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IMO STATE OF NIGERIA

LAW NO. 3 OF 2021

**IMO STATE LANDS ADMINISTRATION AND GEOGRAPHIC
INFORMATION SERVICE (ESTABLISHMENT) LAW, 2021.**

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IMO STATE OF NIGERIA
LAW NO. 3 OF 2021

**A LAW TO ESTABLISH THE IMO STATE GEOGRAPHIC
INFORMATION SERVICE FOR THE PURPOSE OF
REGULATING LAND ADMINISTRATION IN IMO STATE
AND FOR OTHER RELATED MATTERS**

Long Title

BE IT ENACTED by the Imo State House of Assembly as follows –

Enactment

PART I – PRELIMINARY

1. This Law may be cited as the Imo State Lands Administration and Geographic Information Service (Establishment) Law and shall commence on the 18th May, 2021.

*Citation and
Commencement*

2. In this Law, unless the context otherwise requires –
“Abandoned building” includes an existing previously occupied but vacated building and left in that condition for a period of up to six years, or a building which is under construction on which work has ceased for up to five years;

Interpretation

“Agency; means the Imo State Geographic Information Service (IGIS) established under Section 3 of this Law;

“Auditor-General” means the Auditor-General of Imo State;

“Board” means the Board established for the Imo Geographic Information Service under the provisions of this Law;;

“Building Plans” shall mean design drawings with specifications representing intent to develop a building as prepared by registered architects, structural and services drawings as prepared by registered engineers and based on survey plan prepared by a registered surveyor;

“Constitution” means the Constitution of the Federal Republic of Nigeria 1999, as amended;

“Developer” means a builder, contributor, owner, creator or pioneer;

“Development” in relation to any land includes any building or rebuilding operations and any use of the land or building thereon for a purpose which is different from the purpose for which the land or building was last being used to include –

- (a) the carrying out of any building operations excluding mining or other operation in, on, over or under any land;
- (b) the making of any material change in use of any land for building or Structure, or Conversion of land, building or structure from its established or approved use;
- (c) placement or display of urban furniture on the land, on building or Structure;
- (d) making of any environmentally significant change in use of any land, demolition of building including felling of trees;
- (e) the re-erection, wholly or partially, of any building pulled down to or below the top of the ground floor, or of any frame building of which only the framework is left down to or below the top of the ground floor.
- (f) the re-erection, wholly or partially, of any building of which an outer wall is pulled down to or within 3 meters of the surface of the ground.
- (g) the conversion into more than one dwelling house or other uses of a building originally constructed as one dwelling house only.
- (h) the making of any addition to an existing building by raising any part of the roof, constructing or altering any wall, or making a projection from the building, or making structural additions to the building

“Development Plan” means detailed drawings and specifications for a development rendered at appropriate scales, dimensions and sizes as prescribed by regulations made pursuant to this Law;

“Executive Council” means the Imo State Executive Council;

“Gazette” means Imo State Government Official gazette;

“Government” means the Government of Imo State of Nigeria;

“Governor” means the Governor of Imo State of Nigeria;

“Land” includes land covered with water and everything attached to the earth or permanently fastened to anything which is attached to earth and also chattels real, and tenure of every description and any interest therein, and undivided shares of land but does not include minerals;

“Member” means members of the Board and includes the Chairman;

“Ministry” means any Ministry or Department (where applicable) in charge of Lands, Survey, Physical Planning or Urban Development;

“National Building Code” means National Building Code 2006 (as amended) of the Federal Republic of Nigeria;

“Operative Development Plan” means any Urban planning scheme that has formally been endorsed for implementation;

“Person” means any individual, partnership, firm, Company, Corporation (Statutory or otherwise), joint venture, trust, Association, Organisation or other entity, in each case, whether or not it has a separate legal personality;

“Owner; includes a joint owner, lessee, tenant for life, and any other person in the actual possession of premises or entitled to receive the rents of the premises of any tenure or description, and the agent or attorney of such persons and any other person who has any interest in or draws the rent;

“Redevelopment” means any new construction on a site that has pre-existing uses and represents a planning process of land development to revitalize the physical, economic and social fabric of an existent space;

“Registered Building Industry Professional” means any person registered by Statute through their respective Regulatory Bodies to practice in Nigeria and shall include any of the seven professions in the building industry namely—

Architecture, Building, Engineering, Estate Surveying and Valuation, Quantity Surveying, Surveying(land), and Urban and Regional Planning.

