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S. I. No. 12 of 2014

**ECONOMIC COMMUNITY OF WEST AFRICAN STATES**  
**REGULATION C/REG.13/12/12 RELATING TO FERTILIZER**  
**QUALITY CONTROL IN THE ECOWAS REGION**

**THE COUNCIL OF MINISTERS**

MINDFUL OF Articles 10, 11 and 12 of ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions ;

MINDFUL OF Regulation C/REG.21/11/10 relating to the harmonization of the structural framework and the operational rules for health safety of food, plants and animals in the ECOWAS region ;

MINDFUL OF Decision A/DEC.11/01/05 adopting an Agricultural Policy for the Economic Community of West African States ;

MINDFUL OF Decision C/DEC.1/5/81 relating to the eradication of hunger, popularization of seed varieties and more productive animal species, financing of research programs and agricultural production projects, as well as the storage and processing of agricultural products ;

MINDFUL OF Decision C/DEC.1/05/83 on short and medium-term programs for implementation of the Regional Agricultural Development Strategy ;

CONSIDERING the strategic role of the agricultural sector in the economy of Member States in terms of meeting the food needs of the population and eradicating poverty in rural areas ;

CONVINCED of the need to promote in Member States, sustainable agriculture that is more productive and competitive, and capable of ensuring food security and higher living standards for farmers ;

CONSCIOUS that fertilizers are very important in the achievement of the objectives of the Agricultural Policy of the Economic Community of West African States ;

RECOGNIZING that regular supply of quality and affordable fertilizers to markets of Member States is all prerequisite for achieving food security and improved living standards for farmers.

DESIROUS of harmonizing the rules governing fertilizer production, trade and quality control in the Member States in order to promote the supply of quality fertilizers in Member States' markets ;

EXPRESSING SATISFACTION at the involvement of UEMOA in the development of the present Regulation ;

ON THE RECOMMENDATION of the meeting of the ECOWAS Member States' sectoral Ministers in charge of Agriculture, Environment and Water Resources held in Abidjan on 27th September, 2012 ;

ENACTS :

## CHAPTER I—GENERAL PROVISIONS

### ARTICLE 1—DEFINITIONS

1. For the purpose of the present Regulation :

“*Analysis*” means the percentage composition of a fertilizer product expressed in terms required and permitted in the ECOWAS region ;

“*Analysis Manual or Fertilizer Analysis Manual*” means the compendium of provisions describing the modalities and procedures for carrying out the analysis of fertilizers under the present Regulation ;

“*Appellate Authority*” means the highest administrative enforcement authority in the fertilizer regulatory system in each of the Member States.

“*Brand*” means any term, design, or trademark used in connection with one or several grades of fertilizer ;

“*Bulk*” refers to any fertilizer delivered to the purchaser either in solid or liquid state in a non-package form to which a label cannot be pasted.

“*Commission*” means the ECOWAS Commission ;

“*Competent Authority*” means an authority identified and appointed under the present Regulation to exercise powers delegated by some of its provisions.

“*Dealer or Agro-dealer or Distributor*” means any person who is authorized to carry on the business of selling fertilizers to the farmers in wholesale or retail, including a manufacturer and an importer ;

“*ECOWAS*” means the Economic Community of West African States ;

“*Fertilizer*” means any substance which is intended to be used as a nutrient(s) source to the crops for increasing agricultural production ;

“*Fertilizer Inspector or Inspector*” means any person appointed or designated and notified under the present Regulation to draw official samples of fertilizers, to get their quality tested in a laboratory identified for this purpose, to inspect the fertilizer records being maintained by manufacturers, importers and distributors, and to launch prosecution against the violators of any of the provisions of the present Regulation ;

“*Grade of Fertilizers*” means any combination of



*"Guaranteed Analysis"* means the minimum percentage of all plant nutrients claimed on the label ;

*"Importer"* means any person or a body who is duly authorized to import fertilizers into a Member State in accordance with the legal provisions which are in force in that State ;

*"Inspection Manual or Fertilizer Inspection Manual"* means the compendium of provisions describing the modalities and procedures for carrying out the inspection and quality control of fertilizers under the present Regulation ;

