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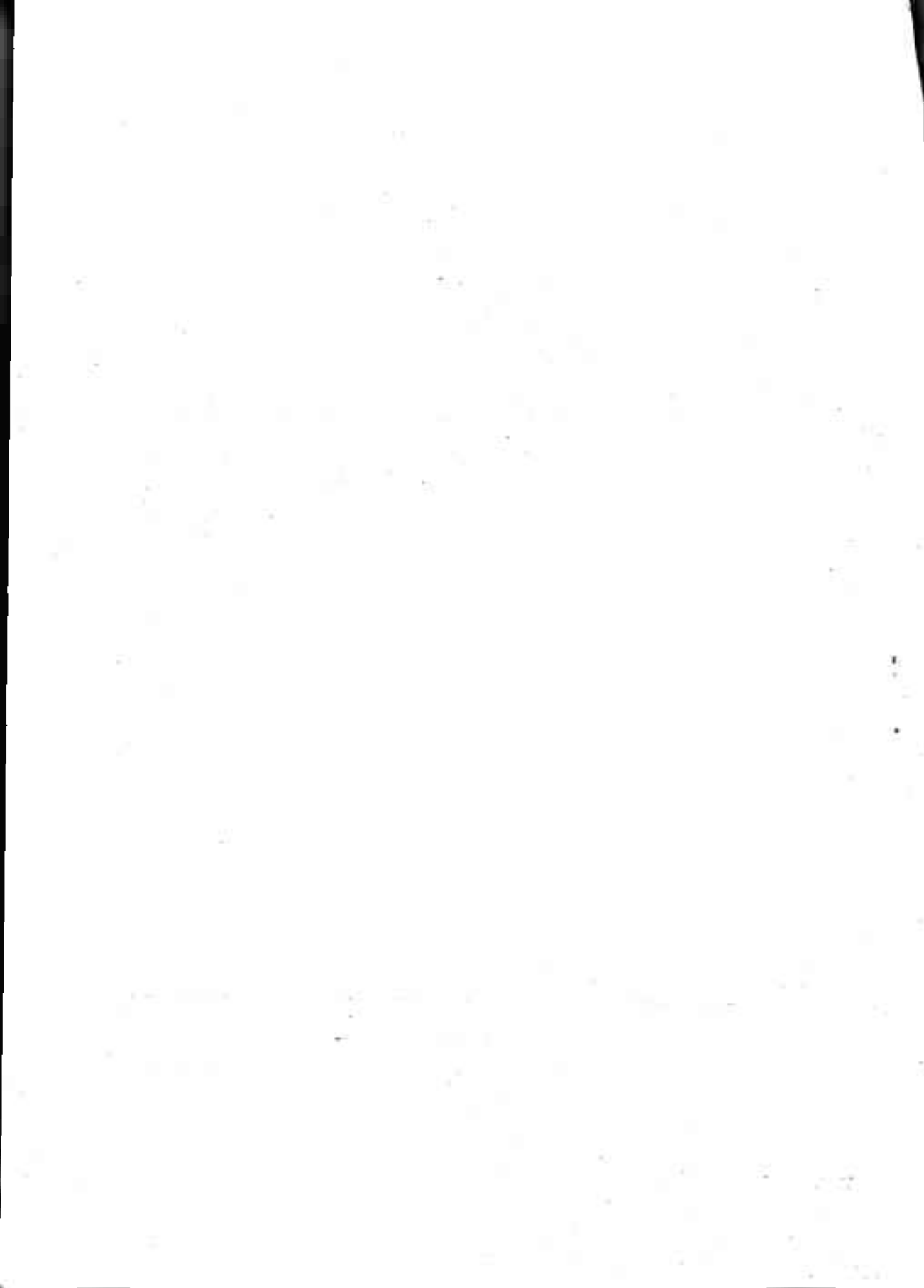
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**NIGERIAN URBAN AND REGIONAL PLANNING ACT, 1992
CAP. N138 LFN 2004**

**FEDERAL CAPITAL TERRITORY URBAN AND REGIONAL
PLANNING TRIBUNAL (PROCEDURE) RULES, 2017**



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S. I. No. 8 of 2018

**NIGERIAN URBAN AND REGIONAL PLANNING ACT, 1992
CAP. N138 LFN 2004**

**FEDERAL CAPITAL TERRITORY URBAN AND REGIONAL
PLANNING TRIBUNAL (PROCEDURE) RULES, 2017**

[21st Day of December, 2017]

Commence-
ment.

In exercise of the power conferred on me by sections 89 of the Nigerian Urban and Regional Planning Act, 1992 and all other powers enabling me in that behalf, I, **ABUBAKAR MALAMI SAN**, the Attorney-General of the Federation and Minister of Justice make the following Rules—

ORDER 1—CITATION AND APPLICATION

1. These Rules may be cited as the Federal Capital Territory Urban and Regional Planning Tribunal (Procedure) Rules 2017.

Citation.

2.—(1) These Rules shall apply to all proceedings including all part-heard proceedings in respect of steps to be further taken in such proceedings.

Application.

(2) The application of these Rules shall be directed towards the attainment of fair, and speedy dispensation of substantial justice without undue resort to technicalities.

ORDER 2—FORMS AND COMMENCEMENT OF ACTIONS

1. Subject to the provisions of these Rules or any other law for the time being in force, proceedings before the Tribunal shall be commenced by way of a "Complaint".

Complaint.

2. The person who brings the complaint shall be known as the "*Plaintiff*" while the person against whom the complaint is brought shall be known as the "*Defendant*".

Plaintiff and
Defendant.

3. All proceedings commenced by Complaint shall be accompanied by the following—

Content of
complaint.

