

Government lands  
etc.

52 Citation.



**Land Use Act**  
**Chapter L5**  
**Laws of the Federation of Nigeria 2004**

An Act to Vest all Land comprised in the territory of each State (except land vested in the Federal government or its agencies) solely in the Governor of the State , who would hold such Land in trust for the people and would henceforth be responsible for allocation of land in all urban areas to individuals resident in the State and to organisations for residential, agriculture, commercial and other purposes while similar powers will with respect to non urban areas are conferred on Local Governments.(27<sup>th</sup> March 1978) Commencement.

29<sup>th</sup> March 1978

**Part I**  
**General**

1. Subject to the provisions of this Act, all land comprised in the territory of each State in the Federation are hereby vested in the Governor of that State and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Act.

2. (1) As from the commencement of this Act -
- (a) all land in urban areas shall be under the control and management of the Governor of each State. And
  - (b) all other land shall, subject to this Act, be under the control and management of the Local Government, within the area of jurisdiction of which the land is situated.
- ✓ (2) There shall be established in each State a body to be known as "the Land Use and Allocation Committee" which shall have responsibility for:-
- (a) advising the Governor on any matter connected with the management of land to which paragraph (a) of subsection (1) above relates;
  - (b) Advising the Governor on any matter connected with the resettlement of persons affected by the revocation of rights of occupancy on the ground of overriding public interest under this Act; and
  - (c) determining disputes as to the amount of compensation payable under this Act for improvements on land.
- (3) The Land Use and Allocation Committee shall consist of such number of persons as the Governor may determine and shall include in its membership:-
- (a) not less than two persons possessing qualifications approved for appointment to the public service as estate surveyors or land officers and who have had such qualification for not less than five years; and
  - (b) a legal practitioner.
- (4) The Land Use and Allocation Committee shall be presided over by such one of its members as may be designated by the Governor and, subject to such directions as may be given in the regard by the Governor, shall have power to regulate its proceedings.

- (5) There shall also be established for each Local Government a body to be known as "the Land Allocation Advisory Committee" which shall consist of such persons as may be determined by the Governor acting after consultation with the Local Government and shall have responsibility for advising the Local Government on any matter connected with the management of land to which paragraph (b) of subsection (1) above relates.
3. Subject to such general conditions as may be specified in that behalf by the National Council of States, the Governor may for the purposes of this Act by order published in the State Gazette designate the parts of the area of the territory of the State constituting land in an urban area.
4. Until other provisions are made in that behalf and, subject to the provisions of this Act, land under the control and management of the Military Governor under this Act shall be administered -
- (a) in the case of any State where the Land Tenure Law of the former Northern Nigeria applies; in accordance with the provisions of that law; and
  - (b) in every other case, in accordance with the provisions of the State Land Law applicable in respect of State Land in the State, and the provisions of the Land Tenure Law or the State Land Law, as the case may be, shall have effect with such modification as would bring those laws into conformity with this Act or its general intendment.

**Part II**  
Principles of Land Tenure, Powers of Governor and Local Governments,  
and Rights of Occupiers

5. (1) It shall be lawful for the Governor in respect of land, whether or not in an urban areas:-

- (a) to grant statutory rights of occupancy to any person for all purposes;
- (b) to grant easements appurtenant to statutory rights occupancy;
- (c) to demand rental for any such land granted to any person.
- (d) to revise the said rental -
  - (i) at such intervals as may be specified in the certificate of occupancy; or
  - (ii) where no intervals are specified in the certificate or occupancy at any time during the term of the statutory rights of occupancy;
- (e) to impose a penal rent for a breach of any covenant in a certificate of occupancy requiring the holder to develop or effect improvements on the land the subject of the certificate of occupancy and to revise such penal rent as provided in section 19 of this Act
- (f) to impose a penal rent for a breach of any condition, express or implied, which precludes the holder of a statutory right of occupancy from alienating the right of or any part thereof by sale, mortgage, transfer or possession, sub-lease or request or otherwise howsoever without the prior consent of the Governor;
- (g) to waive. Wholly or partially, except as otherwise prescribed; all or any of the covenant or conditions of which a statutory right of occupancy is subject where, owing to special circumstances, compliance therewith would be impossible or great hardship would be imposed upon the holder;
- (h) to extend except as otherwise prescribed, the time to the holder of a statutory right of occupancy for performing any of the conditions of the right of occupancy upon such terms and conditions as he may think fit.