

THE JOS METROPOLITAN DEVELOPMENT BOARD EDICT,
1974



Benue-Plateau State of Nigeria

Edict No. 5 of 1974

[1st April, 1974]

Date of
commence-
ment.

THE MILITARY GOVERNOR OF THE BENUE-PLATEAU STATE OF NIGERIA
hereby makes the following Edict:—

PART I.—PRELIMINARY

1. This Edict may be cited as the Jos Metropolitan Development Board Edict, 1974, and shall be deemed to have come into operation on the 1st day of April, 1974.

Title and
commence-
ment.

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

Interpreta-
tion.

“appointed day” in relation to this Edict or any Part or section thereof means the date when this Edict or the Part or section in question as the case may be shall come into operation;

“the Board” means the Jos Metropolitan Development Board established under section 3;

“the Chairman” means the Chairman appointed under subsection (2) of section 4;

“financial year” means the twelve months ending on the 31st day of March in any year;

“the Government” means the Military Government of the State;

“Local Authority” means the Jos Local Authority;

“member” means a member of the Board and includes the Chairman;

“the Military Governor” means the Military Governor of the State;

“the State” means the Benue-Plateau State of Nigeria.

PART II.—ESTABLISHMENT, CONSTITUTION AND
FUNCTIONS OF THE BOARD

3. As from the appointed day there shall be established the Jos Metropolitan Development Board which shall be a body corporate with perpetual succession and a common seal and which shall have power to sue and be sued in its corporate name.

Establish-
ment of the
Board.

4. (1) The Board shall consist of a Chairman and not less than thirteen, and not more than fifteen, other members.

Constitution
of the Board.

(2) The Chairman and the other members shall be appointed by the Military Governor:

Provided that in appointing the members the Military Governor shall appoint—

- (a) four persons representing the Jos Local Administration;
- (b) at least four persons who, in his opinion will represent adequately the interests of commerce, mining industry and any other interests;
- (c) a person representing the Ministry of Lands and Survey;
- (d) a person representing the Ministry for Local Government;
- (e) a person representing the Ministry of Health;
- (f) a person representing the Ministry of Works;
- (g) the District Head of Du District; and
- (h) the District Head of Gwong District;

(3) No act or other proceedings of the Board shall be invalid by reason of any vacancy among its members or by reason of any defect in the appointment of any member.

(4) There shall be paid out of the funds of the Board to each member, not being an officer in the public service of the State or an officer in the service of any township or local administration, such remuneration, if any, whether by way of salary, fees or allowances as the Military Governor may determine.

(5) A member shall not be personally liable for any act or omission to do any act or any default of the Board so long as such act, omission or default is in the course of the operations of the Board and in good faith.

Delegation of functions.

5. (1) The Board may, with the approval of the Military Governor, delegate to the Chairman or any officer of the Board the routine administration of the affairs of the Board.

(2) Nothing in this section shall authorise the delegation of any power to make major decisions of policy in connection with the functions of the Board, to make standing orders or to authorise expenditure exceeding such amount as may, from time to time, be fixed by the Board.

Supplementary provisions. Third Schedule.

6. The supplementary provisions contained in the Third Schedule shall have effect with respect to the constitution and proceedings of the Board.

Duties of the Board. First Schedule. Cap. 130.

7. It shall be the duty of the Board—

- (a) within the area or areas specified in the First Schedule, to administer, execute and enforce the provisions of the Town and Country Planning Law, for which area or areas the Board has been appointed the planning authority under that Law; and
- (b) generally, to foster the development of Jos and the State by the provision of public services and public amenities and by the promotion of commercial, industrial, or agricultural projects.

Powers of the Board.

8. (1) Subject to the provisions of this Edict, the Board shall, for the purpose of carrying out its functions under this Edict, have power to carry on all activities which are necessary, advantageous or expedient.

