

CHAPTER 155

STATE LANDS

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Transfer of State land to Local Government.
4. Power to grant leases or licences for temporary occupation.
5. Power of Governor to accept surrender of leases.
6. Licence to take building materials. Exceptions.

GENERAL PROVISIONS RELATING TO LEASES

(1) *Implied Covenants and Conditions*

7. Implied covenants.
8. (1) Covenants and conditions binding on persons claiming under the lease.
(2) Minors.
9. Revision of rent.
10. Penal rent.
11. Buildings on leased State lands.
12. Restrictions on sale of lease by court.

(2) *Rent*

13. Rent.
14. Penalty when rent in arrears.
15. Power to sue for rent in arrears.
16. Power to distrain for rent due.
17. Forfeiture of lease.
18. Debt to State not extinguished by forfeiture.
19. Acceptance of rent not to operate as a waiver of forfeiture.

RESERVATIONS

(1) *Water*

20. Reservation of water.

(2) *Foreshore*

21. Reservation of foreshore, etc.

(3) Minerals

Section

22. Reservation of minerals.

(4) Entry for certain purposes

23. Power of entry to erect electric lines, etc.

(5) Resumption of land for public undertakings

24. Resumption of lands for roads, railways, etc.

(6) Thoroughfares

25. Saving of public thoroughfare.

SURVEYS—BOUNDARY MARKS

26. State land to be surveyed before lease.

27. Lessees to maintain boundary marks.

28. Owner and occupiers of land abutting on State lands to keep the boundaries defined.

MISCELLANEOUS

29. Recovery of State lands in unlawful occupation.

30. Evidence in proceedings.

31. Right of State to sue not barred by limitation.

32. Suit for rent not barred by limitation.

33. Right of way not presumed against State.

34. Service of notices.

35. Lessee to permit officer to enter and inspect.

36. Penalty for unauthorised occupation of State land.

37. Power to make regulations.

CHAPTER 155

STATE LANDS

Law to make further and better provision for the Management and Control of State Lands.

[1st April, 1918]

W.R. 1959, Cap. 29.
1963 No. 31.
1970 No. 20.
1968 Decree. No. 38.
OYS 1978. Cap. 119.
1985 No. 1.

*1. This law may be cited as the State Lands Law.

Short title.

2. In this Law—

Interpretation.
LFN 1990, Cap 202.

“lease” includes a statutory right of occupancy granted under the Land Use Act.

“State land” means all land vested in the Governor by section 1 of the Land Use Act.

“State-occupied land” means land occupied or reserved for occupation by the Government of the State or a Local Government for public purposes.

3. (a) The Governor may, on the payment of such consideration (if any) as may be agreed with a Local Government established under the Local Government Law, transfer to such council or committee any State land occupied by such Local Government for the purpose of its functions under any Act or Law, or which may be required for any such purpose.

Transfer of State land to Local Government.

(b) On the transfer of any such land the Commissioner of Lands shall issue a certificate, under his hand and seal, to the effect that such land has been made over to the Local Government, and such certificate shall confer on the council or committee the estate or interest referred to therein against all persons free from all adverse or competing rights, titles, interests, trusts, claims and demands whatsoever.

4. Subject to the regulations under this Law the Governor may grant leases of State land for any term, and may grant licences for the temporary occupation of State lands.

Power to grant leases or licences for temporary occupation.

*See section 4 of the Land Use Act, LFN, 1990 Cap 202.

5. The Governor may—

- (a) accept on such terms and conditions (if any) as he may think proper the surrender of any lease granted under this Law or any Ordinance repealed by the State Lands Act;
- (b) wholly or partially remit, except as otherwise prescribed, all or any of the covenants or conditions in any lease, where, owing to special circumstances, compliance therewith would be impossible or great hardship would be inflicted upon the lessee; and
- (c) extend, except as otherwise prescribed, the time to the lessee for performing the conditions contained in any lease liable to forfeiture for such period, and upon such terms and conditions, as he may think fit, and the period so extended and the terms and conditions so imposed shall be deemed to be inserted in the lease, and shall be binding on the lessee.

Licence to
take building
materials.
Exceptions.
LFN 1990,
Cap. 226.
Cap. 350.