*"Label"* means (1) any legend, word, mark, symbol, or design applied or attached to, included in, belonging to, or accompanying any fertilizer, supplement, or container ; or (2) any advertisements, brochures, posters ; or (3) any television, radio, internet announcements used in promoting the sale of fertilizer ;

*"Laboratory"* means any fertilizer analysis facility identified or established in a Member State and notified under the present Regulation for carrying out fertilizer analysis as per the methods specified in the ECOWAS Fertilizer Analysis Manual ;

*"License"* means the official document authorizing a person to sell fertilizer ;

*"Licensee"* means any person who has obtained a license authorizing him to sell fertilizers, as prescribed in the present Regulation ;

*"Licensing Authority"* means the appropriate authority in a Member State designated for granting a license for selling fertilizer ;

*"Liquid Fertilizer"* means any fluid in which the plant nutrients are in true solution.

*"Manufacturer"* means any person or a body who is duly authorized in a Member State to produce fertilizers in accordance with the legal provisions which are in force in that State ;

*"Member State"* means any of the countries in West Africa which are members of ECOWAS ;

*"Micronutrient"* means any of the following nutrients that is essential for the normal growth of plants and that may need to be added to the growth medium: boron, chlorine, cobalt, copper, iron, manganese, molybdenum, sodium and Zinc ;

*"Natural Organic Fertilizer"* means a fertilizer derived from non-synthetic organic material including sewage sludge, animal manures, plant residues, household refuse, and agro-industrial waste which is produced through the process of drying, cooking, composting, chopping, grinding,

fermenting, or other methods and makes a declaration of nutrient value on the label. Such fertilizer shall not be mixed for sale with synthetic material or changed in any physical or chemical manner ;

“*Official Sample*” means any sample of fertilizer taken by an authorized fertilizer Inspector ;

“*Person*” means any individual, partnership, association, firm, or corporation ;

“*Primary Nutrient*” means any plant foods such as Nitrogen (N); available phosphoric acid ( $P_2O_5$ ) or phosphorus (P); and soluble potash ( $K_2O$ ) or potassium (K) ;

“*Secondary Nutrient*” means any of the following nutrients that is essential for the normal growth of plants and that may need to be added to the growth medium: calcium, magnesium, and sulfur ;

“*Tolerance*” means the permitted deviation of the measured values of a nutrient content or the bag weight below the values claimed on the label, or the maximum allowable heavy metal limits in a fertilizer ;

“*UEMOA*” (WAEMU) means Union Economique et Monetaire des Etats de l’Afrique de l’Ouest (West African Economic and Monetary Union) ;

“*WACoFeC*” means the West African Committee for Fertilizer Control.

#### ARTICLE 2—PURPOSE

1. The present Regulation harmonizes the rules governing fertilizer quality control in ECOWAS Member States.

2. The purpose of this Regulation is to :

(a) Safeguard the interests of the farmers against nutrient deficiencies, adulteration, misleading claims, and short weight ;

(b) Safeguard the interests of fertilizer enterprises and contribute to the creation of an enabling environment for private sector investment in the fertilizer industry ;

(c) Protect the West Africa natural environment and its population against the potential dangers associated with inappropriate fertilizer use ;

(d) Facilitate inter and intra-States trade in fertilizers, through implementation of principles and rules mutually agreed at regional level to dismantle trade barriers.

#### ARTICLE 3—SCOPE

The present Regulation shall apply to all fertilizer-related activities, especially those pertaining to the licensing of agro-dealers, as well as the storage and sale of fertilizers locally manufactured and imported in the Member States.



## CHAPTER II—GUIDING PRINCIPLES

## ARTICLE 4—PRINCIPLE OF HARMONIZATION

In pursuance of the objective of ensuring effective fertilizer quality control as intended by Article 2 of the present Regulation, ECOWAS shall help bridge the gap between Member States' legislations in the field of fertilizers.

## ARTICLE 5—PRINCIPLE OF TRUTH-IN-LABELING

The principle of truth-in-labeling holds that whatever a manufacturer, an importer or an agro-dealer claims he/she is selling, he/she must guarantee it; it is therefore essential that label claims on fertilizer packaging be truthful. Consequently, some specific requirements shall define what one can claim so that it is not necessary to register fertilizer products.