(2) Without prejudice to the generality of the provisions of subsection (1) the powers of the Board shall include powers—

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- (a) to control and manage all assets vested, or to be vested in, the Board under the provisions of this Edict;
 - (b) to construct and maintain roads, footways, bridges, drains, sewers and watercourses;
 - (c) to construct and maintain houses or any other buildings which are necessary or desirable for the performance of its functions under this Edict;
 - (d) to acquire, construct, maintain or repair any works, plant or apparatus which are necessary or desirable for the purposes of the Board;
 - (e) to operate, or to participate in the operation of, public transport services;
 - (f) to enter into such contracts as may be necessary, advantageous or expedient for the performance of its functions under this Edict, including contracts for the supply, construction or maintenance of any property, movable or immovable, or the provision of any service or facility;
 - (g) to promote the establishment or expansion of companies or other bodies providing public services or public amenities either under the control or partial control of the Board or independently;
 - (h) to lend or advance money to, acquire an interest in, or provide, or by underwriting or otherwise, assist in the subscription of capital for, any company, person or body engaged in or proposing to establish or expand or improve any commercial, industrial or agricultural undertaking;
 - (i) to carry on, in association with other bodies and persons (including companies, government authorities, township or local administrations) or as managing agents, any activities which are necessary or desirable for the performance of its functions under this Edict and to provide any technical, advisory or managerial advice and assistance or plant or machinery required for this purpose;
 - (j) to establish or operate any commercial, industrial or agricultural undertaking, either directly, or through a body or person with which the Board is acting in association;
 - (k) to acquire, purchase, lease, mortgage, hold, construct, manufacture or maintain any property whatsoever, whether movable or immovable, required for or in connection with the purposes of its functions, and to sell, dispose of or otherwise deal with such property or any part thereof;
 - (l) to accept or acquire and hold any security of any kind in any form whatsoever;
 - (m) to surrender, re-transfer or re-assign any security held by the Board whether upon exchange for another security or upon discharge;

- (n) in relation to any security held by the Board, to exercise any power, right or privilege in respect thereof which a private individual would be capable of exercising in like circumstances;
- (o) to make, draw, accept or endorse negotiable instruments;
- (p) to insure its property against all forms of risks; and
- (q) with the approval of the Military Governor, to write off bad debts.

(3) The preceding provisions of this section relate only to the capacity of the Board as a statutory corporation and nothing in the said provisions shall be construed as authorising the disregard by the Board of any written law.

Appointment
of commit-
tees.

9. (1) The Board may, with the approval of the Military Governor, appoint one or more committees for the purpose of exercising and performing such of its functions as the Board may specify.

(2) The members of any committee appointed under this section, the chairman of the committee, the term of office and remuneration of the members shall be such as the Board may, with the approval of the Military Governor, specify.

(3) Any committee appointed under this section may include persons who are not members of the Board but who possess such special qualification or experience as in the opinion of the Board would prove beneficial to the work or purpose of the committee:

Provided that the majority of the members of every committee shall be members or officers of the Board.

Power of
Military
Governor to
give
directions.

10. (1) The Military Governor may give to the Board such general directions as to the discharge by the Board of its functions under this Edict as appears to him to be necessary to ensure conformity by the Board with the policy of the Government and the Board shall give effect to any such directions.

(2) The Military Governor may, after consultation with the Board, give to the Board specific directions for the purposes of remedying any defect which may be disclosed in the arrangements of the Board for the discharge of its functions under this Edict and the Board shall give effect to any such directions.

(3) The power conferred by subsection (2) on the Military Governor shall include power to give directions prohibiting or limiting any expenditure proposed to be incurred by the Board which appears to the Military Governor to be excessive or unnecessary.

(4) The Board shall afford to the Military Governor facilities for obtaining information relating to the assets and liabilities and functions of the Board, and shall furnish him with returns, accounts and other information relating thereto, and shall afford to him facilities for the verification of information furnished in such manner and at such times as he may require.

PART III.—FINANCIAL PROVISIONS: ASSETS AND LIABILITIES OF THE BOARD

Vesting in the
Board of
assets, etc.