6. (1) It shall be lawful for the Governor to grant a licence to any person to enter upon any State land which is not the subject of a lease or a temporary occupation licence granted under this Law, or of a mining lease, mining right or exclusive prospecting licence granted under the Minerals Act or of a lease or licence granted under the Petroleum Act and remove or extract therefrom any stone, gravel, clay, sand or other similar substance (not being a mineral within the meaning assigned to that term in the Minerals Act) that may be required for building or for the manufacture of building materials.

(2) A licence may be granted for such period and subject to such conditions as the Governor thinks fit or as may be prescribed.

(3) A licence shall not be transferable.

(4) The Governor may cancel a licence if the licensee fails to comply with any of the conditions thereof.

GENERAL PROVISIONS RELATING TO LEASES

(1) *Implied Covenants and Conditions*

Implied
covenants.

7. Except as otherwise prescribed or provided in the lease, there shall in every lease under this Law be implied by virtue of this Law—

- (a) covenants by the lessor—
- (i) that he has full power to grant the lease;

- (ii) that the lessee, paying the rent and fulfilling the conditions therein contained shall quietly hold and enjoy the premises without any interruption by the lessor or any person claiming under him except in so far as the laws in force for the time being in Nigeria may permit;

(b) covenants by the lessee—

- (i) that he will pay to the Commissioner of Lands or to such officer as the Governor may appoint on the issue of the lease rent at the rate of the rent specified in the lease for the period from the commencement of the lease to the 31st December next following, and that he will thereafter pay in advance without demand on 1st January in each year to the Commissioner of Lands or to such other officer as the Governor may appoint the yearly rent specified in the lease, or if the yearly rent be revised or a penal rent be imposed in lieu of the yearly rent, such revised or penal rent as may for the time being be payable in respect of the premises;
- (ii) that he will pay all taxes, rates, charges, duties, assessments or outgoings of whatever description as may be imposed, charged or assessed upon the lands comprised in such lease or the buildings thereon or upon the lessor or lessee;
- (iii) not to assign, sublet or otherwise part with the possession of the land comprised in such lease or any part thereof, without the previous consent of the Governor in writing:

Provided that the requirement for such previous consent may be dispensed with by the Governor, or if the Governor delegates the power so to do to him, by the Commissioner for Lands and Housing, and accordingly consent may be granted retrospectively where the Governor or the Commissioner for Lands and Housing, as the case may be, considers that owing to special circumstances, compliance with the requirement for previous consent was impracticable or enforcement thereof would inflict great hardship upon the lessee. 1970 No. 20.

3. (1) Every covenant or condition whether expressed or implied in a lease under this Law which is binding on a lessee, shall, unless otherwise expressly provided in the lease, be binding on all persons claiming an interest in the land the subject of the lease and whose title derived through or under the lessee.

Covenants and conditions binding on persons claiming under the lease.

Minors.

(2) Any minor who becomes a lessee under this Law shall be in the same position with regard to his liability and obligation under or in respect of his lease as if he were of full age.

Revision of
rent.

9. (1) In every lease under this Law there shall, unless expressly excepted, be reserved by virtue of this Law to the Governor the right to revise and fix the rent for such periods (hereinafter referred to as the revision periods) as may be specified in the lease.

(2) (a) As nearly as conveniently may be to the commencement of each revision period the Governor shall revise and fix the yearly rent which shall be payable for such revision period, but so that the rent fixed shall not exceed the rent obtainable at the time of revision for similar lands of similar area and amenities similarly situate:

Provided that if for any reason the Governor considers it desirable to postpone the revision of the rent reserved under any lease, the Governor may postpone such revision for such time, irrespective of any revision period, as he shall think fit; but should the right to revise be subsequently exercised the rent then fixed shall be payable for the remainder of the current revision period.

(b) In revising the rent no improvements made by the lessee on the land shall be taken in account.

(3) The amount at which the rent is fixed by the Governor shall be notified to the lessee, who if he considers that the rent fixed is in excess of that which can properly be demanded under the terms of subsection (2) may within one month of such notification appeal to the Governor.

(4) If the Governor and the lessee are unable to agree as to the rent to be paid the matter shall be referred to an arbitrator to be agreed upon by the Governor and the lessee or in the absence of such agreement to be appointed by a judge of the High Court.

(5) The decision of the arbitrator shall be final and if the rent fixed by the arbitrator is not less than that demanded by the Governor the lessee shall pay the cost of the arbitration.

Penal rent.