“Relevant Department” includes the Government Department in charge of Housing, Physical Planning, Development Control or Urban Renewal and Planning, and Lands and Survey;

“Rehabilitation” means a planning process whereby individual structures are improved to meet established building standards and criteria also called renovation scheme;

“Renovation” includes to rebuild, reclaim, recondition reconstruct, rehabilitate, reinstate, rejuvenate or restore, rebuilding;

“Setbacks” mean the minimum distance of any development from a protected or public infrastructure Installation as stipulated in the National Building Code or by regulations made pursuant to this law which shall be a minimum of:

- (a) for historical moats, 15meters;
- (b) for drainage canals and channels, 6meters;
- (c) for roads, highways and associated drains, whatever is defined in the National Building Code;
- (d) for high tension pylons and cable runs 15meters;
- (e) for oil and gas pipeline installations, 15meters,
- (f) for rivers, streams, water courses, water sheds, 150 meters;

“State” means Imo State of Nigeria;

“Urban Furniture” includes physical structures placed on the landscape and affixed to the land distinct from actual buildings and includes bus stop shelters, communication antennae, mast and towers cables and pipes, street neon signs, advertisement bill boards, light status, artefact- placement fountains, and direction finders;

“Undevelopable Land” means a tract of land or area declared as unbuildable or undevelopable other than in a manner specified by the Agency for purposes of maintenance of cultural heritage, drainage, green areas and public parks;

“Waste Land” includes land which for the time being is unworkable and includes burrow pit, land degraded by erosion, abandoned waste dumps and liable to flood.

PART II – ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF THE AGENCY

3. (1) There is hereby established, a body to be known as and called the Imo State Geographic Information Service (IGIS) (hereinafter referred to as “the Agency”).
- (2) The Agency shall-
 - (a) be a body corporate with perpetual succession and common seal;
 - (b) have power to sue and be sued in its corporate name;
 - (c) hold and acquire any property or interest in property, moveable or immoveable

*Establishment
of the Agency*

4. (1) The Agency shall –

*Function and
Duties of the
Agency*

- (a) establish and maintain a State Geographic Information System to be known as the Imo State Geographic Information System to enhance land use, management and administration of lands in the State;
 - (b) compile and collate information and data about lands in the State and provide products and services derived there from and other related information to the Government and the general public;
 - (c) establish and regulate the standards to be applied in the compilation of data relating to land and its administration in the State;
 - (d) maintain and manage all copyrights and patents over all such data generated in the course of its duties on behalf of the State Government
- (2) As from the commencement of this Law and notwithstanding any provision in any other Law in the State, the Agency shall have responsibility for all land administration matters and enforcement in the State including but not limited to –
- (a) the creation of a lands registry wherein all land titles and instruments in the State shall be registered;
 - (b) prescribing and reviewing rates as may be appropriate in respect of services rendered by the Agency as listed under the schedule to this Law subject to the approval of the Governor and having the responsibility of maintaining information on rents payable in accordance with the Land Use Act;
 - (c) the repository of master plans, district plans, survey Information and dataset and managing same including charges for services;
 - (d) processing of and grant of certificates of occupancy, rights of occupancy, customary titles and grants of consent to land transactions as required by law;
 - (e) administration of the town and rural planning systems including but not limited to management and being the repository of datasets, including charges for services, growth management and other services as listed in Schedule I to this Law;
 - (f) provision of such other services as are attendant to the maintenance of geospatial and land information service, land rights and geographic and land records as are provided for in Regulations made pursuant to this Law.
- (3) For efficient service delivery and to achieve the objectives of the Imo State Geographic Information service, the Agency shall –
- (a) introduce, implement and sustain best practises in land administration in the State;

