

FEDERAL HOUSING AUTHORITY DECREE 1973



ARRANGEMENT OF SECTIONS

Section

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SCHEDULE

Decree No. 40

[1st October 1973]

Commence-
ment.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There is hereby established a body by the name of the Federal Housing Authority (hereinafter referred to as "the Authority") which shall be a body corporate with perpetual succession and a common seal.

Establish-
ment, etc. of
Federal
Housing
Authority.

(2) The provisions of the Schedule to this Decree shall have effect with respect to the proceedings of the Authority and the other matters therein mentioned.

2.—(1) The affairs of the Authority shall be conducted by a board of directors of the Authority (hereinafter referred to as "the Board") which shall consist of the following :—

Composition,
etc. of Board
of Directors
of the
Authority.

(a) a Chairman to be appointed by the Head of the Federal Military Government ;

(b) a Permanent Secretary from the Cabinet Office ;

(c) the Permanent Secretary, Federal Ministry of Finance or his representative ;

(d) the Permanent Secretary, Federal Ministry of Economic Development or his representative ;

(e) the Permanent Secretary, Federal Ministry of Works and Housing or his representative ;

(f) a representative of the Housing Unit in the Cabinet Office ;

(g) five other persons who by reason of their ability, specialised knowledge and experience have a special contribution to make to the work of the Authority, to be appointed by the Head of the Federal Military Government ;

(h) the General Manager of the Authority.

(2) A reference to a representative of a member of the Board in subsection (1) above shall be construed as a reference to any person duly appointed by that member to represent him at a meeting of the Board.

Functions
of the
Authority.

3. The functions of the Authority shall be as follows :—

(a) the preparation and submission from time to time to the Government of proposals for National housing programmes ;

(b) the making of recommendations to the Government on such aspects of urban and regional planning, transportation, communications, electric power, sewage, and water supply development as may be relevant to the successful execution of housing programmes approved by the Government ; and

(c) the execution of such housing programmes as may be approved by the Government.

Powers of
the
Authority.

4.—(1) Subject to this Decree, the Authority shall have power to do anything which in its opinion is calculated to facilitate the carrying out of its functions including (without prejudice to the generality of the foregoing) the power to—

(a) sue and be sued in its corporate name ;

(b) acquire, hold and manage movable or immovable property ;

(c) acquire, construct and maintain dwelling houses, schools, communal and commercial buildings, and other structures ;

(d) enter into contracts for the construction, maintenance, management or repairs of any property ;

(e) purchase or otherwise acquire any asset, business or other property where, in the opinion of the Authority, such purchase or acquisition is necessary for the proper discharge of its functions under this Decree ;

(f) sell, let, lease or otherwise dispose of any property vested in the Authority ;

(g) borrow money for the operations of the Authority but where the amount of any particular loan is not less than ₦200,000 that amount may only be borrowed with the prior approval of the Federal Executive Council ;

(h) undertake or sponsor the undertaking of such research as may be necessary for the performance of its functions ;

(i) train managerial, technical and other staff for the purpose of running the Authority's operation.

(2) For the avoidance of doubt it is hereby declared that the foregoing provisions of this section relate only to the capacity of the Authority as a statutory corporation, and nothing in those provisions shall be construed as authorising the disregard by it of any enactment or rule of law.

(3) The powers conferred on the Authority under this Decree may be exercised by or through any employee or agent of the Authority authorised in that behalf by the Authority.

Appoint-
ment of
General
Manager and
Secretary.

5.—(1) There shall be a General Manager of the Authority who shall be appointed by the Federal Executive Council and shall be the chief executive officer of the Authority and, subject to the directions of the Board, shall be responsible for the execution of the Authority's policies and the administration of its day-to-day business.

(2) The Board may appoint a Secretary who shall not be a member of the Board and who shall keep the records and conduct the correspondence of the Board and perform such other duties of a similar nature as the Board or, as the case may be, the General manager may from time to time direct.

6.—(1) The Board shall, subject to the provision of this Decree, have **Staff.**
power—

(a) to appoint such other employees of the Authority as it may determine ;

(b) to pay the employees such remuneration and allowances as the Board may determine ; and

(c) as regards any employees in whose case it may determine so to do, to pay to or in respect of them such pensions and gratuities or to provide and maintain for them such superannuation schemes (whether contributory or not) as the Board may determine.

(2) If the Board thinks it expedient that any vacancy in the staff of the Authority should be filled by a person holding office in any of the public services of the Federation, it shall inform the Commissioner responsible for Establishments to that effect and thereafter the Public Service Commission of the Federation may make necessary arrangements for the filling of the vacancy by way of secondment or transfer.

