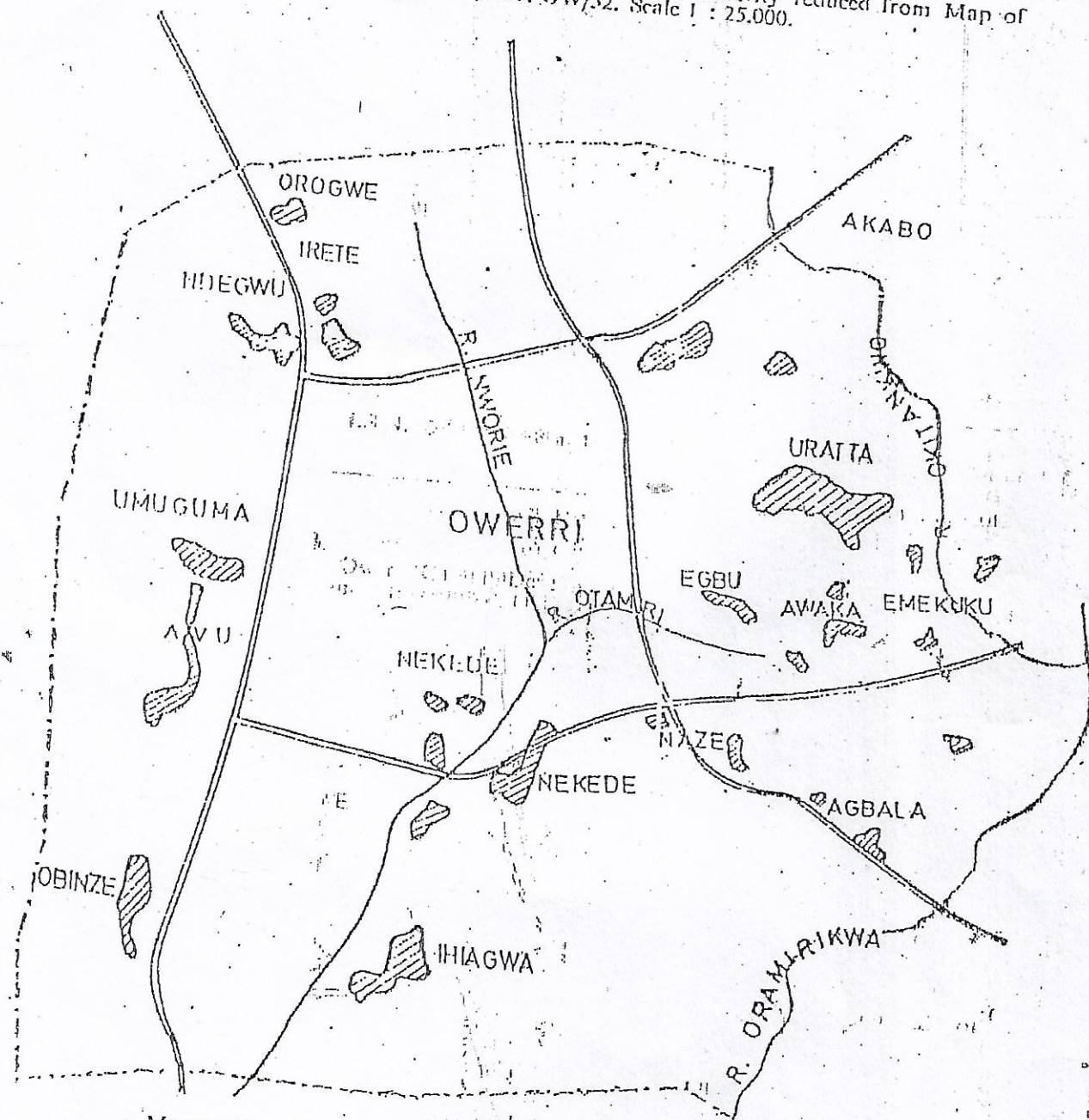
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I.S.N. Edict No. 18 of 1978

Owerri Capital Development
Authority (Amendment)

SCHEDULE
(Section 2)

Boundaries of Owerri Capital Development Authority reduced from Map of
Owerri Urban Region, Drawing No. OW/32. Scale 1 : 25,000.



Map of Owerri this 3rd day of August, 1978.

Col. SUNDAY ABRAHAM ADI-ISHU
Military Administrator
Imo State of Nigeria