11. (1) All property, real and personal, except the market stalls at Gangare Market, Jos, vested in the Local Authority immediately before the appointed day shall, as from the appointed day vest in the Board by

virtue of this Edict and without further assurance, and, as from the appointed day, the Board shall have all rights and be subject to all liabilities which the Local Authority had or to which the Local Authority was subject immediately before the appointed day.

(2) The Military Governor may, by a notice in the Gazette, vest any other property in the Board and the provisions of this section shall have effect in respect of such property.

(3) Every agreement to which the Local Authority was a party shall have effect as from the appointed day as if—

- (a) the Board had been a party to the agreement;
- (b) for any reference to the Local Authority there was substituted, as respects anything falling to be done on or after the appointed day, a reference to the Board.

(4) Where, by the operation of any of the foregoing provisions of this section, any right or liability becomes a right or liability of the Board, the Board and all other persons shall, as from the appointed day, have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings) for ascertaining, perfecting or enforcing that right or liability of the Board, and any legal proceedings pending on the appointed day by or against the Local Authority shall be continued by or against the Board.

(5) In this section—

“property” without prejudice to the generality of its meaning, includes buildings and appurtenances, stores, materials, funds, loans and accounts receivable, claims and liens.

12. The funds and resources of the Board shall consist of—

- (a) all sums, investments or other property whatsoever vested in the Board under the provisions of section 11;
- (b) such percentage of all sums collected by the Board in respect of each of the items in the Second Schedule, as the Military Governor may by order determine;
- (c) such sums or other property whatsoever as may from time to time be advanced by way of loan or granted to the Board by the Government;
- (d) such sums or other property whatsoever as may from time to time be advanced by way of loan or granted to the Board by any township authority, local administration, statutory corporation, any other Government in Nigeria or any agency or institution of any such Government, any international agency, any private foundation or any person whatsoever;
- (e) any investments or other property whatsoever acquired by or vested in the Board and all money earned or arising therefrom;
- (f) all sums earned in respect of any service provided by the Board;
- (g) all sums received by or falling due to the Board in respect of the repayment of any loan made by the Board or the interest payable in respect thereof;

Funds and resources of the Board.

Second Schedule.

- (h) all other sums or other property which may in any manner whatsoever become payable to or vested in the Board.

Loans and grants by the Government, and advance account for working capital.

13. (1) It shall be lawful for the Government to make to the Board—

- (a) grants of any sums or property as the Government shall deem fit;
(b) loans upon such terms as to repayment, payment of interest or otherwise as the Government may determine.

(2) The Military Governor may, if he deems it expedient so to do, waive in favour of the Board any right of or liability to the Government in respect of any property vested in the Board by or under the provisions of section 11.

(3) The Board shall in respect of any moneys (other than grants) advanced by the Government to provide working capital for the Board, create an advanced account in favour of the Government of an amount equal to the total sum of moneys so advanced.

(4) The advanced account referred to in subsection (3) shall be subject to such conditions as to interest and repayment as the Military Governor may from time to time determine.

Power to borrow money.

14. (1) Subject to the provisions of this section, the Board may, by issuing debentures, stocks or other securities, or in any other manner, borrow sums required by it for meeting any of its obligations or discharging any of its functions under this Edict.

(2) (a) The power of the Board to borrow shall be exercisable only with the approval of the Military Governor as to the amount of the loan, the sources of the borrowing and the terms on which the borrowing may be effected, and the approval given for the purposes of this subsection may be either general or limited to a particular borrowing.

(b) The approval of the Military Governor for the purposes of this subsection may be subject to such conditions, as he may specify.

(3) A person lending money to the Board shall not be bound to enquire whether the borrowing of the money is within the power of the Board.

Debentures to the Government.

15. (1) If the Government makes any loan to the Board at any time in accordance with the provisions of this Edict, the Board shall, if so required by the Military Governor, issue to the Government a debenture or debentures of a nominal value equivalent to the sum loaned.

(2) Debentures issued in accordance with the provisions of subsection (1) shall bear interest at such rate, if any, and from such date as the Military Governor may specify.