## ARTICLE 6—PRINCIPLE OF FREE MOVEMENT OF FERTILIZERS

In view of contributing to the organization of a regional market as described in the common agricultural policy, there shall be free movement of fertilizers on the ECOWAS Member States territory so far as the fertilizers comply with the quality standards prescribed in the present Regulation.

## ARTICLE 7—PRINCIPLE OF INTERNATIONAL STANDARDS RECOGNITION

To ensure the supply of quality fertilizer in the markets, the ECOWAS Commission and Member States' shall anchor their fertilizer legal frameworks on international standards.

## ARTICLE 8—PRINCIPLE OF PARTICIPATION AND INFORMATION

1. Member States shall ensure full participation of stakeholders in the fertilizer sector in the process of public decision-making on fertilizer-related issues.
2. Member States shall ensure public access to fertilizer information held by public authorities.
3. Member States shall help train and build the awareness of stakeholders in the fertilizer sector.

CHAPTER III—ORGAN AND TOOLS FOR FERTILIZER  
QUALITY CONTROL

## ARTICLE 9—WEST AFRICAN COMMITTEE FOR FERTILIZER CONTROL

1. A West African Committee for Fertilizer Control, hereinafter referred to as the WACoFeC, is hereby established. This Committee shall facilitate, on behalf of the ECOWAS Commission, the implementation of the present Regulation by Member States. To this end, it shall operate under the direct institutional authority of the Commission.

2. The WACoFeC shall work closely with national bodies in charge of fertilizer control for development of the fertilizer sector. To this end, each Member State shall set up a national body for fertilizer control.

3. At the request of WACoFeC, each Member State shall provide information for verification of compliance of the national fertilizer quality control systems with the present Regulation. WACoFeC may conduct investigations in Member States to verify the accuracy of information provided.

4. The attributions, organization and functioning of WACoFeC shall be determined by the ECOWAS Commission through an Implementing Regulation.

5. The funds necessary for the functioning of the WACoFeC shall be provided by the ECOWAS Commission.

#### ARTICLE 10—FERTILIZER QUALITY CONTROL MANUALS

1. For a more effective quality control in Member States, the ECOWAS Commission shall adopt, through Implementing Regulations, an Inspection Manual and an Analysis Manual.

2. The Inspection Manual shall describe the modalities and procedures for fertilizer inspection in the Member States, including the following :

- (a) The fertilizer sampling methods ;
- (b) The fertilizer inspection procedures ;
- (c) The required types of Performa to be used in fertilizer business and inspection.

3. The Analysis Manual shall describe the modalities and procedures for fertilizer analysis in the Member States, including the following :

- (a) The methods for collection and preparation of the official fertilizer samples ;
- (b) The methods of analysis of the official fertilizer samples ;
- (c) The types of laboratory analysis required in fertilizer samples ;
- (d) The requirements and procedures for setting up of a fertilizer testing laboratory ; and
- (e) The required types of Performa to be used in fertilizer analysis.

#### CHAPTER IV—MANUFACTURING, IMPORTING AND SALE OF FERTILIZERS

##### ARTICLE 11 : LICENSING FOR AGRO-DEALERS

1. Any person who intends to carry on the business of fertilizer agro-dealer in any ECOWAS Member States shall hold a license granted by the



2. The agro-dealer license shall be issued for three years, renewable at the holder's request for similar duration. It may be suspended or withdrawn.

3. The conditions and modalities for obtaining this license, or for its renewal, suspension, and withdrawal shall be specified by each Member State, in accordance with the relevant provisions of the present Regulation.

#### ARTICLE 12—DISPLAY OF LICENSE

Every agro-dealer shall display his/her license at a conspicuous place in the business premises.

#### ARTICLE 13—OPERATING AS A MANUFACTURER OR AN IMPORTER

The conditions and modalities for operating as a manufacturer or an importer of fertilizer in each Member State shall be governed by the regulations in force in the Member State concerned.

#### ARTICLE 14—SETTING-UP OF PLANTS

The setting-up of fertilizer manufacturing and/or packing facilities in each of the Member States shall be governed by the regulations in force in the States.

#### ARTICLE 15—IMPORT AND EXPORT REGIMES

1. Without prejudice to community regulations on foreign trade, the import and export of fertilizers shall be subject to prior notification to the competent authority in the concerned country.