- (a) a statement of the complaint ;
- (b) the relief or remedy sought ;
- (c) the full names and addresses of the Plaintiff ;
- (d) the full names and addresses for service of the Defendant or each Defendant, where more than one ;
- (e) the capacity in which the Plaintiff brings the complaint ;
- (f) the capacity in which the Defendant or each Defendant is sued ;
- (g) list of witnesses to be called at the trial ;
- (h) written statements on oath of the witnesses ; and
- (i) copies or list of every document to be relied upon at the trial.

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Form of
complaint.

4.—(1) Except in cases in which any different forms are provided in these Rules or under any other law, the Complaint shall be as specified in FORM I with such modifications or variation as circumstances may require.

(2) Where a complaint fails to comply with rule 3 of this Order, the complaint may not be accepted for filing by the Secretary.

(3) The Plaintiff shall, at the time of filing a Complaint, leave with the Secretary, 8 copies thereof, together with the documents listed in rule 3 of this Order, for service on the defendant.

Action by
Secretary.

5. The Secretary shall—

(a) indicate the date and time of presenting for filing on every complaint presented :

(b) indicate the number of copies presented ;

(c) make an entry of the filing in a cause book ; and

(d) identify the complaint with a chronological number and the year of filing.

Amendment
of
complaint.

6. A complaint, once filed, shall not be amended or altered except with leave of the Tribunal.

ORDER 3—PARTIES

Parties to
complaint.

1. The parties to the proceedings before the Tribunal shall be persons who have overall or statutory responsibility for Development control in the Federal Capital Territory or whose conduct is directly or indirectly the subject matter of the proceedings and include—

(a) the Minister, represented by personnel or relevant agency or Department of the Federal Capital Territory Administration ;

(b) planning Authorities in Area Councils ;

(c) the developer, owner, or Occupier of property which is the subject matter of the Complaint ; and

(d) other persons who have interest in the property which is the subject matter of the Complaint.

Representation
by Legal
Practitioner.

2. All parties to the proceedings before the Tribunal may appear in person or be represented by a legal practitioner.

Substitution
or addition of
Complainant.

3.—(1) Where an action has been commenced in the name of the wrong person as plaintiff, or where it is doubtful whether it has been commenced in the name of the right person, the Tribunal may order the substitution or addition of any other person as plaintiff on such terms as may be just.

(2) Where a complaint has been instituted against a wrong defendant or where the name of the defendant has been incorrectly stated, the Tribunal may, upon application, order a substitution or addition of any person as defendant or correction of any such name on such terms as may be just.

4.—(1) All parties may be joined in one action as plaintiff in whom any right to relief is alleged to exist whether jointly or severally and judgment may be given for such plaintiff as may be found to be entitled to relief and for such relief as may be entitled to without any amendment.

Joinder of parties.

(2) Any person may be joined as defendant against whom the right to any relief is alleged to exist, whether jointly, severally or in the alternative and judgment may be given against one or more of the defendant found liable, in accordance with their respective liabilities, without any amendment.

5.—(1) It shall not be necessary that every defendant shall be interested in all the reliefs prayed for, or as to every cause of action included in the complaint.

Defendant need not be interested in the relief sought.

(2) The Tribunal may, upon consideration of the defence filed by the defendant, and on the defendant's application, make such order as may appear just to prevent him from being embarrassed or put to avoidable expenses by being required to attend any proceedings in which he may have no interest.

6. Where a Plaintiff is in doubt as to the person from whom he is entitled to redress, he may join two or more defendants, with the intent that the question as to which, if any, of the defendants is liable and to what extent, may be determined as between all parties.

Plaintiff in doubt as to person whom redress is to be sought.

7. Where there are numerous persons having the same interest in one complaint, one or more of such persons may apply to the Tribunal for leave to sue or be sued as plaintiff or defendant respectively on behalf or for the benefit of all persons so interested.

Representative action.

8. Where a sole or surviving plaintiff or defendant in a proceeding dies and the complaint survives, the Tribunal may, on application of either the deceased's next of kin, executor or administrator of the Estate or the opposing party, order any person interested in the complaint to take the place of the said deceased and proceed with the prosecution or defence as the case may be.

Death of a party.

9.—(1) No proceedings shall be defeated by reason of misjoinder or non-joinder of parties and the Tribunal may deal with the matter in controversy as it relates to the rights and interests of the parties actually before it.

Effect of misjoinder or non-joinder of parties.

(2) The Tribunal may, at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to be just, order that the name of any party improperly joined be struck out.

(3) The Tribunal may order the addition of names of any party who ought to have been joined or whose presence before the Tribunal is necessary to effectually and completely adjudicate upon and settle the issues involved in the complaint.

Application to amend or strike out the name of a party.

10.—(1) An application to add or strike out or substitute or vary the name of a plaintiff or defendant shall be made to the Tribunal.

(2) Where the application is to add a plaintiff or a defendant, the application shall be accompanied by the statement of claim or defence as the case may be, all the exhibits intended to be used and the depositions of all the witnesses, provided that where the application is to substitute a deceased party with another person, the application may not be accompanied by the documents specified in this rule.

Where party added or substituted.

11. Where a party is added or substituted, the complaint shall be amended accordingly and the parties shall file and exchange the processes, unless otherwise ordered by the Tribunal.

Legal practitioner or agent.

12. Where by these Rules, any act is required to be done by any party in any proceedings, such act may be done either by the party in person or by his legal practitioner or his agent.

ORDER 4—ISSUE OF PROCESSES

Issuance of process.

1. Where the Secretary is satisfied that a complaint, along with all relevant documents have been filed, he shall forward same to the Chairman for fixing a date for hearing.

Notice of hearing.

2. On the direction of the Chairman, the Secretary shall issue a notice of hearing of the complaint as in **FORM 2** and shall serve the notice on all parties.

ORDER 5—SERVICE OF PROCESSES

Appointment of process server.

1. Service of the complaint and all documents and processes presented and filed shall be made by staff of the Tribunal (in these Rules referred to as the "Process Server").

Personal service.

2. The Process Server shall serve a copy of the Complaint, all relevant documents and processes to be considered by the Tribunal on each party personally at least 28 clear days before the date fixed for hearing of the Complaint.

