

FEDERAL CAPITAL TERRITORY DECREE 1976



ARRANGEMENT OF SECTIONS

Section

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SCHEDULE

Decree No. 6

[4th February 1976]

Commencement.

THE FEDERAL MILITARY GOVERNMENT hereby decrees as follows :—

1.—(1) There is hereby established a capital territory in and for the Federal Republic of Nigeria to be designated as the Federal Capital Territory.

Creation of Federal Capital Territory for Nigeria.

(2) The Capital Territory shall consist of the area described in the Schedule to this Decree.

(3) The area contained in the Capital Territory shall, as from the commencement of this Decree, cease to be a portion of the states concerned and shall thenceforth be governed and administered by or under the control of the Government of the Federation to the exclusion of any other person or authority whatsoever and the ownership of the lands comprised in the Capital Territory shall likewise vest absolutely in the Government of the Federation.

Boundaries to be better defined.

2.—(1) The boundaries of the Capital Territory shall be accurately surveyed and demarcated as soon as may be after the commencement of this Decree by or on behalf of the Federal Capital Development Authority and such boundaries shall correspond as closely as possible in detail to the boundaries of the area described in the aforementioned Schedule.

(2) The Head of the Federal Military Government shall by order published in the Gazette define the boundaries of the Capital Territory by reference to the limits, distances and bearings demarcated by the Authority which shall have carried out or caused to be carried out the survey referred to in subsection (1) above, and forthwith thereafter, references in this Decree to the area described in the Schedule thereto shall be construed as references to the area defined in the order.

Establishment of Federal Capital Development Authority.

3.—(1) There shall be established an authority to be known as the Federal Capital Development Authority which shall consist of a Chairman and eight other members to be appointed by the Supreme Military Council.

(2) The Authority shall be a body corporate with perpetual succession and a common seal.

Functions and powers of the Authority.

4.—(1) Subject to and in accordance with this Decree, the Authority shall be charged with the responsibility for—

(a) the choice of site for the location of the Capital city within the Capital Territory ;

(b) the preparation of a master-plan for the Capital city and of land use with respect to town and country planning within the rest of the Capital Territory ;

(c) the provision of municipal services within the Capital Territory ;

(d) the establishment of infrastructural services in accordance with the master-plan referred to above ; and

(e) the co-ordination of the activities of all ministries, departments and agencies of the Government of the Federation within the Capital Territory.

(2) Subject to the other provisions of this Decree, the Authority shall have power to do anything which in its opinion is calculated to facilitate the carrying on of its activities including, without prejudice to the generality of the foregoing, power—

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

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

(c) to construct and maintain such roads, railways, sidings, tramways, bridges, reservoirs, water courses, buildings, plant and machinery and such other works as may be necessary for, or conducive to, the discharge of its functions under this Decree ;

(d) to purchase or otherwise acquire or take over any asset, business, property, privilege, contract, right, obligation and liability of any person or body (whether corporate or unincorporate) in furtherance of its activities ;

(e) to enter into contracts or partnerships with any person or body (whether corporate or unincorporate) which in the opinion of the Authority will facilitate the discharge of its functions under this Decree ;

(f) to train managerial and technical staff for the purpose of the discharge of functions conferred on it by or in pursuance of this Decree ;

(g) to undertake such research as may be necessary for the performance of its functions under this Decree ;

(h) to exercise such other powers as are necessary or expedient for giving full effect to the provisions of this Decree.

(3) Except with the general or special approval of the Head of the Federal Military Government and as otherwise prescribed by this Decree, the Authority shall not have power to borrow money or to dispose of any property.

5.—(1) There shall be appointed by the Supreme Military Council an Executive Secretary to the Authority who shall be the chief executive officer of the Authority and shall be responsible for the day to day running of the affairs of the Authority.

Executive Secretary and other staff of the Authority.

(2) The Executive Secretary shall hold office on such terms as to emoluments and otherwise as may be specified in his instrument of appointment.

(3) The Authority may appoint such other persons to be officers and servants of the Authority as it may deem fit.

(4) The remuneration and tenure of office of the officers (other than the Executive Secretary) and servants of the Authority shall be determined by the Authority after consultation with the Federal Commissioner for Establishments.

6.—(1) Notwithstanding anything to the contrary in the Constitution of the Federation or of a state or of any other enactment or of any rule of law, compensation payable in respect of any land comprised in the Capital Territory shall be assessed and computed in accordance with the provisions of this Decree.

Compensation payable.

(2) In computing compensation payable under this Decree, account shall be taken of any building or crops on the land acquired for the purpose of this Decree, so however that any compensation payable shall be, as respects—

(a) land affected by this Decree, for an amount equal to the total rent paid by the lessee over the period between the date of the execution of the lease and the date of its determination by the Authority together with interest at the bank rate between the last-mentioned date and the date of payment of compensation ;

(b) building on such land, for the amount of the actual cost of construction of the building (less any depreciation) together with interest at the bank rate over the period between the date of the acquisition of such building and the date of payment of compensation ;

(c) crops on such land, for an amount equal to the fair market value of such crops ;

and the cost mentioned in the foregoing provisions of this subsection shall be such as may be determined by the Authority.

(3) Any person who claims any right or interest in any land comprised in the Capital Territory shall submit in writing particulars of his claims to the Executive Secretary on or before the expiration of a period of twelve months from the date of commencement of the order made under section 2 of this Decree or such longer period as the Head of the Federal Military Government may, either generally or in relation to any particular claim or claims, prescribe by notice published in the Gazette.