2. The importer or exporter shall provide all the information required on the forms designed for that purpose by the Member State concerned.

#### ARTICLE 16—WAREHOUSE STORAGE CONDITIONS

Any warehouse used to store fertilizers intended for sale shall have adequate temperature and moisture levels as well as be tidy and well ventilated, in order to ensure their effective conservation.

#### ARTICLE 17—PACKAGING SIZE

Fertilizer shall be generally marketed in sealed and labeled bags of 50 kg weight. However, smaller or larger sealed and labeled bags shall also be permitted.

#### ARTICLE 18—LABELING

1. Specifications of fertilizers sold in the ECOWAS Member States shall be printed on the fertilizer container in clearly legible and conspicuous form.

2. In case of bulk production and shipments, these specifications in written or printed form shall accompany each delivery and be supplied to the purchaser at time of delivery.



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3. The following information is provided for the year ended 31/12/2019:

(d) Seize and detain any fertilizer in violation of the present Regulation as well as any equipment, package, document, means of transportation associated with such fertilizer.

These inspections, official sample withdrawal and analysis, and seizures are carried out in accordance with the modalities and procedures described in the Fertilizer Quality Control manuals referred to in Article 10 of the present Regulation.

3. The manufacturer, importer and distributor or his/her representative shall be present at the time of inspection.

#### ARTICLE 22—AREA OF CONTROL

Fertilizer quality control shall apply to all stages and venues of manufacturing, unloading, storage, sale or use.

Article 22—Area of Control

3. The fee amounts, their payment modalities and the allocation of proceeds shall be determined by each Member State.



## ARTICLE 29—PENALTIES FOR VIOLATION

Member States shall take all appropriate measures to levy penalties for any violation of the provisions of the present Regulation.

## ARTICLE 30—APPEAL

In each Member State, the manufacturers, importers and distributors shall have a right to appeal before the Appellate Authority against any decision taken by licensing authority regarding issue of license, renewal of the same, issue of duplicate license and against analysis report of a laboratory or any other grievances, under provisions of the present Regulation.

## CHAPTER VIII—MISCELLANEOUS PROVISIONS

## ARTICLE 31—CONFIDENTIALITY

1. The regulatory authority in each Member State shall treat any information supplied by an applicant for a license, biannual reports or any other information considered exclusive to that applicant as proprietary and confidential except when ordered to release such information.



*Extraordinary*



**Federal Republic of Nigeria**



S. I. No. 13 of 2014

TOWN PLANNERS (REGISTRATION, ETC.)

3. A Registered Town Planner shall ensure that neither he personally nor any firm or company carrying on the practice of Urban and Regional Planning of which he is a Partner or Director acts for two or more parties with conflicting interest without disclosing the relevant facts to the other parties.

4. No Registered member shall undertake any duties or carry out any instructions of an employer, client or superior which involve the making of statements purporting to be his own but which are contrary to his *bonafide* professional opinion.

5. No Registered member shall have or take as partner or co-director in his firms any persons who is not registered by the Council or any person not registered by another relevant professional Council.

6. A town planner shall be at liberty to register his planning firm as a limited liability company for purposes of obtaining facilities from financial institutions, bidding for planning related and non-planning related contracts.

7. In case of a firm or company carrying on practice as Urban and Regional Planners, the sole Principal of a practice or partner in the firm or a Director of the company shall be held responsible for any contravention of these regulations.

8. No Registered member shall solicit instruction for work in any manner whatsoever.

9. No registered Town Planner or firm shall charge less than the fees stipulated in the Scale of Professional Fees approved for the professions by the Federal Ministry of Works and Housing. Registered Members may, however, negotiate fees with clients within reasonable boundaries stipulate in the approved scale of professional Fees.

10. A Registered Town Planner member who is a civil servant or public officer on fulltime employment by a Federal, State, Local Government Department, Statutory Board, Town Planning Authority or Agency no matter how described will not undertake private planning work, in keeping with government regulations on private practice by civil servants and public officers. Public servants in higher institutions of learning may undertake private practice where the condition of service permits.

11. No Registered Town Planner member employed part-time by a Federal, State or Local Government Department, Agency or a Statutory Board or Planning Authority exercising planning powers shall undertake private planning work in any area where by reason of his office, he is in a position to grant, refuse or influence the granting or refusal or any form of statutory or other approval relating to the development or use of land.