Investment of moneys.

16. The Board may invest money standing to its credit and not for the time being required for the purposes of its functions in stocks, shares, debentures or any other securities whatsoever and the Board may sell, dispose of or otherwise deal with all or any of such securities.

PART IV.—ACCOUNTS AND REPORTS

17. (1) The Board shall—

Accounts and
audit.

- (a) cause to be kept proper accounts in respect of its functions under this Edict and other records in relation thereto; and
- (b) prepare in respect of each financial year a statement of accounts in such form as may be approved by the Military Governor.

(2) The said annual statement of accounts shall be a fair and accurate statement of the financial position, and of the results of the operations of the Board for the financial year to which it relates.

(3) The said annual statement of accounts shall be audited by an auditor or auditors to be appointed annually by the Board with the approval of the Military Governor, and any remuneration to be paid to the auditor or auditors so appointed shall be paid by the Board.

(4) As soon as the said annual statement of accounts has been audited as aforesaid the Board shall forward to the Military Governor a copy of the said statement of accounts together with a copy of the report made by the auditors.

(5) Before the commencement of each financial year the Board shall prepare an estimate of its revenue and expenditure for that financial year and submit the same to the Military Governor for his approval, and he shall have power to disallow or reduce the provision under any item in the estimate as he may consider necessary.

18. (1) The Board shall, within six months after the end of each financial year, make to the Military Governor a report, in such form and containing such particulars as he may from time to time direct, dealing with the activities of the Board during that financial year.

Annual
Report.

(2) Every annual report made by the Board under subsection (1) shall contain particulars of all directions given under this Edict by the Military Governor to the Board during the financial year.

PART V.—MISCELLANEOUS

19. The Military Governor shall appoint by name or office a Secretary to the Board and the Secretary shall be an officer but not a member of the Board.

Secretary
to the Board.

20. (1) Subject to the provisions of section 19, the Board shall have power to appoint and exercise disciplinary control over such other officers, servants and agents as it may think necessary for the discharge of its functions under this Edict and to determine their terms and conditions of service as to remuneration or otherwise.

Other staff,
etc., of the
Board.

(2) The exercise of the powers vested in the Board by subsection (1) shall be subject to the provisions of any regulations or rules that may be made under section 22 or 23 respectively.

21. The Board may employ on secondment or transfer such officers of the public service of the State or in the service of any other State, township authority or local administration as may with the agreement of such officers, be

Secondment
of emplo-
yees.

seconded or transferred to the service of the Board in accordance with the procedure applicable to the secondment or transfer of such officers.

Power to make regulations relating to employees of the Board.

22. The Board may, with the approval of the Military Governor, and subject to the provisions of this Edict, make regulations with respect to the appointment, promotion, transfer and dismissal of, and exercise of disciplinary control over, its employees, and without prejudice to the generality of the foregoing provisions, make regulations for any of the following matters—

- (a) the qualifications to be required for appointment;
- (b) the method of appointment (including probation and confirmation);
- (c) the form of any agreement to be entered into between the Board and its employees;
- (d) the terms and conditions of service (including, without prejudice to the generality of that expression, the salaries and allowances, the grant of advances, the provision of quarters, leave, and medical and dental treatment);
- (e) the procedure and requirements for promotion;
- (f) the maintenance of discipline (including dismissal and the termination of appointments);
- (g) the transfer of employees between the Board and the Government of the State, any other State, township authority or local administration, or any statutory corporation; and
- (h) such other matters relating to departmental procedure and duties and responsibilities of employees as the Board considers can be best provided for by regulations.

Power to make rules relating to retirement benefits.

23. The Board may, with the approval of the Military Governor, make rules, with respect to its employees, for—

- (a) the pensions, gratuities and retirement allowances to be granted to pensionable employees of the Board and their dependants;
- (b) the gratuities and retirement allowances to be granted to non-pensionable employees of the Board and their dependants;
- (c) all matters ancillary to the matters mentioned in paragraphs (a) and (b).