- (b) ensure that the system of land administration supports the development of social and economic rights in the State;
 - (c) ensure that the State geospatial data conforms to National Standards;
 - (d) undertake registration of all land titles and instruments in the State including but not limited to issuance of certificates and recertification of land Instruments in cases where certification had been carried out before the coming into force of this Law;
 - (e) implement an analytical hub capable of laying geospatial data with social economic data cutting across different work streams to enhance decision making and drive continuous improvement in public sector provisions;
 - (f) provide geospatial information services, as requested to persons wishing to augment their geospatial information system capacities upon the payment of prescribed fees;
 - (g) in cooperation with other relevant agencies of government, evaluate and participate in pilot studies and shall make recommendations on geospatial information;
 - (h) provide staff support and technical assistance to all levels of government in respect of geospatial information system and policies;
 - (i) coordinate and provide overview of geospatial information systems activities throughout the state to establish a central geospatial information clearing house and set standards in relation to the quality and format of geospatial information;
 - (j) provide technical support to assist other agencies of the government or other persons who may wish to incorporate geospatial information systems capabilities in their activities and systems;
5. In addition to the functions of the Agency, the Agency shall have powers to -
- (a) appoint staff, promote and discipline staff of the Agency and to enter into contracts for the performance of its functions;
 - (b) charge fees for the services listed in the Schedule to this Law as it may from time to time prescribe, subject to the approval of the Governor;
 - (c) borrow money and enter into other obligations subject to the approval of the Governor.
6. Imo Geographic Information Service shall be an Agency under the Governor's Office .

Powers of the Agency

Agency to be under the Governor's Office

7. There is hereby established for the Agency, a Supervisory Board (hereinafter referred to as the "Board") comprising persons of proven integrity and competence in administration and technology. *Supervisory Board*
- 8.(1)The Board shall comprise a minimum of twelve (12) members to be appointed by the Governor as follows – *Composition of the Board*
- (a) the Chairman, who shall be appointed by the Governor and who may have cognate experience in any of the following fields-
 - (i) Land Administration/Geospatial Science;
 - (ii) Information Technology;
 - (iii) Environmental Studies/Sciences; or
 - (iv) Law
 - (b) the Director-General of Imo State Geographic Information Service who shall have cognate experience in any of the following fields –
 - (i) Land Administration
 - (ii) Geospatial science and Information Technology;
 - (iii) Environmental studies;
 - (iv) Urban and Regional Planning; or
 - (v) Project management.
 - (c) the Surveyor-General of the State or his Representative;
 - (d) three members from each of the 3 geo-political zones of the state namely Owerri, Okigwe and Orlu zones;
 - (e) representatives as may be appointed by the Governor (not below) the rank of Director) from the relevant Ministry or Department in charge of -
 - (a) Lands and Survey and physical planning;
 - (ii) Housing;
 - (iii) Local Government and Chieftaincy Affairs;
 - (iv) Justice; and
 - (v) Imo State Internal Revenue Service;
- (2) All members shall be part time members except the Director-General and the legal adviser.
9. The Chairman and members of the Board other than the Director-General shall hold office for a period of four (4) years renewable for another four (4) years only. *Tenure of Board Members, Director General of the Agency*
- 10.(1) The Director-General Shall be appointed by the Governor and shall - *Director General*
- (a) be the Chief Executive Officer, and accounting officer of the Agency;
 - (b) have the requisite experience as stated in Section 8(1)(b) of this Law;

- (c) have not less than fifteen (15) years post-graduation experience out of which at least five (5) years would have been at management level;
- (d) hold office for a period of five (5) years, after which he may be re-appointed for a further five (5) year period and no more.
- (2) The terms and conditions of service of the Director-General shall be as stated in his letter of appointment.
- 11.(1) There shall be a Secretary/Legal Adviser for the Agency who shall be a legal practitioner with at least ten (10) years post-call experience to be appointed by the Governor and who shall be responsible to the Director-General for the discharge of functions of his office. *Secretary Legal Adviser*
- (2) The Secretary/Legal Adviser to the Agency shall function as Secretary to the Board and shall -
- (a) be responsible for the implementation of the decisions of the Board and the day to day administration of the Board; and
- (b) perform such duties as are assigned to him by the Board
- (3) The secretary shall not be a member of the Board and shall have no voting right but shall record the proceedings of the Board meetings.
12. The Board shall be responsible for - *Functions of the Board*
- (a) formulating the policies and guidelines for the Agency and supervising the implementation of same, and setting the strategies for the attainment of efficient land administration system in the state;
- (b) making regulations for the attainment of efficient land administration system in the State and approving the accounts and annual report of the Agency prior to submission to the Governor;
- (c) approving the business plan and budget of the Agency;
- (d) prescribing fees for the services rendered by the Agency including the supply of any data subject to the approval of the Governor; and
- (e) providing advice and guidance generally to the Director General; and
- (f) approving the appointment, promotion, transfer and imposing of discipline on employees of the Agency in line with what is applicable in the Public/Civil Service of the State.