12. No Registered Town Planner member employed by Federal or State Government Department or a Local Planning Authority or Agency shall withhold from any government or its Agency or any Registered Town Planner, relevant

planning information or document necessary for effective planning or development control except where such information is classified.

13. Further to the above, physical development plans or other plans duly accepted by Government or its Agencies must be made available by the Registered Town Planner in charge, to Government and the public for implementation immediately such plans are approved by the appropriate authority.

## ARTICLE 2

4.—(1) All members shall address other Registered Town Planners as my Professional Colleague. Protocol.

2. In any public gathering a registered member shall be addressed with the prefix "*Town Planner*", before his name, e.g. Town Planner Thompson Olegu; TPL Thompson Olegu.

3. The Technical officers working in planning institutes and departments of public and private sectors shall be classified as technologists and technicians for purposes of their registration and integration in the profession.

(i) The officers with Higher National Diploma (HND) shall be registered as Technologists, while the officers with National Diploma (ND) shall be registered as Technicians.

## ARTICLE 3

5.—(1) No Registered Town Planner shall allow any reference to his planning consultancy firm or company to appear in any advertisement or manufactured products published by a commercial concern. Advertisement and Publicity.

2. A Town Planner shall not advertise his professional planning services or skills except as stated below—

3. Provided that his name, description and address is not given undue prominence, a member or his town planning consultancy firm may place advertisement in the press when :

- (a) *Seeking staff* : a partnership of salaried employment ; or
- (b) Acting on behalf of a client for the purpose of procuring personnel ;
- (c) A members firm is acting for a client in the buying or selling of property or a business ;
- (d) Opening a new office and changing the address of a firm ;
- (e) Announcing or giving information on member's appointment to positions of national or local importance as well as to the Boards of companies ;
- (f) Placing congratulatory, obituary and other ancillary messages for the Council, Partner and Staff.



4. A Registered member may use his professional designation and designatory letters :

- (a) When participating in radio or television programmes ;
- (b) When submitting articles, letters, other contributions to the press.

5. A Registered Town Planner's firm may advertise in the press for its consultancy services in order to inform the public of the services that his firm is capable of providing subject to the requirement such that the advertisement in the opinion of the Council is not to :

- (a) in size and scale, be made to impress rather than inform and its should not exceed quarter or half of a page either for the firm alone or the firm and its associated/related firms ;
- (b) discredit the services offered by others by claiming superiority for the advertiser's own services or otherwise ;
- (c) contain comparisons with other member/firm ;
- (d) be misleading either directly or by implication ;
- (e) be indecent, dishonest and untrue ;
- (f) fall short of the requirements of the Council's ethical standards ; and
- (g) appear to form part of the description of the parties which is included on the firm's professional statement.

6. A Registered Town Planner or firm may organise, participate in exhibitions, seminars, and similar activities organised by the Institute, State chapters, self or other third parties, subject to the requirements of these professional ethics.

7. A registered Town Planner's or firm's contribution to good causes, whether by way of donation or sponsorship may be publicly acknowledged by the recipient, provided the acknowledgment to the general requirement that it should not bring the Council into disrepute nor bring discredit to the member, firm or the planning profession. Appropriate causes for support include charities, education, sport, art and culture.

8. Sponsorship in terms of financial support for a specific event which is of relevance and importance to the community may be undertaken provided it is not used as an excuse for advertisement of his professional services.

9. A Registered Town Planner may send to a professional journal articles and scripts about his own work or about planning topics of general interest and to allow his work to be displayed at exhibitions.

10. (i) A town planner may exhibit his name outside his office in such a manner that shall be visible to prospective clients ;

(ii) There shall be uniform/standardized signage for all planning firms and the size of the signage shall be as approved by Council.

11. A Registered Town Planner advertising or authorising the advertisement of his professional planning services shall ensure that any such advertisement is neither misleading to the public nor such as to prejudice his professional status or the reputation of the council. In particular, no advertisement of planning services shall contain any of the following :

- (a) an inaccurate statement of fact ;
- (b) an explicit comparison between the service offered by the registered member advertising and the services offered by other registered members ;
- and
- (c) any endorsement for a commercial product.