10. (1) When in any lease under this Law the lessee has covenanted to develop or effect improvements on the land leased and has committed a breach of such covenant the Governor may at the time of such breach or at any time thereafter, and at the expiration of every year thereafter so long as the breach be not remedied, fix a penal rent which shall be payable for one year from the date it is fixed and shall be paid by

the lessee in addition to and at the same time and manner as the rent reserved is payable and shall be recoverable as rent. The first penal rent shall not exceed the rent reserved in the lease and penal rents subsequently fixed shall not exceed double the penal rent payable in respect of the preceding year.

(2) Notice of such penal rent being imposed and the amount thereof and the date from which it is payable shall be given in writing to the lessee.

(3) The fact that a penal rent has been imposed shall not preclude the Governor, in lieu of fixing a subsequent penal rent, from taking or directing to be taken proceedings for the forfeiture of the lease by reason of the breach in relation to which the penal rent has been imposed, provided that such proceedings shall not be taken during the period for which a penal rent has been paid.

11. In the absence of special provisions to the contrary in any lease under this Law all buildings and improvements on State lands, whether erected or made by the lessee or not, shall on the determination of the lease, pass to the Governor without payment of compensation:

Buildings on leased State lands.

Provided, however, that, in the absence of any special provision to the contrary in the lease, when land is leased for a term not exceeding thirty years the lessee shall be at liberty within three months of the termination (otherwise than by forfeiture) of such lease to remove any buildings erected by him on the land leased during the currency of such lease, unless the Governor shall elect to purchase such buildings. In the event of the Governor and the lessee not agreeing as to the purchase price of such buildings, the same shall be determined by arbitration. The lessee shall make good any damage done to the land by any such removal.

12. No lease under this Law or under any Ordinance repealed by the State Lands Act which contains a covenant, whether express or implied, by the lessee not to assign without the consent of the Governor shall be sold by or under the orders of a court in execution of a decree or otherwise however, save to a purchaser approved in writing by the Governor and under terms, as to adequacy of price or otherwise, also so approved.

Restrictions on sale of lease by court. F. & L. 1958, Cap. 45.

(2) Rent

13. The rent reserved or payable under any lease granted under this Law or under any Ordinance repealed by the State

Rent. F. & L. 1958,

Cap. 45. Lands Act shall be a debt to the State and shall be paid at the office of the Commissioner of Lands or at such other office as the Governor may appoint.

Penalty when rent in arrear.

14. If any such rent as aforesaid shall at any time be unpaid for a space of ninety days after the same became due, and a notice shall have been served on the person in default, there shall be payable by way of penalty a sum equivalent to five per cent of the rent due. If such rent and penalty shall be unpaid for a space exceeding one hundred and twenty days after the rent became due, and a notice shall have been served as aforesaid, there shall be payable by way of penalty a further sum equivalent to five per cent of the rent due.

Power to sue for rent in arrear.

15. The Commissioner of Lands or any person appointed by the Commissioner of Lands in that behalf may, without prejudice to the right of the State to recover rent in arrear in any other way, sue for the same, together with the penalty (if any) which may be payable under the last preceding section, and such suit may be instituted in the High Court or a magistrate's court.

Power to distrain for rent due. F. & L. 1958, Cap. 45.

16. The Commissioner of Lands may, on behalf of the Governor, distrain for rent due under any lease under this Law or under any Ordinance repealed by the State Lands Act and may authorise any person to act for him in this behalf.

Forfeiture of lease. 1985 No. 1. Repeal and substitution of s. 17 of Cap. 119.

17. If the rent reserved or payable under a lease under this Law or under any Ordinance repealed by the State Lands Act is in arrear, or if there shall be any breach of the lessee's covenants or of the conditions of the lease whether express or implied, it shall be lawful for the Governor to forfeit such lease forthwith.

Debt to State not extinguished by forfeiture.

18. No forfeiture shall operate to extinguish any debt to the State in respect of any rent or payment to be made by a lessee under a lease forfeited.

Acceptance of rent not to operate as a waiver for forfeiture. F. & L. 1958, Cap. 45.

19. The acceptance by or on behalf of the State of any rent shall not be held to operate as a waiver by the State of any forfeiture accruing by reason of the breach of any covenant or condition, express or implied, in any lease under this Law or under any Ordinance repealed by the State Lands Act.

RESERVATIONS

(1) *Water*

20. A conveyance or lease under this Law shall not, unless otherwise expressly provided therein, confer any right to the water of any spring, river, lake or stream, other than such water as may be required for domestic purposes upon the land sold or leased.