(4) No claim for compensation shall be entertained by the Authority unless a written notice of the claim in accordance with subsection (3) above is served on the Authority within the period specified in the said subsection.

Develop-
ment
without
Authority's
approval
prohibited.

7.—(1) As from the commencement of this Decree, no person or body shall within the Capital Territory carry out any development within the meaning of this Decree unless the written approval of the Authority has been obtained by such person or body :

Provided that the Authority may make a general order with respect to the interim development of land within the Capital Territory and may make special orders with respect to the interim development of any portion of land within any particular area.

(2) The Authority shall have power to require every person who, otherwise than in pursuance of an approval granted or order made under subsection (1) above, proceeds with or does any work within the Capital Territory to remove any work performed and reinstate the land or, where applicable, the building in the condition in which it was before the commencement of such work, and in the event of any failure on the part of any such person to comply with any such requirement, the Authority shall cause the necessary work to be carried out, and may recover the expenses thereof from such person as a debt.

(3) In this section—

“development” means the carrying out of any building, engineering, mining or other operations in, on, over or under land or water, or the making of any material change in the use of any land or buildings thereon or of any stretch of water whatsoever ;

“interim development” means such temporary development as may be authorised by the Authority of any land comprised in the Capital Territory between the date of commencement of this Decree and the coming into operation of any of the Authority's schemes of development for the particular portion of land.

8.—(1) For the purpose of the efficient discharge of the responsibilities of the Authority under this Decree, the Executive Secretary or any other officer or servant of the Authority authorised in that behalf—

(a) shall have a right of access at all times to any land or building within the Capital Territory for the purpose of ascertaining that the provisions of this Decree are not being contravened ;

(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 power any document relating to any such matter is alleged to be, to attend before him and give such information or produce such document 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 form 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) above shall within one month from the date of the notice comply with the notice.

Power to
enter
premises
and obtain
informa-
tion.

9.—(1) If any person required to furnish information pursuant to section 8 of this Decree fails to furnish the information as required under this Decree, he shall be guilty of an offence.

Offences
and penalty
therefor.

(2) If a person in purported compliance with a requirement to furnish information as aforesaid knowingly or recklessly makes any statement in the return which is false in a material particular, he shall be guilty of an offence.

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

(4) Any person found guilty of an offence under this Decree shall be liable on conviction to a fine of ₹500 or to imprisonment for six months or to both such fine and imprisonment.

10. Where an offence under this Decree 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 neglect 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, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Offences by
bodies
corporate.

11.—(1) 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 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 auditors approved by the Federal Commissioner for Finance.

(3) The auditors shall on completion of the audit of the accounts of the Authority for each financial year prepare and submit to the Authority the following two reports, that is to say—

(a) a general report setting out the observations and recommendations of the auditors on the financial affairs of the Authority generally for that year and on any important matters which the auditors may consider necessary to bring to the notice of the Authority ; and

(b) a detailed report containing the observations and recommendations of the auditors in detail on all aspects of the operations of the Authority for that year.

12. The Authority shall prepare and submit to the Supreme Military Council not later than 30th June in each financial year a report in such form as the Supreme Military Council may direct on the activities of the Authority during the immediately preceding financial year, and shall include in the report a copy of the audited accounts of the Authority for that year and of the reports mentioned in section 11 (3) of this Decree.

Annual
reports to
Supreme
Military
Council.

13. It is hereby declared that all laws applicable in the Capital Territory immediately before the commencement of this Decree shall continue to apply in the Capital Territory and all persons or authorities concerned with the administration of such laws shall continue to administer them until other provision is made in that behalf by the Government of the Federation.

Transi-
tional provi-
sions as to
administra-
tion of
laws.

14. The Head of the Federal Military Government may make regulations generally for carrying into effect the provisions of this Decree.

Regula-
tions.

Interpretation.

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

“the Authority” means the Federal Capital Development Authority established by section 3. of this Decree ;

“building” includes any structure whatsoever on land ;

“Capital Territory” means the Federal Capital Territory as described in sections 1 and 2 of this Decree.

Citation.

16. This Decree may be cited as the Federal Capital Territory Decree 1976.

SCHEDULE

THE BOUNDARIES OF THE FEDERAL CAPITAL TERRITORY SHALL (SUBJECT TO SECTION 2) BE AS FOLLOWS, THAT IS :—

Starting from the village called Izom on 7° E Longitude and 9° 15' Latitude, project a straight line westwards to a point just north of Lehu on the Kemi River ; then project a line along 6° 47½' E southwards passing close to the villages called Semasu, Zui and Bassa down to a place a little west of Ebagi in Kwara State ; thence project a line along parallel 8° 27½' N Latitude to Ahinza village 7° 6' E (on the Kanama River) ; thence project a straight line to Buga village on 8° 30' N Latitude and 7° 20' E Longitude ; thence draw a line northwards joining the villages of Odu, Karshi and Karu. From Karu the line should proceed along the boundary between the North-West and Benue-Plateau States as far as Karu ; thence the line should proceed along the boundary between North-Central and North-Western States up to a point just north of Bwari village ; thence the line goes straight to Zuba village and thence straight to Izom.

MADE at Lagos this 4th day of February 1976.

GENERAL M. R. MUHAMMED,
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 for Nigeria a Federal Capital Territory comprising the area described in the Schedule to the Decree and provides for the constitution of a Federal Capital Development Authority which is to exercise the various powers set out in the Decree among which are the choice of the site of the location of the Capital City within the Capital Territory and the preparation of a master-plan for the Capital City and of land use with respect to town and country planning within the rest of the Federal Capital Territory.