#### ARTICLE 4

6.—(1) A Registered Town Planner shall faithfully carry out his duties which he undertakes and shall thoroughly consider the socio-cultural and environment impact of his work.

Professional  
Obligations  
and  
Remunera-  
tions.

2. A Registered member shall before accepting an engagement, have defined beyond reasonable doubt the terms and conditions of the engagement including the scope of the service, the allocation of responsibilities and a limitation of liability, the method of payment and the provision of termination.

3. A Registered Town Planner proposing or making an agreement or an engagement as Consultant Town Planner shall make use of the approved Scale of Fees, and Standard Agreement and Conditions of engagement for Town Planning Services to define the terms of the engagement and seek sufficient information to enable the member know the nature and scope of the project and the services required before the engagement.

4. The terms and conditions of an engagement should always be evidenced in writing.

5. A Registered Town Planner shall arrange that the work of his office and any branch office in so far as it relates to Urban and Regional Planning is under the control of a Registered Town Planner.

6. A Registered Town Planner shall not transfer his commission to another without the prior agreement of his client nor without defining the changes in the responsibility of those concerned.

7. A Registered Town Planner shall act impartially in all cases in which he is acting between client, contractor and any other parties. He must interpret the conditions of a contract with utter fairness and firmness. Where he has responsibilities as a Town Planner under a project, or it acting for the supervising office, he shall interpret the conditions of such contract with fairness as well as diligently co-ordinate the services of other allied professionals.

8. It shall be considered unprofessional and inconsistent with honourable and dignified conduct and contrary to the public interest for any registered Town Planner :



(a) to exert undue influence or to offer, solicit or accept compensation for the purpose of effecting negotiations for a Town Planning Project ;

(b) to use the advantages of a privileged position to compete unfairly with other Town Planners ;

(c) to accept remuneration for services rendered other than from his clients or his employer ;

(d) to attempt to supplant another Town Planner in the particular engagement after definite steps have been taken towards his employment ;

(e) to review the work of another Town Planner for the same client except with the knowledge of such Town Planner unless such Town Planner's engagement on the work which is subject to review has been terminated, and ;

(f) to attempt to injure, falsely or maliciously, the professional reputation, business, or employment position of another Town Planner.

9. Every Registered Town Planner must conform with the technical standards as contained in the Nigerian Urban and Regional Planning Law (Decree No. 88, 1992) and its amendment from time to time. It is the duty of the Town Planner to carry on efficiently and economically and in conformity with the technical standards, the wishes and instructions of his employer or client in so far as they are not incompatible with the requirements of the law, independence, integrity and objectivity.

10. In doing so, it is the duty of the Town Planner to bring to bear on any assignment that degree of knowledge and skill that qualifies him for registration with the Town Planners Registration Council and the right to offer professional planning and related services to clients or employers.

11. Any member who ceases to be active in the activities of the State Chapter or Study Group of the Nigerian Institute of Town Planners in his State or he is owing dues for three consecutive years without any reasonable excuse and he or she is reported to the Council by the State Chapter or the State Monitoring Committee of the Council shall be suspended from the Registered of members.

12. Any Registered member who without any reasonable excuse absents himself from the annual general meeting and conference of the Nigerian Institute of Town Planners for five consecutive years except on grounds of old age or physical impairment and he/she is reported to the Council by NITP will have his/her name suspended from the Register of Names in accordance with laid down procedure.

Any member who defaults in the payment of his/her annual dues to the Council and or to the Nigerian Institute of Town Planners will have his/her name struck out from the Register.

## ARTICLE 5

7.—(1) A Registered Town Planner shall support fair and open competition based on professional merit in pursuit of business opportunities.

General  
Ethics.

2. A Registered Town Planner shall not act as Town Planner or Joint Town Planner for a project which has been a subject of competition in which he is engaged as an assessor or organiser.

3. A Registered Town Planner shall not supplant another Town Planner nor compete with another Town Planner by means of reduction of the Scale of Professional Fees or by other inducements.

4. A Registered Town Planner on being approached or instructed to proceed with professional work upon which another Town Planner was previously engaged not being in the same employment shall notify the facts to the other Town Planner and shall satisfy himself that there are no outstanding obligations between the client and the other Town Planner, before he proceeds to undertake such works.