Service on Legal Practitioner.

3. Where a party is represented by a Legal Practitioner, service of process may be made on such Legal practitioner or on any clerk or person under his control.

4. Where personal service cannot be conveniently effected, the Tribunal may, upon application by the Plaintiff, if satisfied with the application, make an order that service be effected either by—

Substituted
service.

(a) delivery of the document to an adult person at the usual or last known abode or place of business of the person to be served ;

(b) pasting the processes at—

(i) the Tribunal,

(ii) the subject property,

(iii) the usual or last known place of abode or business of the person to be served, or

(iv) place of public resort in the Federal Capital Territory ;

(c) courier service ;

(d) print, electronic or any other form of media communication ; or

(e) any other means of substituted service as may seem just.

5. A company, corporation or organization shall be served by delivery to a director, secretary, Trustee or other Principal, Senior or responsible Officer of the organization or by leaving it at the registered, principal or advertised office or place of business of the organization within the Federal Capital Territory.

Service on
Company,
corporation
or body
corporate.

6.—(1) After service of process, the Process Server shall—

Proof of
service.

(a) promptly swear to and file an affidavit setting out the fact, date, time, place mode of service and the description of the process served ; and

(b) exhibit the acknowledgment of service.

(2) the affidavit referred to in sub-rule (1) of this rule shall be *prima facie* proof of service.

7. A party requiring service of any process shall pay in advance all costs and expenses of, and incidental to service at the rate as provided in the Second Schedule to these Rules.

Cost of
service.

8. Service of all processes shall be effected between the hours of 6 o'clock in the morning and 7 o'clock in the evening.

Time of
effecting
service.

9. Save in exceptional circumstances and as may be specially endorsed by the Tribunal, service shall not be effected on a Sunday or on a public holiday.

Sunday and
public
holiday.

10.—(1) The Tribunal shall keep and maintain a book of record of service of processes in which shall be entered, by the Process Server, the names of the parties, the method of service, whether personal or substituted or otherwise and the manner in which the officer ascertained that he served the process on the right person.

Record book
of service of
process.

(2) Where any process has not been served, the reason for the failure shall be stated and every entry in the book or an office copy thereof, shall be *prima facie* evidence of the several matters stated therein.

ORDER 6—PLEADINGS

Statements of claim and defence.

1. A statement of Claim, statement of defence, counter-claim and reply are known as "pleadings".

Content of pleading.

2. Every pleading shall—

(a) contain a statement in a summary form of the material facts on which the party pleading relies on for his claim or defence, as the case may be, but not the evidence by which they are to be proved ;

(b) be divided into paragraphs, and numbered consecutively ; and

(c) be signed by the party in person or by a legal practitioner representing the party.

Statement of claim.

3. A statement of claim shall include the relief or remedy to which the Plaintiff claims to be entitled.

Time for filing defence and counter-claim.

4.—(1) A defendant shall file his statement of defence, counter-claim or set-off, if any, not later than 7 days after service on him of the claim.

(2) A counter claim shall have the same effect as a Claim so as to enable the tribunal pronounce a final judgment in the same proceedings and avoid multiplicity of actions on the same subject matter.

(3) A set off shall be specifically pleaded.

Time for filing reply.

5. A Plaintiff shall, within 7 days of service on him of the statement of defence and counter-claim or set-off, if any, file his reply thereto if he desires, provided that where a defendant sets up a counter-claim, if the Plaintiff or any other person named as a party to such counter-claim contends that the issue thereby raised ought not be disposed of by way of counter-claim but in an independent action, the Tribunal may at any time order such counter-claim to be excluded from its proceedings.

Extension of Time.

6. A party filing a pleading outside the prescribed period shall seek leave of the Tribunal and in addition pay to the Tribunal such additional fee for each day of default as prescribed in the Second Schedule to these Rules.

Particulars where necessary.

7. In all cases in which the party pleading relies on any misrepresentation, fraud, collusion, breach of trust, negligence, default, duress or undue influence, particulars with dates, if necessary, shall be stated in the pleadings.

Admission.

8.—(1) Every allegation of fact in any pleading, if not specifically denied in the pleading of the opposing party, shall be taken as admitted.

(2) A general denial in any pleading shall not operate as denial of any specific fact in the pleading of the opposing party.

9.—(1) Each party shall specify distinctly in his pleadings, any condition precedent, the performance or occurrence of which is intended to be contested.

Condition Precedent.

(2) An allegation or defence of "Notice" or "Non-Notice" to the other party, where relevant, shall be specifically pleaded.

10. No technical objection shall be raised to any pleading or on the ground of want of form.

No objection on Technicality or form.

11. The Tribunal may, at the pre-hearing conference in any proceeding, strike out or order to be amended, any pleading or part thereof which may be unnecessary or scandalous or which may tend to prejudice, embarrass or delay the fair trial of the complaint on such terms as may be just.

Striking out of pleadings.

12. If in any case in which the defendant sets up a counter-claim, the case of the Plaintiff is dismissed, struck out or discontinued for whatever reason, the counter claim may nevertheless be proceeded with.

Proof of counter-claim where complaint is dismissed.

ORDER 7—AMENDMENTS

1.—(1) A party may amend his pleadings at any time before the close of pre-hearing conference, and not more than twice during the trial but before the close of the case for both parties.

Amendment of pleadings.

(2) Where any complaint or pleading is to be amended, a list of any additional witnesses to be called together with their written statements on oath and a copy of any document to be relied upon consequent upon such amendment shall be filed with the application.

2. An Application for amendment shall be made to the Tribunal and shall be supported by an exhibit of the proposed amendment, provided that the application may be granted by the Tribunal upon such terms as may be considered just.

Application for amendment.

3. Where any complaint or pleading is amended, a copy of the amendment shall be file in the registry and additional copies served on all the parties to the complaint and such amended document shall be marked as follows -

Endorsement and service of amended process.