Reservation
of water.

(2) *Foreshore*

21. A conveyance or lease under this Law shall not, unless otherwise expressly provided therein, confer any right to the foreshore, or to the banks of any navigable waterway.

Reservation
of foreshore,
etc.

(3) *Minerals*

22. (1) A conveyance or lease under this Law shall not confer any right to any mineral as defined in the Minerals Act or to any mineral oil.

Reservation
of minerals.
LFN 1990,
Cap. 226.

(2) There is hereby reserved to the State the right to enter upon any land sold or leased under this Law, and—

(a) to search for, mine and remove any mineral as aforesaid or any mineral oil; and

(b) except in the case of lands leased for building purposes only, to remove any stone, gravel, soil or other substance required for the construction or repair of any road, Government building or other public work.

(3) The right reserved to the State under paragraph (a) of subsection (2) may be exercised by any person authorised by the competent Federal authority or by or under any Act relating to minerals or mineral oil and that under paragraph (b) of the said subsection may be exercised by any person authorised by the Governor.

(4) *Entry for certain purposes*

23. Any person authorised by the Governor may at any time enter upon any land leased under this Law and may—

Power of
entry to erect
electric lines,
etc.

(a) set up poles on and carry electric lines across such land; and

(b) lay sewers, drains, water pipes or electric lines therein.

without paying compensation but making good all damage done.

(5) *Resumption of land for public undertakings*

Resumption
of lands for
roads, rail-
ways, etc.
1968 Decree
No. 38. 1976
Decree No.
33.

24. (1) When any land sold or leased under this Law exceeds two hundred acres the Governor may at any time enter and resume any portion of such lands for roads, railways, tramways, canals, water channels or trigonometrical stations or any other public undertaking without paying compensation for the land, but compensation shall be paid for buildings or crops destroyed or damaged:

Provided that in the event of a larger portion than four percent of such land being resumed for any such purpose as aforesaid there shall be paid to the owner or lessee, as the case may be, compensation for the land taken in excess of such portion.

(2) When any land leased under this Law does not exceed two hundred acres the Governor may at any time enter and resume any portion of such lands for any of the purposes mentioned in subsection (1), paying compensation for the land taken.

(3) Whenever land which has been leased is resumed under this section the lessee shall be entitled to a proportionate reduction in his rent.

(4) The Governor may authorise any officers of the Government, their servants and agents, to exercise the powers reserved to him by this section.

(5) Compensation payable under this section shall be computed and determined in accordance with the provisions of the Public Lands Acquisition (Miscellaneous Provisions) Decree, 1976.

(6) The compensation to be awarded under this section shall, if not agreed upon between the parties, be determined by the lands tribunal in accordance with the provisions of the Public Lands Acquisition (Miscellaneous Provisions) Decree, 1976.

(7) Resumption of land under this section may be effected before the compensation (if any) is paid, either by actual entry on the land resumed, or by service of notice of resumption on the owner or lessee.

(6) *Thoroughfares*

Saving of
public thor-
ough-fare.

25. All public thoroughfares existing on any land leased under this Law shall be deemed to be and shall be reserved and shall remain free and uninterrupted unless the same be closed or altered by the order of the Governor or by other competent authority.

SURVEYS—BOUNDARY MARKS

26. No State land shall be leased under this Law until the same has been surveyed and demarcated by a Government or licensed surveyor and the plan thereof has been approved and signed by the Surveyor-General, or by any officer of the Ministry of Lands and Housing acting on his behalf.

State land to be surveyed before lease.

27. The lessee of any State land leased before or after the commencement of this Law shall at all times maintain in repair to the satisfaction of the Commissioner of Lands or of such other officer as the Governor may appoint in this behalf all boundary marks placed or erected to denote the boundaries of the land granted, sold or leased.

Lessees to maintain boundary marks.

28. (1) Every owner or occupier of land abutting on State-occupied land shall define and keep defined the boundary between the land owned or occupied by him and the adjoining State-occupied land to the satisfaction of the Commissioner of Lands, or of such other officer as the Governor may appoint in this behalf, and in default of his so doing the Commissioner of Lands or other officer as aforesaid may by notice in writing require such owner or occupier to define such boundary in such manner and within such time as may be specified in such notice.

Owners and occupiers of land abutting on State lands to keep the boundaries defined.