5. A Registered Town Planner shall not submit designs reports, documents or any materials for any project without a contract of engagement or letter of commission from the client, except in response to an invitation to submit proposal or to competitions authorised by the Council.

6. The task of checking or appraising the work of another Town Planner is one which a Registered Town Planner may be commissioned. The Town Planner has a duty to inform the consultant (Town Planner) of his appointment to appraise his work. This is, in any event, a professional courtesy. A Town Planner appointed to give expert advice shall not subsequently allow his terms of reference to be extended into those of an arbitrator. The appraising Town Planner shall avoid any impression that his purpose is to supplant the other Registered Town Planner.

7. A Registered Town Planner shall not abuse his office or professional position in public or private service but shall strive to uphold the integrity and dignity of the profession at all times.

8. A Registered Town Planner shall not discredit the work of a professional colleague with a view to securing such project for his own personal financial benefits. Such should attract a very heavy disciplinary action if appropriately reported to the Council.

9. A Registered Town Planner shall not utilise the work of another professional colleague without acknowledging his source.

10. Except where the condition of service permits, a Registered Town Planner in public service shall not engage in private practice that shall bring him income or other financial benefits on such private practice.

11. A registered Town Planner shall not practise any other profession in which he is not qualified and registered.



12. No employed person who claims to be a Town Planner shall be promoted to the position of Principal Town Planning Officer or its equivalent in other public service unless he is a Registered Planner with TOPREC.

13. Consultants should present proposals, specifying project work-load, output, Consultancy fees (based on the approved professional scale of fees, for Town Planners), time schedule, resume of firm, including the curricula vitae of personnel and organisational structure.

14. Registered Town Planners may form consortium with other allied professionals for the purpose of handling a multi-purpose, multi-dimensional and inter-disciplinary environment project.

15. A Registered Town Planner shall be a prime consultant (professional/Consultant) for preparation of Physical Development Plans for any environment, whatever the size of such environment.

16. There shall be full enforcement of Site/Locational Analysis Report and Plan (SARP) on all applications for planning approval and development permit in line with the statutory responsibilities of the profession, the Nigerian Urban and Regional Planning Act (CAP. N138, LFN, 2004) and the National Building Code as approved.

17. There shall be full enforcement on the sale and usage of professional regulatory stamps. The appropriate professional stamps shall be affixed on all plans, reports and projects, seeking planning approval in Nigeria.

There shall be four categories of regulatory stamps viz :

- (a) Site/Locational Analysis Report and Plan (SARP) ;
- (b) Environment Impact Analysis (EIA) ;
- (c) Special Project ;
- (d) Structure Plans, Master, Regional Campus, etc.

#### ARTICLE 6

Town Planning  
Consultancy.

8.—(1) The following procedure shall be adhered to for commissioning Town Planning Consultancy Services :

- (i) The client invites proposals from selected consultants ;
- (ii) The selected consultants present their respective proposals, specifying project work, fees, time schedule, resume of firm including the curricula vitae of personnel and organisational structure ;
- (iii) The client after study and review of all proposals submitted selects and appoints the desired consultant.

2. The Consultancy Agreement is then drawn and executed by the two parties, which should include amongst any other aspects peculiar to the project clear statements on the following :

(i) Appointment of the Consultant by the employer to undertake the consultancy job ;

(ii) Scope of services and conditions and considerations of any additional services ;

(iii) Remuneration and methods of payment including reimbursable expenses ;

(iv) Facilities to be provided by the Employer ;

(v) Time-schedule for the commencement and completion of the services ;

(vi) Care, diligence, responsibilities, assignments, postponements or abandonment ;

(vii) Alteration and/or modification of the Scope of Services ;

(viii) Reports on progress of work from commencement to completion, and how any inputs of the employer and the public may be handled ;

(ix) Preparation of the report including maps, diagrams, plans, statistics and supporting materials.

(x) Law of the Agreement, arbitration, termination of the agreement, and force majeure.

3. The approved Scale of Fees shall be applied at all times by Registered Town Planners for the remuneration of their services. However this exempts those engaged in public services who are bound by public service rules.

4. No Town Planner shall be referred to as a Consultant unless he has practised for a minimum of 5 years.

5. Appendices to the Agreement should include :