Forms of contracts or instruments.

24. (1) Any contract or instrument which if entered into or executed by a person not being a body corporate would not require to be under seal may be entered into or executed on behalf of the Board by the Secretary or by any person generally or specially authorised by the Board for that purpose.

(2) Any document purporting to be a document duly executed or issued under the seal of the Board or on behalf of the Board shall unless the contrary is proved be deemed to be a document so executed or issued, as the case may be.

25. Stamp duties under the provisions of the Stamp Duties Law shall not be payable by the Board in respect of any instrument to which the Board is a party. Exemption from stamp duties. Cap. 128.

26. Service upon the Board of any notice, order or other document may be effected by delivering it or sending it by registered post addressed to the Secretary of the Board at its head office. Service of notices.

27. The Military Governor may by order add to, reduce or vary the First and Second Schedules from such date as may be specified in such order. Power to amend First and Second Schedules.

28. The Military Governor may make regulations for carrying into effect the provisions of this Edict. Regulations.

FIRST SCHEDULE

Section 7(a).

The area of the Jos Division delineated on the plan numbered BPM. 024 which is deposited in the office of the Surveyor-General at Jos and shown on such plan surrounded by a red verge line.

SECOND SCHEDULE

Section 12(b).

1. Rates on property levied by any rating authority.
2. Monies paid by Governments in lieu of property rates.
3. Rents or any other fees payable to the Jos Local Administration or to Government on rights of occupancy.

THIRD SCHEDULE

CONSTITUTION AND THE PROCEEDINGS OF THE BOARD

Section 6.

1. (1) The Chairman shall hold office, subject to the provisions of this Schedule, for three years from the date of his appointment, but shall be eligible for re-appointment. Tenure of office of Chairman and members.

(2) Every member, other than the Chairman, shall hold office, subject to the provisions of this Schedule, for three years from the date of his appointment, but shall be eligible for re-appointment.

2. (1) If the Military Governor is satisfied that a member of the Board— Vacation of office.

(a) has been absent from three consecutive meetings of the Board without the permission of the Military Governor in the case of the Chairman, or of the Chairman in the case of any other member;

(b) has become bankrupt or made an arrangement with his creditors;

(c) has been convicted of an offence involving or necessarily implying fraud or dishonesty and has undergone a sentence of imprisonment therefor;

(d) is incapacitated by physical or mental illness from performing his functions as a member;

(e) has such financial or other interest in the operations of the Board or otherwise as in the opinion of the Military Governor is likely to affect prejudicially the discharge by him of his functions as a member; or

(f) is otherwise unable or unfit to discharge the functions of a member,

the Military Governor may revoke the appointment of such member.

(2) A member may resign office as a member by notice in writing to the Military Governor and upon receipt of such resignation by the Military Governor the appointment of such member shall be terminated.

(3) Notwithstanding the provisions of paragraph (1) the Military Governor may at any time remove any member from his office.

Temporary membership.

3. Where any member of the Board is temporarily incapacitated by illness from performing the functions of his office or is temporarily absent from Nigeria, the Military Governor may appoint any person to hold temporarily the office held by such incapacitated or absent member during the period of such incapacity or absence and all the functions of such member under this Edict shall devolve upon the person so temporarily appointed.

Co-option of persons.

4. Where upon any special occasion the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt such person to be a member for such meeting or meetings as may be required, and such person whilst so co-opted shall have all the rights and privileges of a member save that he shall not be entitled to vote on any question.

Meetings and procedure.

5. (1) The Board shall hold such and so many meetings as may be necessary for the due fulfilment of its functions so, however, that it shall hold at least four meetings every year.

(2) At a meeting of the Board—

(a) the Chairman shall, if present, be chairman of the meeting;

(b) if and so long as the Chairman is not present or if the office of chairman is vacant, the members of the Board who are present shall choose one of their number to be chairman of the meeting.

(3) Every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question, and in the case of any equal division of votes, the chairman of the meeting shall have a second or casting vote.