"AMENDED this.....day of 20..... pursuant to the order of the Tribunal dated the day of 20....."

ORDER 8—DISCONTINUANCE

Right to
discontinue a
complaint.

1. A Plaintiff may at any time before being served with the defence or after receipt of the defence but before taking any other step in the proceedings, by notice in writing duly filed and served, wholly discontinue the claim against all or any of the defendants or withdraw any part or parts of the claim, subject to such terms as the Tribunal may deem just.

Where a
pleading is
discontinued.

2. Where a claim or pleading is discontinued or withdrawn, the Tribunal shall strike out the matter and no subsequent claim shall be filed or maintained on the same facts, save with the leave of the Tribunal.

ORDER 9—INTERLOCUTORY APPLICATIONS, MOTION ETC.

Form of
interlocutory
applications.

1.—(1) Where by these Rules any application is required to be made to the Tribunal or chairman, such application shall be made by motion, supported by affidavit and served on the other parties.

(2) The application shall state the grounds upon which it is predicated and the relief sought and shall be accompanied by a brief written address in support of the relief sought.

Reply to
application.

2. Where the other party intends to oppose the application under rule 1 of this Order, he shall within 3 days of service on him of such application, file his counter-affidavit, grounds of objection and a brief written address stating why the application should be refused.

Ex-parte
orders.

3. Notwithstanding anything contained in these Rules, the Tribunal may make an ex-parte order on such terms as to costs and undertakings, where it is satisfied that delay in hearing the application after notice is given to the parties affected would entail irreparable damage or serious mischief to the other party.

Interlocutory
application
to be heard
during pre-
hearing
conference.

4. Except where expressly provided for in these Rules or other enactment in force and at the discretion of the Tribunal, all interlocutory applications shall be made and considered at the pre-hearing conference.

ORDER 10—PRE-HEARING CONFERENCE

Pre-hearing
notice.

1.—(1) After close of pleadings, the Secretary may, on the direction of the Chairman, issue a pre-hearing notice as in FORM 3 providing time and place for a pre-hearing conference, and accompanied by a pre-hearing information sheet as in FORM 4.

(2) The pre-hearing notice as well as the pre-hearing information sheet shall be served on all the parties.

2. Parties shall attend the pre-hearing conference as scheduled by the Tribunal to—

Purpose and schedule of pre-hearing conference.

(a) dispose of matters which can be dealt with by way of interlocutory applications in order to ensure that hearing of the substantive matter is not delayed by interlocutory applications ;

(b) identify and simplify the issues in controversy ;

(c) obtain admissions and identify facts or evidence which the parties may agree upon or upon which the Tribunal may make a binding decision in order to narrow the field of dispute ; and

(d) explore the option of amicable settlement of the dispute.

3. At the pre-hearing session, the Tribunal may give such directions as may be necessary in the circumstance of the case to secure its expeditious, economical and just resolution, including but not limited to -

Proceedings at pre-hearing session.

(a) scheduling of inspection, visits to the *locus in quo* and production of documents ;

(b) settlement of issues ;

(c) order of witnesses to be called ;

(d) narrowing down the field of disputes between the parties ;

(e) profiling of witness lists, expert statements and reports ;

(f) identifying and tendering only documents that parties have objection to their being tendered at the trial ;

(g) fixing of clear days for hearing of the substantive matter ;

(h) joinder of parties and dispensing with unnecessary parties ; and

(i) amendment of processes.

4. Save for exceptional cases with the leave of the Tribunal, all interlocutory applications shall be heard and disposed of at the pre-hearing conference, provided that decisions on interlocutory applications seeking to terminate the proceedings on any ground whatsoever shall be delivered together with the final judgment of the Tribunal on the substantive matter.

No terminal application to be taken at pre-hearing conference.

5.—(1) The Chairman or any other member of the Tribunal designated by the Chairman shall conduct the pre-hearing conference.

Member to conduct pre-hearing.

(2) For the avoidance of doubt, the Chairman or a member conducting the pre-hearing conference shall have the jurisdiction to make orders, give directions for the purpose of the pre-hearing conference and to determine interlocutory applications made at the pre-hearing session as a sole adjudicator.

(3) The orders, directions or determinations of the Chairman or a member referred to in sub-rule (2) of this rule shall, for the purposes of the pre-hearing conference be deemed to be the decisions of the Tribunal.

Time to
conduct pre-
hearing.

6. The pre-hearing conference shall be conducted and concluded within a reasonable time from the date of the first conference, subject to such extension as may be granted in exceptional cases with cost against the party at whose instance the extension of time for pre-hearing conference is granted.

Scheduling
order.

7. At the end of the pre-hearing conference, the Chairman or a member conducting the pre-hearing conference shall issue a scheduling order, which shall take account of the matters considered at the conference, and guide the course of the substantive matter, unless modified by the Tribunal.

Failure to
attend pre-
hearing.

8.—(1) Where a party fails to attend a pre-hearing conference, the Tribunal may proceed without such a party and the scheduling order arising from the pre-hearing conference shall be binding upon such party.

(2) Save for exceptional cases with the leave of the Tribunal and order as to cost, a party who fails to attend a pre-hearing conference shall be foreclosed from making any interlocutory application during the course of hearing of the substantive matter.

ORDER 11—PROCEEDINGS AT TRIAL

Stay of any
exercise
upon
complaint.

1. Once a complaint has been made to the Tribunal pursuant to Section 84 of the Act, or under these Rules, no demolition or other exercise mentioned under the Act, shall take place in respect of the subject matter of the complaint until the final decision or judgment of the Tribunal and appeal rights (if any) have been exhausted by the aggrieved party.

Extension of
time upon a
stop work
order.

2. In pursuance of Section 58 of the Act, the Tribunal may, if it deems fit, and upon application by any party, extend the period of time during which a stop work order shall remain in force.

Tribunal to
sit in public.

