

NOTIFICATION OF DELEGATION OF SPECIFIC POWERS OF THE EXECUTIVE GOVERNOR OF LAGOS STATE UNDER THE LAND USE ACT

¹ The Governor may delegate to the State Commissioner all or any of the powers conferred on the Governor by the Act, subject to such restrictions, conditions and qualifications, not being inconsistent with the provisions, or general intentment, of this Act as the Governor may specify.

² As his predecessors did and with a view to aiding efficient administration in the State.

Background

The Land Use Act, Cap L5, Laws of the Federation of Nigeria, 2004 (the "Act") is the primary legislation pertaining to the regulation of land related matters in Nigeria. The Act vests ownership of all lands comprised in the territory of each Nigerian State in the Governor of that State and such land is held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of the Act. The Governor may exercise his powers under the Act either directly or through a State Commissioner, upon proper delegation.

Development in Lagos State

On **September 20, 2019**, the Executive Governor of Lagos State, **Mr. Babajide O. Sanwo-Olu**, exercised his statutory powers under Section 45 of the Act¹ by issuing the **Land Use Act (Delegation of Powers Notice) No. LN/BOS/001 of 2019** (the "Notice") to delegate specific powers under the Act to the following Commissioners of Lagos State:

- (a) Mr. Moyosore Onigbanjo, SAN (Honourable Attorney General/Commissioner for Justice);
- (b) Mr. Tunji Bello (Commissioner for Water Resources and Environment);
- (c) Mr. Segun Dawodu (Commissioner for Youth and Social Development);
- (d) Mrs. Shulamite Adebolu (Commissioner for Tourism, Arts and Culture); and
- (e) Mrs. Ajibola Ponnle (Commissioner for Establishment, Training and Pensions).

The Governor, by the said Notice, delegated the powers² specified under Sections 21(a), 22 and 23 of the Act to the above stated Commissioners. The referenced Sections provides as follows:

Section 21.

"It shall not be lawful for any customary right of occupancy or any part thereof to be alienated by assignment, mortgage, transfer of possession, sublease or otherwise howsoever -

- (a) *Without the consent of the Governor in cases where the property is to be sold by or under the order of any court under the provisions of the applicable Sheriffs and Civil Process Law..."*

Section 22.

"It shall not be lawful for the holder of a statutory right of occupancy granted by the Governor to alienate his right of occupancy or any part thereof by assignment, mortgage, transfer of possession, sublease or otherwise howsoever without the consent of the Governor first had and obtained..."

Section 23.

"A sub-lease of a statutory right of occupancy may with the prior consent of the Governor and with the approval of the holder of the statutory right of occupancy, demise by way of sub-underlease to another person the land comprised in the sub-lease held by him or any portion of the land..."



In addition to the above, the Notice (under Schedule 1 thereto) further delegates the following powers to the above listed Commissioners:

1. The power to grant a Right of Occupancy and endorsement of a Certificate of Occupancy in respect of:
 - (a) Private Land; and
 - (b) Ratifications of all categories.
2. The power to grant consent in respect of:
 - (a) Any subsequent transaction to grant a Statutory/- Customary Right of Occupancy;
 - (b) Lease, sub-lease, sub-under lease, made under any document relating to land other than a Certificate of Occupancy;
 - (c) Mortgage, transfer of possession or otherwise of property relating to any interest in land; and
 - (d) Any other matters connected or relating to all of the above referenced powers.

Commencement

The Notice takes effect from **September 20, 2019**.

Practical Implication

The Notice is a welcome development and timeous in the proper administration of land related matters in Lagos State post-assumption of office by the Governor.

This development is expected to build on the process(es) laid down by previous administrations and hopefully produce a more efficient, time and cost-effective land documentation processing in the State which will in turn reassure stake holders and aid a better land regulation and documentation regime in the State.

Drawing from previous experience, it is recommended that periodic reports, on the exercise of these powers, be requested by the Governor so as to prevent nepotism and ensure that the delegates are exercising their powers, in the name of the Governor, within the confines of the Act.

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