

[SB. 251]

A BILL

[EXECUTIVE]

FOR

AN ACT TO ALTER THE PROVISIONS OF THE CONSTITUTION OF THE FEDERAL
REPUBLIC OF NIGERIA, 1999 BY AMENDING THE LAND USE ACT CAP. L5 LFN
2004 AND FOR RELATED MATTERS

[] Commence-
ment.

WHEREAS the Land Use Act by the provisions of Section 315 (5) of the
Constitution is part of the Constitution,

AND WHEREAS by the provisions of Section 9 of the Constitution, the
National Assembly may alter any of the provisions of the Constitution.

NOW THEREFORE:

ENACTED by the National Assembly of the Federal Republic of Nigeria as
follows:

- | | | |
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| 1 | 1. The Land Use Act (hereinafter referred to as “the Act”) is amended as | Amendment |
| 2 | set out in this Act. | of the Land
Use Act. |
| 3 | 2. Subsection (1) (f) of section 5 of the Act is amended by deleting all the | Amendment |
| 4 | words immediately after “sale” in the third line. | of Section 5. |
| 5 | 3. Section 7 of the Act is amended by— | Amendment |
| 6 | (a) deleting the words “or subletting” immediately after the word | of Section 7. |
| 7 | “assignment” in the second line; | |
| 8 | (b) deleting the words “or subletting” immediately after the word | |
| 9 | “assignment” in the third line of paragraph (a) of the proviso, | |
| 10 | 4. Section 15 of the Act is amended by deleting the words “or mortgage” | Amendment |
| 11 | immediately after the word “assign” in the first line. | of Section 15. |
| 12 | 5. Section n of the Act is amended by— | Amendment |
| 13 | (a) deleting all the words immediately after “assignment” in the second | of Section 21 |
| 14 | line and making it subsection (1); | |
| 15 | (b) creating a subsection (2) in the following words— | |
| 16 | “(2) The right of a holder of a customary right of occupancy to alienate | |
| 17 | such right by mortgage is hereby recognized”, | |

Amendment of Section 22.	1	6. Section 22 of the Act is amended by—
	2	(a) deleting from subsection (1) the words “mortgage, transfer of possession,
	3	sublease or otherwise howsoever” immediately after the word “assignment” in
	4	the second line;
	5	(b) deleting the proviso to subsection (1);
	6	(c) deleting from subsection (2) the words “mortgage or sublease”
	7	immediately after the word “assignment” in the 11rst line;
	8	(d) creating a new subsection 3 in the following words —
	9	“(3) The consent of the Governor shall not be required for the creation
	10	of a mortgage or sub-lease under this section”,
Amendment of Section 23.	11	7. Section 23 of the Act is amended by—
	12	(a) substituting the section with the following new section:
	13	“23 A sub-lessee of a statutory right of occupancy may, with the approval
	14	of the holder of the statutory right of occupancy, demise by way of sub-
	15	underlease to another person the land comprised in the sublease held by
	16	him or any other portion of the land;
	17	(b) deleting the provisions of subsection (2).
Amendment of Section 28.	18	8.—(a) Subsection (2) of section 28 is amended by substituting paragraph
	19	(a) with the following new paragraph:
	20	“(a) the alienation of the occupier by assignment or sublease contrary to
	21	the provisions of this Act or any regulations made there under.”
	22	(b) Subsection (3) of section 28 is amended by substituting paragraph (d)
	23	with the following new paragraph:
	24	“(d) the alienation by the occupier by sale, assignment or sub_lease
	25	without the requisite consent or approval”,
Short Title.	26	9. This Act may be cited as the Land Use Act (Amendment) Bill, 2009 or
	27	the Constitution (First Amendment) Bill, 2009.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Land Use Act by restricting the requirement of Governor’s consent to assignment only.