3. The proceedings of the Tribunal and its decisions shall be held and pronounced in public.

Tribunal
sessions and
vacations.

4.—(1) The date and time of the sessions of the Tribunal shall be fixed by the chairman, subject to the vacation periods of the Tribunal, namely—

- (a) all public holidays ;
- (b) from 23rd December to 5th January of each year ;
- (c) during the week beginning with Easter Monday ; and
- (d) from 24th July to 7th September each year.

(2) The chairman may, in special circumstances, convene the Tribunal during vacations, provided that such special circumstances shall be stated in the record of proceedings of the Tribunal.

5. The sitting of the Tribunal shall be held from day to day, subject to such adjournments as the Tribunal may consider fair and just.

Tribunal to sit from day to day.

6. Subject to Order 10 of these Rules, the quorum for sittings of the Tribunal shall not be less than three members who shall include the Legal Practitioner under Section 87 (1) (c) of the Act.

Quorum.

7. The chairman shall preside at all sittings of the Tribunal and in his absence, the chairman or the Tribunal shall nominate a member for the purpose.

Chairman to preside at all session.

8. Where a complaint is called for hearing and neither party appears, the Tribunal shall strike out the complaint unless it sees good reason to the contrary.

Non-appearance of both parties.

9. Where the plaintiff appears and any defendant fails to appear, the plaintiff may upon proof of service of the processes, proceed to prove his case against any defendant who fails to appear without prejudice to his right to proceed with the action against those who have appeared.

Where defendant does not appear.

10.—(1) Where the defendant appears and the plaintiff does not appear, the defendant shall be entitled to an order striking out the Complaint with such order as to costs as the Tribunal may deem fit, and if he has a counter-claim, then he may prove such counter-claim, so far as the burden of proof lies upon him, unless the Tribunal sees good reasons to the contrary.

Where plaintiff does not appear.

(2) In any other case not herein specifically provided, where the party served with the complaint does not appear within the time prescribed, the plaintiff may with the leave of the Tribunal proceed as if appearance had been entered.

11. Any complaint struck out under rule 8 of this Order may be relisted on the application of the defaulting party on such terms as the Tribunal may deem just.

Re-listing case struck out.

12. Any judgment obtained where any party does not appear at the trial may be set aside by the Tribunal upon such terms as may seem just.

Setting aside default judgment.

13. An application to relist a complaint struck out or to set aside a default judgment shall be made within 14 days after the order or judgment has been made and shall show good cause why it should be granted.

Time for making application to relist a complaint.

14. The order of proceedings at trial shall be as herein prescribed—

The plaintiff to open his case.

(a) the Plaintiff shall, in all cases begin and present his case ; and

(b) documentary evidence shall be tendered and read or taken as read by consent.

Calling witness not listed.

15. A party who desires to call any witness not being a witness whose deposition on oath accompanied his pleading shall apply to the Tribunal for leave to call such witness and the Tribunal in granting the application may order such witness to file his deposition on oath or be examined orally.

Tendering document from the bar.

16. All agreed documents or other exhibits may be tendered from the bar or by the party where not represented by a legal practitioner.

Oral examination.

17. Oral examination of a witness during evidence-in-chief shall be limited to confirming his written deposition and tendering all disputed documents or other exhibits referred to in the deposition.

Exhibit not filed with pleadings.

18. No document, plan, photograph, or other object shall be received in evidence at the trial unless it has been filed along with the pleadings of the parties or sufficient notice as to why it could not be filed is given before the trial.

Power of Tribunal to summon witnesses.

19. The Tribunal may, at any stage of any proceedings and at the expense of the desiring party, order the attendance of any person for the purpose of producing any writings or documents named in the order or for the purpose of being examined in connection with matters in controversy as specified in FORM 6 of the First Schedule to these Rules.

Tribunal not bound by Evidence Act.

20. The Tribunal shall not be bound by provisions of the Evidence Act but may, in the course of its proceedings hear such witnesses and receive such documents as in its opinion may assist in arriving at a decision as to the truth or otherwise of the complaint referred to it by the parties.

Visit to Locus-in-quo.

21. The Tribunal may, during the hearing of a complaint before it, and before its final decision, visit the premises or development site which is the subject matter of the complaint.

Power of tribunal to order costs.

22. The Tribunal may order any party in its proceedings to pay the costs of the proceedings if having regard to the party's conduct and all the circumstances of the case, the Tribunal considers it just and fair to so order.

Close of case.

23.—(1) A party shall close his case when he has concluded his evidence.

(2) Either party may make oral application to have his case closed, provided that where the Tribunal considers that either party fails to conclude his case within a reasonable time, the Tribunal may *suo motu* close the case for the party.

Secretary to mark or label all exhibits.

24. The Secretary shall take charge of every document or object tendered or put in as exhibit and shall mark or label every exhibit with a letter or letters indicating the party by whom the exhibit is put and the witness by whom the exhibit is provided, and with a number, so that all the exhibits put in by a party or provided by a witness are numbered in one consecutive series.

25. The Secretary shall cause a list of all exhibits in the proceedings to be made and the list of exhibits, when completed, shall form part of the record of proceedings.

Exhibit to form part of proceedings.

26. A bundle of documents may be treated and counted as one exhibit.

Bundle of documents.

ORDER 12—WRITTEN ADDRESSES

1.—(1) When parties have closed their cases respectively or by order of Tribunal, the plaintiff shall where the defendant does not call evidence, file his written address within 7 days and cause same to be served on the defendant who shall upon receipt of the plaintiff's written address, file his own written address, within 7 days.

Time and order for filing written addresses by parties.

(2) Where the defendant has called evidence, at the close of the case for both parties the defendant shall file his written address within 7 days and cause same to be served on the plaintiff who shall also file his within 7 days from the date of service on him of the defendant's written address.

2. The party who files the first address shall have the right of reply on new issues raised by the other party in his written address within 3 days of service on him of that party's written address wherein the new issues are raised.