(4) Any six members of the Board may by notice in writing signed by them request the Chairman to call a special meeting of the Board for the purposes set out in such notice and the Chairman shall thereupon call a special meeting.

Quorum.

6. Ten members (including the Chairman or other member presiding), shall form a quorum at any meeting of the Board.

Common seal.

7. (1) The Board shall as soon as may be after its establishment provide itself with a common seal.

(2) The common seal of the Board shall be authenticated by the signature of the Chairman or some other member authorised by the Board to act in that behalf and the signature of the Secretary of the Board.

(3) Judicial notice shall be taken of the common seal of the Board and every document purporting to be an instrument made by the Board and to be sealed with the common seal (purporting to be authenticated in accordance with this paragraph) of the Board shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.

8. Subject to the provisions of this Edict, the Board may make standing orders for the purpose of regulating its own proceedings. Standing orders.

DATED at Jos this 22nd day of April, 1974.

J. D. GOMWALK,
Military Governor,
Benue-Plateau State of Nigeria

EXPLANATORY NOTE

(This note does not form part of this Edict and has no legal effect)

The purpose of this Edict is to establish the Jos Metropolitan Development Board which will consist of a Chairman and not less than thirteen, nor more than fifteen, other members appointed by the Military Governor. Of the members, four will be persons representing the Jos Local Administration and at least four others will be persons who, in the opinion of the Military Governor, will represent adequately the interests of commerce, industry and agriculture.

The main functions of the Board are to administer the provisions of the Town and Country Planning Law in the areas specified in the First Schedule, for which it will be appointed the planning authority under that Law, and to foster the development of Jos by the provision of public services and public amenities and by the promotion of commercial, industrial or agricultural projects.

Part III vests in the Board the interests of the Jos Local Authority except the market stalls at Gangare market and this Part also contains other financial provisions governing the Board. Under section 13 the Government may make loans and grants to the Board and such loans may be secured by debentures issued to the Government under section 15. The Board is also given power under section 14 to borrow money from other sources.

Part IV provides for the keeping of the Board's accounts and their audit.

Part V contains provisions dealing with the Board's staff and also a number of miscellaneous matters.

THE JOS METROPOLITAN DEVELOPMENT BOARD
(AMENDMENT) EDICT, 1978



Plateau State of Nigeria

Edict No 7 of 1978

[13th January, 1977] Date of commencement.

THE MILITARY GOVERNOR OF THE PLATEAU STATE OF NIGERIA hereby makes the following Edict:—

1. This Edict may be cited as the Jos Metropolitan Development Board (Amendment) Edict, 1977 and shall be deemed to have come into operation on the 13th day of January, 1977.

Title and commencement.

2. The Jos Metropolitan Development Board Edict, 1974, (hereinafter referred to as the Principal Edict) is hereby amended by inserting immediately after section 7 thereof the following new section.

Amendment of the Jos Metropolitan Development Board Edict, 1977.

“7A (I) In addition to the duties specified in section 7 of the Principal Edict, the Board may—

Additional powers and duties of the Board.

(a) grant applications for permission to any person or body for any development or erection of any structure within the area or areas specified in the First Schedule;

(b) grant such applications with or without conditions, where it is satisfied that the proposed development or erection will not—

(i) involve any injury to health or dangers to health or involve excessive or premature expenditure of public funds;

(ii) be likely seriously to injure the amenities of the locality;

(iii) be within seventy-five feet of the road.

(2) The Board may at any time—

(a) remove, pull down, demolish or alter any building, development, erection or other work done or erected in contravention of this Edict;

(b) order to be demolished or pulled down any building or land or erection or development which is being used in such manner as to

contravene any provision of this Edict or any other law for the time being in force or the provision of the Greater Jos Area Master Plan.

3. In each case where the Board decides to take action in subsections (1) and (2) of this section, a month's notice shall be given to the owner of building or land or erection or development."

MADE at Jos this 31st day of January, 1977.

GROUP CAPTAIN DAN SULEIMAN,
*Military Governor,
Plateau State of Nigeria*