(3) Where a member of any of the public services of the Federation is seconded under subsection (2) above he shall be notified of the terms and conditions of the secondment, and the secondment shall be without prejudice to any pension rights which, but for the secondment, would accrue to him.

(4) A person seconded under subsection (2) of this section may elect to be transferred to the staff of the Authority, in which case any previous service in any of the public services as aforesaid shall count as service for the purpose of any pension subsequently payable by the Authority.

(5) Where a person who is a member of any of the public services of the Federation is transferred to the service of the Authority, then, if the Commissioner responsible for pensions so directs—

(a) that person's former service in that public service shall be taken into account in applying the provisions of the Pensions Act ; and

(b) that Act shall have effect as if that person's subsequent service with the Authority were service in that public service.

Cap. 147.

7.—(1) The appropriate authority may give to the Board directives of a general or special nature with respect to any of the functions of the Authority under this Decree and it shall be the duty of the Board to comply with such directions.

Power to give directions to the Board.

(2) The directions referred to in subsection (1) above shall be conveyed to the Board through the Chairman by the Secretary to the Federal Military Government.

8.—(1) The Authority shall maintain a fund which shall consist of—

Financial provisions.

(a) such moneys as may from time to time be provided by the Federal Executive Council by way of loan or grant ;

(b) such moneys as may be received by the Authority in the course of its operations or in relation to the exercise of any of its powers, and from such fund there shall be defrayed all expenses incurred by the Authority.

(2) Subject to any general or special direction that may be given in that behalf by the appropriate authority pursuant to section 7 of this Decree, the Authority may invest its funds and maintain a general financial reserve.

(3) The Authority shall keep proper accounts and proper records in relation thereto, and shall prepare in respect of each financial year a statement of accounts in such form as the Federal Executive Council may direct.

(4) The Authority shall as soon as may be after the end of the financial year to which the accounts relate cause the accounts to be audited by auditors appointed by the Board with the prior approval of the Federal Executive Council.

Annual
report.

9. The Authority shall submit to the Federal Executive Council not later than 30th June in each financial year a report of its activities during the preceding financial year, which shall include a copy of the audited accounts of the Authority for that year and a copy of the auditors' report thereon.

Compulsory
acquisition
of land.

10.—(1) Whenever there is any hindrance to the acquisition by the Authority of any land required for any purpose of the Authority under this Decree (including any failure by the Authority to reach agreement as to the amount to be paid in respect of the acquisition), the Federal Executive Council, on the application of the Authority and after such enquiry as it may think fit, may declare that the land is required for the service of the Authority.

Cap. 167.

(2) Where a declaration is made under subsection (1) above, the land to which the declaration relates shall be deemed to be land required for a public purpose of the Federation within the meaning of the Public Lands Acquisition Act, and the Head of the Federal Military Government—

(a) may cause action to be taken under the Act for acquiring the land for the Federal Military Government, or

(b) if the land is native land, may issue a requisition under the appropriate law for the revocation of any rights relating to the land.

(3) Where a declaration has been made under subsection (1) above in respect of any land other than native land and—

(a) the land has been acquired pursuant to subsection (4) (a) below, or

(b) the Head of the Federal Military Government is satisfied that there are no rights subsisting in respect of the land,

the Head of the Federal Military Government may vest the land in the Authority by means of a certificate under the hand and seal of the Chief Federal Lands Officer.

(4) Where a declaration has been made under subsection (1) above in respect of any native land and—

(a) the rights relating thereto have been revoked pursuant to subsection (2) (b) above, or

(b) the Military Governor of the State in which the land is situated is satisfied that there are no rights subsisting in respect of the land,

the Military Governor in question may grant to the Authority a right of occupancy of the land on such terms and conditions as he thinks fit.

(5) A plan of any land referred to in subsection (1) above—

(a) containing measurements of the boundaries of the land,

(b) showing the relationship of the land to any sufficient identifying mark, and

(c) signed by the General Manager,

shall be a sufficient description of the land for the purposes of an application under that paragraph.

(6) The Authority shall not, without the approval in writing of—

(a) the Federal Executive Council, or

(b) in the case of native land, the Military Governor of the State in which the land is situated,

mortgage, charge assign or otherwise alienate any land or any right of occupancy or other right in land vested in it under this section.

11.—(1) Property vested in the Authority shall not be liable to be acquired compulsorily under any enactment; and notwithstanding anything in any other enactment, no mining operations shall be carried on, in or under any land vested in the Authority or any land over which the Authority is entitled to rights of support for benefit of lands so vested except with the prior approval in writing of the Federal Executive Council.