Reply address.

3. The Tribunal may allow oral address for the purpose of parties adopting their written addresses for not more than 15 minutes to each party, or for such extended time as the Tribunal may consider just.

Oral address.

4. The Tribunal may dispense with written addresses where it considers it just and expedient, and may record the oral addresses of parties.

Dispensing with written address.

ORDER 13—JUDGMENT

1. After the close of final addresses by parties, the Tribunal shall retire into a closed session for deliberations, provided that only members who were present at the trial shall take part in the deliberation.

Tribunal in close session.

2. Every member taking part in the deliberations shall state his opinion in writing and the reasons for it.

Opinion of members.

3. The conclusions reached by majority of the members shall be the decision of the Tribunal, provided that where four members deliberate on a matter for whatever reasons, the chairman or any member nominated in that capacity shall have a casting vote whenever there is a tie.

Decision by majority.

4.—(1) Every judgment of the Tribunal shall reflect—

Content of judgment.

(a) a succinct account of the proceedings ;

(b) the issues raised by the parties ;

- (c) the Tribunal's evaluation of the evidence and submissions ; and
- (d) the final decisions of the Tribunal and reasons for the decisions.

(2) The final judgment shall be delivered within 30 days from the close or adoption of final addresses.

Chairman to deliver judgment.

5. The chairman or any member nominated in that capacity shall deliver the judgment of the Tribunal, which shall be signed and dated by the chairman and all members who took part in the proceedings.

Effective date to judgment.

6. The judgment of the Tribunal delivered in accordance with rule 4 and 5 of this Order shall—

- (a) be sealed by the secretary ;
- (b) be deposited at the registry ; and
- (c) take effect from the date it is pronounced.

Service of judgment for compliance.

7.—(1) The Tribunal, in its judgment may direct the time within which any act is to be done, reckoned from the date of the judgment or order or from some other point in time as it may deem fit.

(2) Every judgment or order made by the Tribunal requiring any person to do an act shall state the time within which the act is to be done and the Secretary shall endorse on the judgment or order a memorandum for service on the person required to obey in the following or like manner—

“If you, the within named neglect to obey this judgment or order within the time herein limited, you will be liable to process of execution for the purpose of compelling you to obey the said judgment or order.”

Enforcement.

8. Judgments or orders of the tribunal shall be binding on all parties until set aside on appeal.

Enforcement agency.

9. It shall be the responsibility of the Control Department, the police and all law enforcement agencies in the FCT to enforce the judgment or order of the tribunal.

ORDER 14—RIGHTS OF APPEAL

Right of appeal.

1. An appeal shall lie as of right from the final decision of the Tribunal to the High Court.

Time of appeal.

2. Any party aggrieved by the final decision of the Tribunal shall file his appeal in the registry within 21 days of the judgment and shall pay all costs necessary for compilation of the record of proceedings of the Tribunal and service of all the appeal processes as shall be assessed by the Secretary.

- | | |
|--|-------------------------|
| 3. All appeal records shall be compiled by the Secretary and forwarded to the High Court within 21 days from the date the appeal was filed. | Compilation of records. |
| 4. The party who has entered his appeal may apply to the Tribunal for stay of execution of its order pending the determination of his appeal. | Stay of execution. |
| 5. Appeals from the final decision of the Tribunal shall be heard in accordance with the practice and procedure prescribed by the Chief Judge for the purpose. | Practice and procedure. |

ORDER 15—REGISTRY

- | | |
|---|--|
| 1. The Registry of the Tribunal shall be headed by the Secretary. | Secretary to be in charge of registry. |
| 2.—(1) There shall be kept in the Registry under the control of the Secretary, a register initialed by the Chairman in which all Complaints and supporting documents shall be entered, in the order in which they are filed. | Register of complaints. |
| (2) Where a document has been filed, the Secretary shall make a note to that effect on the original, and if a party so requires, on a copy submitted for that purpose. | |
| 3. The chairman shall prescribe the rules for keeping and maintaining the register. | Rule for keeping of register. |
| 4. Parties or interested persons may on application and payment of the prescribed fees, obtain certified true copies thereof. | Certified copies of documents. |
| 5. Whenever the Secretary is not available his duties shall be performed by any officer designated by the Chairman or Secretary. | Where Secretary not available. |
| 6.—(1) Where by order of the Tribunal, any money is paid or deposited with the Tribunal, the Secretary shall ensure that such money is paid into an interest yielding account with a reputable bank and shall further ensure that any interest thereon shall accrue pro tem to the benefit of the party who at the end of the action, is entitled to the money originally paid into the Tribunal. | Custody money paid into Tribunal. |
| (2) Any money paid into or deposited with the Tribunal shall not be paid to the party entitled to it except by order of the Chairman. | |
| 7. All processes that are required to be filed or deposited with the Tribunal shall be filed or deposited in the registry. | Processes to be deposited with the registry. |