(2) Any owner or occupier who shall fail to comply with such requisition shall, on summary conviction, be liable to a fine of forty *naira* and in addition shall be ordered by the court to pay the expenses (if any) incurred by the Government in defining the boundary which he has neglected to define.

MISCELLANEOUS

29. (1) When any person without right, title or licence or whose right, title or licence has expired or been forfeited or cancelled, is in occupation of State-occupied land, the Attorney-General, or the Commissioner of Lands, or some person appointed by the Attorney-General in writing, may enter a suit in the High Court to recover possession thereof.

Recovery of State-occupied lands in unlawful occupation.

(2) If on the hearing of such suit the defendant does not appear, or appears but fails to establish an absolute right or title to the possession of the land, the court shall order that the possession of the land sought to be recovered shall be given by the defendant to the plaintiff, either forthwith or on or before such day as the court shall think fit to name, and shall issue such process as may be necessary for carrying such order into effect.

Evidence in proceedings.

30. In any action, suit or proceedings against any person for or in respect of any alleged unlawful occupation, use of or trespass upon State-occupied land, the proof that the occupation or use in question was authorised, shall lie on the defendant, and in every such action, suit or proceedings and in every action by or against the Government in which title to land shall be in issue the averment that any land is State-occupied land shall be sufficient without proof of such fact, unless the defendant prove the contrary.

Right of State to sue not barred by limitation.

31. No action or other remedy by or on behalf of the State for the recovery of the possession of State land shall be barred or affected by any Statute, Act, Law or other law of limitation.

Suit for rent not barred by limitation.
F. & L. 1958,
Cap. 45.

32. No Statute, Act, Law or other law of limitation shall bar or affect any action or remedy for the recovery of any rent due under any lease granted under this Law or any Ordinance repealed by the State Lands Act.

Right of way not presumed against State.

33. No right of way shall be presumed or allowed to be asserted or established against the State, by reason only of user, whether such user commenced before or after the commencement of this Law.

Service of notices.

34. A notice served personally on the person to be served, or left at or sent by registered post to his last known address in Nigeria, or if his address is not known, published in the State Gazette shall be deemed to be good service for the purposes of this Law.

Lessee to permit officer to enter and inspect.

35. A lessee of State land shall permit any officer of the Ministry of Lands and Housing or any administrative officer to enter upon and inspect the same, and any person contravening the provisions of this section shall be liable to a fine of one hundred *naira*.

Penalty for unauthorised occupation of State land.

36. Any person who shall unlawfully occupy State land, in any manner whatsoever, shall be liable to a fine of one hundred *naira*.

Power to make regulations.
LFN 1990.
Cap. 202.

37. So far as may be consistent with the Land Use Act, Governor may make regulations for all or any of the purposes following—

- (a) classifying leases according to the purpose for which or the class of persons to whom the same may be granted and prescribing the form of any lease;

- (b) prescribing the covenants or conditions which shall be implied in any class of lease;
- (c) prescribing the term of years for which any class of lease may be granted;
- (d) prescribing the premiums and rents to be paid and providing for the revision of rent;
- (e) prescribing the manner in which application for leases shall be made and the fees to be paid;
- (f) providing for the survey and demarcation of State land to be leased, and the fees to be paid for such survey and demarcation;
- (g) prescribing the fees to be paid for any instrument issued under this Law;
- (h) prescribing the fees to be paid in connection with applications for, and the grant of consent to, assignments of leases, sub-leases, or any other disposition whereby the lessee parts with the possession of the land comprised in the lease;
- (i) providing for and regulating the sale of leases by auction;
- (j) prescribing the period for which and the conditions under which licences for the temporary occupation of State land may be issued;
- (k) providing for the care, management and protection of unoccupied State land; and
- (l) generally for carrying out and giving effect to the purposes of this Law.

SUBSIDIARY LEGISLATION

List of subsidiary legislation

	Page
1. State Lands (Fees) Regulations	502
2. State Lands (Leases) Regulations	503
3. State Lands (Temporary Occupation), Regulations	508
4. Management and Control of State Lands (Premium and Ground Rents) Regulations	510

W.R.L.N. 316
of 1950.
W.R.L.N. 33
of 1904.

STATE LANDS (FEES) REGULATIONS

[20th December, 1956]

Title.

1. These regulations may be cited as the State Lands (Fees) Regulations.

Fees for
Instruments.

2. The fees set out in the Schedule hereto shall be payable in respect of the matters specified therein.

Reduction or
remission of
fees.