In this subsection, "mining operations" includes prospecting for minerals, the getting of minerals, and activities preparatory or incidental thereto.

(2) Any person who suffers loss by reason of the provisions of the last foregoing subsection relating to mining operations shall—

(a) be paid adequate compensation by the Authority in respect of the loss; and

(b) be entitled to refer any question as to his interest in the subject matter of the loss and also to the amount of any compensation payable in pursuance of this subsection for determination by the High Court having jurisdiction in the area in which the subject-matter is situated.

(3) This section binds the Government of the Federation and the Government of any State in the Federation.

12. The Public Officers Protection Act shall apply to employees of the Authority in respect of anything done or omitted to be done in the course of their employment by the Authority.

Protection of
land vested
in the
Authority.

Protection of
employees of
the
Authority.
Cap. 168.

13. In this Decree, unless the context otherwise requires—

"the appropriate authority" means the Cabinet Office;

"the appropriate law" in relation to a State, means any law in force in the State defining native lands and providing for the revocation of rights relating thereto if any such land is required for public purposes of the Federation;

"the Authority" means the Federal Housing Authority established by section 1 of this Decree;

"the Board" means the board of directors of the Authority constituted under section 2 of this Decree;

Interpreta-
tion.

"the Chairman" means the chairman of the board of directors appointed pursuant to section 2 of this Decree ;

"functions" includes powers and duties ;

"the Government" means the Government of the Federation of Nigeria ;

"native land" in relation to a State means native land in the State within the meaning of the appropriate law ; and

"Military Governor" includes the Administrator of the East-Central State.

Citation.

14. This Decree may be cited as the Federal Housing Authority Decree 1973.

SCHEDULE

Section 1

SUPPLEMENTARY PROVISIONS RELATING TO THE POWERS, PROCEEDINGS, ETC. OF THE BOARD

1. The Board shall be responsible for the determination of the overall policy of the Authority and in particular for the financial, economic and operational programme of the Authority and for ensuring the implementation of such policies and programmes.

2. A member of the Board who is not a public officer shall, unless he previously vacates his office—

(a) hold office for three years on such terms as may be specified in his instrument of appointment ; and

(b) be eligible for reappointment.

3. Members of the Board who are not public officers shall be paid out of moneys at the disposal of the Board such remuneration and allowances as the Federal Executive Council may direct.

4. The Board shall meet at least four times in each year at times and places designated by the Chairman.

5. If not less than 5 members make a written request to the Chairman for an extraordinary meeting to be convened, the Chairman shall summon a meeting to be held within fifteen days from the date on which he received the request.

6. The Chairman shall preside at meetings of the Board, and if he is absent from a meeting the members present shall elect one of their number to preside at the meeting.

7. At a meeting of the Board—

(a) the Chairman and five members shall form a quorum,

(b) questions shall be decided by a majority of those present and voting, and

(c) in the case of an equality of votes, the Chairman or other person presiding shall have a second or casting vote.

8. Subject to this Decree the Board may make standing orders regulating the proceedings of the Board.

9. Any summons, notice or other document required or authorised to be served on the Authority may, except where there is express provision to the contrary, be served—

(a) by delivering it to the General Manager, or

(b) by sending it by registered post addressed to the General Manager at the principal office of the Authority.

10. The fixing of the seal of the Authority shall be authenticated by the signature of the Chairman or the General Manager, and the Secretary.

11. Any contract or instrument which, if made or executed by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Authority by any person generally or specially authorised to act for that purpose by the Board.

12. Any document purporting to be a contract, instrument or other document duly signed or sealed on behalf of the Authority shall be received in evidence and, unless the contrary is proved, be presumed without further proof to have been so signed or sealed.

13. Any member who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board shall forthwith disclose his interest to the Board and shall not vote on any question relating to the contract or arrangement.

14. In this Schedule—

“the General Manager” means the General Manager appointed pursuant to section 5 of this Decree ;

“member” means member of the Board (and includes the Chairman).

MADE at Lagos this 1st day of October 1973.

GENERAL Y. GOWON,
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces,
Federal Republic of Nigeria*

EXPLANATORY NOTE

*(This note does not form part of the above Decree
but is intended to explain its purpose)*

The Decree establishes the Federal Housing Authority as a statutory corporation and vests the Authority with responsibility for preparation of National housing programmes and for executing such of the programmes as may from time to time be approved by the Federal Military Government.