ORDER 16—MISCELLANEOUS

- Where no provision made. 1. Where a matter arises in respect of which no provision or adequate provision is made in these Rules, the Tribunal shall adopt such procedure as may in its view do substantial justice between the parties concerned.
- Illiterate deponent. 2. Where depositions and affidavits are required under these Rules, and the person is illiterate, such deposition or affidavit shall be accompanied by an interpretation *jurat* showing that the deponent understood the deposition or affidavit.
- Commissioner for Oaths. 3. The Secretary shall be the Commissioner for Oaths of the Tribunal.
- Forms. 4. The Forms set out in the First Schedule to these Rules shall be used where applicable, with such modifications as the circumstances of a particular case may require, provided that, the Forms shall not constitute a ground for avoiding any application or proceedings whatsoever.
- Payment of fees. 5. The fees payable under these Rules shall be as specified under the Second Schedule to these Rules, provided that the Tribunal may review the fees from time to time as it deems just.
- Revocation. 6. The Federal Capital Territory Urban and Regional Planning Tribunal, (Procedure) Rules, 2008 is revoked.
- Savings. 7. Nothing shall invalidate anything done under the revoked Federal Capital Territory Urban and Regional Planning Tribunal (Procedure) Rules, 2008.
- Definitions. 8. In these Rules, unless the context otherwise requires—
 “*Act*” means, the Nigerian Urban and Regional Planning Act, 1992, Cap. 138 Laws of the Federation of Nigeria, 2004 ;
 “*Chairman*” means, the Chairman of the Tribunal or any member acting on his behalf ;
 “*Chief Judge*” means the Chief Judge of the Federal Capital Territory ;
 “*Complaint*” means the mode of commencing proceeding before the Tribunal and includes ‘appeal’ referred to in Sections 38, 40 (2), and 84 (3) of the Act ;
 “*Control Department*” means the Control Department created under Section 27 of the Act ;
 “*Defendant*” means a party who defends a complaint and includes a plaintiff in a counter-claim ;
 “*Develop*” with its grammatical variations shall be construed accordingly ;
 “*Developer*” means the person, Agency, or company or body corporate carrying out any building, engineering, mining or other operation in, on over or under any land or making any environmentally significant change in the use of any land or demolition of buildings including the felling of trees and

the placing of free standing erections used for the display of advertisements on the land, and the expression ;

“*High Court*” means High Court of the Federal Capital Territory ;

“*Member*” means a member of the Tribunal ;

“*Minister*” means the Minister in charge of the Federal Capital Territory ;

“*Occupier*” means any person in possession of a room, house or piece of land or any landed property ;

“*Owner*” means the person with a legal or equitable title to a piece of land or any landed property ;

“*Plaintiff*” means the person who initiates or commences proceedings before the Tribunal and includes a defendant who files a counter-claim ;

“*Registry*” means the office of the Secretary ;

“*Secretary*” means the person appointed as Secretary to the Tribunal under Section 87 (2) (c) of the Act and includes any person acting on his behalf or performing the duties of his office in his absence ; and

“*Tribunal*” means the Federal Capital Territory Urban and Regional Planning Tribunal established under Section 86 of the Act and where the context so permits includes the chairman, member or secretary thereof under these Rules.

FIRST SCHEDULE

[Order 16 Rule 4]

FORM 1

FORM OF COMPLAINT

IN THE FEDERAL CAPITAL TERRITORY URBAN AND REGIONAL PLANNING TRIBUNAL

HOLDEN AT ABUJA

CASE No.....

BETWEEN :

A.B PLAINTIFF(S)

AND

C.D DEFENDANT(S)

To :

CD

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.....

You are hereby commanded that within Fourteen (14) days after the service of this complaint on you, inclusive of the day of such service you do cause a statement of defence to be filed for you in a complaint at the instance of and take notice that in default of your so doing the complainant may proceed therein, and judgment may be given in your absence. The Complainant's claims and documents are herewith attached-list them as in Order 2 R.2

DATED this..... day of, 20.....

.....
Secretary

FOR SERVICE ON :

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MEMORANDUM TO BE SUBSCRIBED TO THE WRIT

This complaint is to be served within six calendar months.

FORM 2

IN THE FEDERAL CAPITAL TERRITORY URBAN AND REGIONAL PLANNING TRIBUNAL
HOLDEN AT ABUJA

CASE NO.....

BETWEEN :

.....PLAINTIFF(S)

AND

.....DEFENDANT(S)

NOTICE OF HEARING

TAKE NOTICE that the above named complaint has been fixed for hearing
aton the.....day of

DATED this..... day of, 20.....

.....

Secretary

FOR SERVICE ON :

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FORM 3

**IN THE FEDERAL CAPITAL TERRITORY URBAN AND REGIONAL PLANNING TRIBUNAL
HOLDEN AT ABUJA**

CASE No.....

BETWEEN :

.....**PLAINTIFF(S)**

AND

.....**DEFENDANT(S)**

HEARING NOTICE FOR PRE-HEARING SESSION

TAKE NOTICE that you are required to attend the Tribunal on the
Day of.....20..... at..... for a Pre-hearing
session for the purposes set out in Order 10 rule 1 of the Federal Capital
Territory Urban and Regional Planning Tribunal (Procedure) Rules 20.....

Please answer the questions in the attached pre-hearing information sheet on
a separate sheet and submit 7 clear days before the above mentioned date.

TAKE NOTICE that if you do not attend in person or by Legal Practitioner at the
time and place mentioned, such proceeding will be taken and such order will
be made as the Tribunal may deem just and expedient.

DATED this..... day of, 20.....

.....
Secretary

FOR SERVICE ON :

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FORM 4

IN THE FEDERAL CAPITAL TERRITORY URBAN AND REGIONAL PLANNING TRIBUNAL

HOLDEN AT ABUJA

CASE No.....

BETWEEN :

.....PLAINTIFF(S)

AND

.....DEFENDANT(S)

PRE-HEARING INFORMATION SHEET

All parties shall not later than 7 days before the date scheduled for the first Pre-hearing session file and serve on all parties—

(a) All applications in respect of matters to be dealt with before hearing including but not limited to the matters listed hereunder.

(b) Written answers to the following questions :

1. Do you require that this action be considered with any other action(s)? If so, give particulars.

2. Are amendments to any process required ?

3. If you intend to make any additional admissions, give details.

4. Are there witnesses you may wish to call? If so, state how many.

5. Will interpreters be required for any witness? If so, state in what language.

6. Is there any way in which the Tribunal can assist the parties to resolve their dispute or particular issues in it without the need for a hearing or full hearing ?

7. Have you considered any lawful alternative means of resolving or narrowing down the dispute or particular issues in it ? If yes, state the steps that have been taken so far. If no, state reasons.

8. List the paragraphs or portions of the charge or defence you are admitting.

9. List the documents you are consenting to.

10. List the documents you are disputing and the reasons for the dispute.

11. List the applications you intend to make during the Pre-hearing session.

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DATED this..... day of, 20.....