3. The Commissioner of Lands may, at his discretion, reduce or remit the amount of any fee prescribed by these regulations.

 SCHEDULE

	₹	k
1. For the preparation of a building lease	12	00
2. For the preparation of a deed for assignment or sub-lease	12	00
3. For the preparation of any other lease for every folio of seventy-two words	1	00
4. For the preparation of any deed of variation, memo- randum or agreement, assignment or sub-lease other than assignment or sub-lease under an Occupation Lease, surrender, or other document of a like nature—for every folio of seventy-two words.....	1	00
5. For the approval or grant of consent to assignment of leases, sub-leases, mortgages or any other disposition whereby the lessee parts with the possession of the land comprised in the lease—		
(i) for a term including any option to renew exceeding three years.....	10	00
(ii) for a term including any option to renew not exceeding three years.....	4	00

STATE LANDS (LEASES) REGULATIONS

Regulations
34 of 1918,
29 of 1927,
20 of 1932,
81 of 1940.
(section 37.)

1. These regulations may be cited as the State Lands (Leases) Regulations. Title.

2. Leases of State lands shall ordinarily be of one of the several descriptions following— Different kinds of leases.

(a) "Agricultural lease" issued for the purpose of cultivation, planting and farming.

(b) "Building lease" issued for the purpose of erecting buildings for residential, business or any special purpose.

AGRICULTURAL LEASES

3. An agricultural lease shall not ordinarily be issued for a term exceeding forty-five years, or for an area exceeding twelve hundred acres. Term and area.

4. No person who already holds an agricultural lease shall be granted a further agricultural lease unless two-thirds of the cultivable portion of the area held by him under his existing lease or leases is, at the time of his application for a further lease, under cultivation to the satisfaction of the Governor. Restriction on the holder of a lease acquiring a further lease.

5. The following special covenants on the part of the lessee and conditions shall, unless expressly varied or excepted, be implied in every agricultural lease— Implied covenants and conditions.

A.—Covenants

(a) To pay such compensation as may be fixed by the Governor or his authorised agent for disturbance of customary occupiers in their use or occupation of the land.

(b) During the first two years of the term of the lease to expend on cultivation and clearing a sum at least equivalent to fifty *kobo* per acre of the total area demised.

(c) To bring the cultivable portion of the land demised under cultivation at the rate of one-eighth of such land in each of the first eight years of the term of the lease, and thereafter to keep in cultivation the whole of the

cultivable portion of the area of the lease to the satisfaction of the Governor.

- (d) Should livestock be brought on the land demised, to erect and maintain such fences as will prevent such stock from straying off such land.
- (e) Not to construct upon the land demised any dwelling-house or any permanent erection except labourers' huts and buildings to be used for storing agricultural machinery, tools or produce or for other purposes directly connected with the carrying on of cultivation, planting or farming or the housing of livestock.
- (f) Not to plant or erect any building within thirty-three feet of the centre of any main road.

B.—Conditions

- (a) If any question shall arise as to whether any portion of the land demised is cultivable, the decision of the Governor thereon shall be final.
- (b) All rights of customary occupiers in respect of water, sacred trees and groves, on the land demised are reserved.
- (c) When customary occupiers are at the date of the lease occupying any part of the land demised, the compensation to be paid to them by the lessee for improvements and disturbance will be assessed by the Governor or his authorised agent, as soon as conveniently may be after the date of the lease, and such communities shall have the option either—
 - (i) to vacate immediately the land and receive the compensation assessed, or
 - (ii) to remain on the land until the lessee requires them to vacate or they desire to vacate the land and on vacating the land to receive from the lessee the compensation assessed as aforesaid:

Provided that if the lessee permits customary occupiers, whether in occupation of the land at the date of the lease or allowed by the lessee subsequently to occupy any part of the land, to make improvements upon the land after the date of the lease, the lessee shall be liable to pay compensation for such improvements upon requiring the customary occupiers to vacate the land.

Form of agricultural lease.
Form A.
Schedule.

6. An agricultural lease may be in the Form A in the Schedule.

BUILDING LEASE

7. No building lease shall be granted for a term exceeding ninety-nine years. Term of building lease.

8. (1) The following special covenants on the part of the lessee shall, unless expressly varied or excepted, be implied in every building lease— Implied special covenants.