(Sign)

.....
or : *Legal Practitioner*

FOR SERVICE ON :

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FORM 5

IN THE FEDERAL CAPITAL TERRITORY URBAN AND REGIONAL PLANNING TRIBUNAL
HOLDEN AT ABUJA

CASE No.....

BETWEEN :

.....PLAINTIFF(S)

AND

.....DEFENDANT(S)

PROOF OF SERVICE OF PROCESS

I,..... Process Server, of the FCT
Urban and Regional Planning Tribunal, Abuja do make oath and state that :

On the.....day of.....20.....

Thea copy of which is attached to
this documents was served

On
(insert name of the party being served)

By(Here insert mode of service)

at
(insert address where the service was effected)

Being the.....
*(insert name of the party being served residence or
registered office or place of business etc.)*

Sworn to at the FCT Urban and Regional Planning Tribunal, Abuja this
..... day of.....20.....

Name :.....

Signed :.....

Position :.....

Address :.....

BEFORE ME

COMMISSIONER FOR OATHS

FORM 6

IN THE FEDERAL CAPITAL TERRITORY URBAN AND REGIONAL PLANNING TRIBUNAL

HOLDEN AT ABUJA

CASE No.....

BETWEEN :

.....PLAINTIFF(S)

AND

.....DEFENDANT(S)

WITNESS SUMMONS

To.....
(insert name of person being summoned)

of

You are summoned to appear before this Tribunal at
(insert location of the Tribunal).

On.....day of..... 20..... at the hour of
.....O^o clock in the forenoon, and until the application is heard, to
give evidence on behalf of the.....
(insert the name of party on whose behalf) witness is to give evidence and
also to answer any question or to bring with you and produce at the time and
place aforesaid.....

(Specify the document) in your custody or control which relate to any matter
in question in the Application.

DATED this..... day of 20.....

.....
Secretary

SECOND SCHEDULE [Order 16 Rule 5]

FEES PAYABLE IN THE FCT URBAN AND
REGIONAL PLANNING TRIBUNAL

These are the fees incidental to the execution of processes in matters before the Tribunal as cited in Federal Capital Territory Urban and Regional Planning Tribunal (Procedure) Rules 2012.

MATTERS, APPLICATION, AFFIDAVITS, DECISIONS, ORDERS

	₦
1. On filing any application (if accompanied by other papers)	1,000.00
2. On filing an affidavit	500.00
3. For swearing to an affidavit or making a declaration per deponent	600.00
4. For marking any paper annexed to an affidavit or declaration	600.00
5. On filing any other paper	200.00
6. On filing matters relating to compensation :	
(a) below ₦10,000.00	10%
(b) ₦10,000.00 to ₦100,000.00	8%
(c) ₦100,000.00 to ₦1,000,000.00	5%
(d) Above One Million	3%
7. On filing a security bond	300.00
8. For taking down a person's statement where so ordered as the court may direct	5,000.00 per day
9. For drawing up a bill of costs where so directed per folio of 72 words	500.00
10. For taking cost where so directed : per ₦10,000 or part thereof	500.00
11. For every subpoena	500.00
12. For attesting the execution or signature of an instrument not otherwise provided for	10,000.00
13. For sealing a letter of request	500.00
14. For searching the archives for each period of six months or part thereof	1,500.00
15. For sealing any document not in a proceeding	2,000.00
16. For certifying a copy as a true copy per folio of 72 words or part thereof	1,000.00
17. Maximum amount to be charged is after which no further charges shall be made for the document to be certified.	18,000.00
18. For an interpreter of a language per day or part thereof, as the tribunal may order	1,500.00

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19. On every petition to the chairman, a member or the secretary (not being an application otherwise provided for) unless waived by a member or the Secretary	2,000.00
20. For the service of any document or process initial fee plus kilometre charge. <i>See Annex A</i>	
21. Obtaining order of tribunal	2,000.00
22. For payment into Tribunal (except when ordered by the Tribunal or proceeds of execution—	
(a) below N10,000.00	10%
(b) N10,000.00 to N100,000.00	8%
(c) N100,000.00 to N1,000,000.00	5%
(d) Above One Million	3%
23. For an inquiry by a tribunal officer where so ordered for each sitting	2,000.00
24. For an account taken by a tribunal officer where so ordered per N100,000.00 or part thereof found to have been received	500.00
25. Acquisition of status report including satellite imagery on property from AGIS Printing on an A0 Image Map	17,000.00
Printing on an A1 Image Map	12,000.00
Printing on an A2 Image Map	9,500.00
Printing on an A3 Image Map	7,000.00
Printing of site plan	12,000.00
Plot survey data	12,000.00
26. Filing of pleadings	500.00
27. Late filing of pleadings	100 per each day in default.

APPEALS

28. Notice of Appeal to High Court	5,000.00
29. Compilation of Appeal Records per folio words 100 words	500.00

PAYMENT FOR SERVICE OF NOTICES

Garki I and Wuse I	1,500.00
Garki II and Wuse 2	2,500.00
Asokoro & Environs	2,500.00
Karu & Environs	3,000.00
Nyanya & Environs	3,000.00
Phase 2	2,000.00
Phase 3	2,500.00

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Phase 4	3,000.00
Phase 5	4,000.00
Gwagwalada and Environs	4,000.00
Abaji and Environs	7,000.00
Gwarinpa	2,000.00
Zuba	3,000.00
Kwali	5,000.00
North west	50,000.00
North east	60,000.00
South east	50,000.00

PAYMENT FOR SITE INSPECTION

TO INCLUDE	N
Asokoro and Maitama	6,000.00
Phase 2	6,000.00
Phase 3	7,000.00
Phase 4	8,000.00
Phase 5	9,000.00

MADE at Abuja this 21st day of December, 2017.

ABUBAKAR MALAMI, SAN
*Attorney-General of the Federation
and Minister of Justice*

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