- (a) within the time stated in the lease to erect and complete on the land demised buildings or other works of the nature and of a value not less than that stated in the lease to the satisfaction of the Permanent Secretary or of such other officer as the Governor may appoint in that behalf;
- (b) not to use or permit the use of the land demised for any purpose other than that specified in the lease;
- (c) to clear and keep clear the land demised of stagnant water, growth of long grass, rank weeds and bush, and accumulation and deposit of rubbish and unwholesome matter; and to keep the same in all respects in a clean and sanitary condition, and for such purposes to do and execute all such acts and works as the Governor or any officer appointed by the Governor in that behalf may reasonably require.

(2) In this regulation "the Permanent Secretary" means the Permanent Secretary having supervision of matters and departments with responsibility for which the Commissioner is charged, and "the Commissioner" means the State Commissioner for the time being charged with responsibility for public works.

9. A building lease may be in the Form B in the Schedule. Form of building lease.
Form B.
Schedule.

SCHEDULE

FORM A

Reg. 6.

Agricultural Lease

1. This Indenture made this day of between, Governor for and on behalf of the Government of Oyo State of Nigeria (who and whose successors in office are hereinafter designated and included in the term "the Governor") of the one part, and (who

Cap. 155.

and whose and assigns are hereinafter designated and included in the term "the lessee") of the other part witnesseth that the Governor in pursuance of the powers conferred upon him by the State Lands Law, doth hereby demise unto the lessee all that parcel of land situate at more particularly marked and delineated in the plan set out on these presents and coloured for the term of years from the day of 20, subject to the provisions of the aforesaid Law and to the covenants and conditions implied by virtue of the said Law and of the regulations for the time being in force under the said Law (and to the special covenants and conditions hereinafter contained).

Rent per annum.

Revision periods

(a) Insert any special covenants not implied by virtue of the Law or regulations.

2. The lessee covenants with the Governor as follows (a)—

.....
.....

(b) Insert any special conditions not implied by virtue of the Law or regulations.

3. Provided always that it is hereby agreed as follows (b)—

.....
.....

In witness whereof the parties hereto have set their hands and seals this day of, 20

Signed, sealed and delivered
by the said
.....
in the presence of }

Signed, sealed and delivered
by the said
.....
in the presence of }

Reg. 9.

FORM B

Building Lease

1. This Indenture made this day of between , Governor for and on behalf of the Government of Oyo State of Nigeria (who and whose successors in office are hereinafter designated and included in the term "the Governor") of the one part, and (who and whose and assigns are hereinafter designated and included in the term "the lessee") of the other part witnesseth that the Governor in pursuance of the powers conferred

upon him by the State Lands Law, doth hereby demise unto the lessee all that parcel of land situate at more particularly marked and delineated in the plan set out on these presents and coloured for the term of years from the day of, 20, subject to the provisions of the aforesaid Law and to the covenants and conditions implied by virtue of the said Law and of the regulations for the time being in force under the said Law (and to the special covenants and conditions hereinafter contained).

Cap. 155

Rent per annum.

Revision periods

Description and value of buildings to be erected.	}
Time within which such buildings' are to be erected.)	
Purposes for which the land demised may be used.)	}

2. The lessee covenants with the Governor as follows (a)—

.....
.....

(a) Insert any special covenants not implied by virtue of the Law or regulations.

3. Provided always that it is hereby agreed as follows (b)—

.....
.....

(b) Insert any special conditions not implied by virtue of the Law or regulations.

In witness whereof the parties hereto have set their hands and seals this day of, 20

Signed, sealed and delivered by the said	}
..... in the presence of	
Signed, sealed and delivered by the said	}
..... in the presence of	

Regulations
10 of 1928,
2 of 1946.
(section 37.)

STATE LANDS (TEMPORARY OCCUPATION) REGULATIONS

1. These regulations may be cited as the State Lands (Temporary Occupation) Regulations.

2. Licences* for the temporary occupation of State Lands in the State may be issued by the Commissioner of Lands for a period not exceeding twelve months.

3. All such licences shall expire on the date mentioned therein, unless surrendered or sooner determined under regulation 5.

4. The sum payable for the issue of any such licence and the use to which the land is to be put or the persons to whom licences are issuable shall be determined by the Commissioner of Lands.

5. Every such licence shall be subject to the following conditions—

- (a) neither the licence nor any of the rights conferred by it shall be transferred or assigned to any other person; nor shall the land the subject of the licence or any part of it be sublet;
- (b) the buildings standing in the said area shall be kept in repair to the satisfaction of the Commissioner of Lands or other officer authorised in that behalf by the Commissioner of Lands and the provisions of section 11 of the Law shall apply to such buildings as though such licence were a lease under the Law;
- (c) the Commissioner of Lands may at any time post on the said area a notice to the occupier to quit the whole or part of the said area on or before such date as may be specified in such notice and the occupier shall quit the said area (or part thereof, as the case may be) on or before that date, and no refund or compensation shall be payable to the occupier by the Government in respect of the unexpired period of the licence unless such notice shall have been served owing to the land being required for Government use (as to which the certificate of the Commissioner of Lands shall be final), in which case a

*These licences are excepted from the provisions of the Land Instruments Registration Law, Cap. 69, see Regulations 17 of 1937.

refund shall be made in respect of any complete month of such unexpired period; and in the event of the notice to quit applying to a part only of the said area, such refund shall bear a like proportion to the whole sum paid in respect of the months for which it is made, as the area of the said part bears to the whole area.

6. A licence for the temporary occupation of State lands shall be in the form in the Schedule or to the like effect.

SCHEDULE

Reg. 6.

LICENCE FOR THE TEMPORARY OCCUPATION OF STATE LANDS

No. Office.

In consideration of the payment of ₦ is permitted to occupy the State land at containing an area of square yards or thereabouts, and (here insert description by referring to plan, if such exists, or if no plan, by giving an identifying description).

This licence expires on the*, 20.....

Provided that the Commissioner of Lands or other authorised officer may post on the said area a notice to the occupier to quit the whole or any part of the said area from any date specified in the notice and thereupon this licence expires upon the date so specified in respect of the whole area or such part, as the case may be.

In such case no refund is payable unless the area is required for Government use.

Neither this licence nor any of the rights conferred by it shall be transferred to any other person; nor shall the land hereinabove described or any part of it be sublet.

DATED this day of, 20.....

.....
Issuing Officer

*The date must not be more than one year later than the date of issue.

SUBSIDIARY LEGISLATION

The State Lands Law (Cap 155)

(O.Y.S.L.N. 1
of 1987)
(sections 9
and 37(d))

THE MANAGEMENT AND CONTROL OF STATE LANDS
(PREMIUMS AND GROUND RENTS) REGULATIONS

DATE OF COMMENCEMENT: 1ST JANUARY, 1987

Short title.

1. These Regulations may be cited as the Management and Control of State Lands (Premiums and Ground Rents) Regulations.

Premiums
and rents.
Schedule.

2. The premiums and rents set out in the schedule hereto shall be payable in respect of the matters or things specified therein.

Revision of
rents.

3. All rents are revisable every five (5) years.

SCHEDULE

RESIDENTIAL

PART I

(Regulation 2)

<i>Zones</i>	<i>Location</i>	<i>Premium</i> ₦	<i>Ground Rent</i> ₦
(i)	Ibadan Metropolitan Area	20,000 per hectare	2,000 per annum per hectare
(ii)	Ogbomoso and Shaki.	10,000 per hectare	1,200 per annum per hectare.
(iii)	The remaining towns.	10,000 per hectare	1,200 per annum per hectare.

RESIDENTIAL

PART II

Zones	Location	Premium Per Plot 45 metres by 50 metres	Ground Rent
(i)	Ibadan Metropolitan Area	₦10,000 per plot of 45 metres by 50 metres (225 cm ²) (approximately 1/2 acre).	₦2,500 per hectare per annum = ₦562.50 per annum per plot of 45 metres by 50 metres.
(ii)	Ogbomoso and Shaki	₦5000, per plot of 45 metres by 50 metres (225 cm ²) (approximately 1/2 acres).	₦1,500 per hectare per annum = ₦337.50 per plot of 45 metres by 50 metres.
(iii)	The remaining Towns.	₦5000, per plot of 45 metres by 50 metres (225 cm ²) (approximately 1/2 acres).	₦1,500 per hectare per annum = ₦337.50 per plot of 45 metres by 50 metres.

INDUSTRIAL/COMMERCIAL

PART III

<i>State Capital:</i>			
Industrial/Commercial Layouts on State Lands.	₦50,000 per hectare.	₦5,000 per hectare per annum payable 3 years in advance.	
<i>Other Areas:</i>			
Industrial/Commercial Layouts on State Lands.	₦20,000 per hectare.	₦2,500 per hectare per annum payable 3 years in advance.	