- 13.(1) Notwithstanding the provisions of Sections 7, 8 and 9 of this Law, the Chairman or any member of the Board or the Director-General shall cease to hold office if –
- (a) he resigns his appointment as a member of the Board by notice under his hand, addressed to the Governor;
 - (b) he becomes of unsound mind;
 - (c) he becomes bankrupt or compromises the Agency's interests;
 - (d) he is convicted of a felony or any offence involving dishonesty or corruption;
 - (e) he becomes incapable of carrying out the functions of his office either arising from infirmity of the mind or body;
 - (f) he has been found guilty of contravening the Code of Conduct or gross misconduct in relation to his duties;
 - (g) the Governor is satisfied that it is not in the interest of the Agency or in the interest of the public for him to continue in office and the Governor thus removes him from office;
 - (h) he is a person who becomes a member by virtue of an office he occupies and he ceases to hold such office;

*Disqualification
of Members of
the Board and
the Director
General*

- (2) Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor provided that the successor shall represent the same interests as his predecessor

14. The Chairman and members of the Board shall be paid such emoluments, allowances and benefits as are applicable to other Boards in the State.

*Payment to
Board
Members*

- 15.(1) The Board shall hold meetings at least quarterly, or as may be necessary for an effective oversight of the Agency. Provided that there shall be a maximum of Six((6) Board meetings annually.

*Board
Meetings*

- (2) The Chairman of the Board shall preside at meetings and where he is absent, the members present shall elect one from amongst them to preside at that meeting

- (3) The quorum for a meeting of the Board shall be four members.

- (4) The minutes of the proceedings of every meeting shall be entered in a book to be kept for that purpose and shall be read at the next meeting and if approved by the Board, signed by the Chairman and the Secretary:

16. The validity of the proceedings of the Board of the Agency shall not be affected by reason of any defect in the appointment of any member or vacancy in the membership of the Board or that a person not so entitled has taken part in the proceedings.

Validity of Proceedings

17. (1) The Staff of the Agency shall include –

(a) persons employed as staff of the Agency in accordance with extant Laws;

Staff of the Agency

(b) Persons seconded or transferred from the Civil/Public Service of the State; and

(2) Where any member of Public Service Commission is seconded under sub-section(2) of this section, he shall be notified of the terms and conditions of the secondment and the secondment shall be without prejudice to any pension rights which, but for the secondment, would still accrue to him

(3) Subject to the directives of the Governor, the Board by regulations, shall determine the remuneration, grading and other terms and conditions of service of staff of the Agency and the Board shall ensure that they are kept broadly in line with what is applicable in the Civil/Public Service of the State.

(4) Service in the Agency shall, for the purposes of the Pensions Law applicable in the State, be pensionable.

(5) Notwithstanding the provisions of this section, the Agency may appoint a person to any office on terms and conditions which preclude the grant of pensions, gratuity and other retirement benefits including Consultants and Advisers in such areas where they have technical deficiency.

18. The funds of the Agency shall include:

(a) grants from the State and Local Governments, Private Institutions or International donor agencies;

(b) all monies accruing from fees, charges, donations, gifts and other internally generated revenue from services provided by the Agency;

(c) such monies as may be appropriated to the Agency by the State Government;

(d) funds from a Private Sector Partners where applicable;

(e) 5% retained earnings of the Agency to be used to fund administration of the Agency; and

(f) all other sources as may be approved by the Governor.

Funds of the Agency

19. The Agency may from time to time apply its funds to – *Application of Agency Funds*
- (a) the cost of administration of the Agency, including all operational expenditure and capital items;
 - (b) paying allowances and benefits of members of the Board;
 - (c) reimbursing members of the Board or of any committee set up by the Board for such expenses as may be expressly authorized by the Board;
 - (d) the payment of salaries or other remuneration or allowances and other benefits payable to the officers and other employees of the Agency provided that such payments are approved by the Board;
 - (e) developing and maintaining any property vested in or owned by the Agency.
- 20.(1) The Agency's financial year shall run, unless otherwise stipulated by the Board, from 1st January to 31st December in each year. *Financial Year*
- (2) The Agency shall not later than the 30th September of each year, submit its budget for the following year to the Governor.
- 21.(1) The Agency shall keep proper books of accounts and records of income and expenditure and prepare annual accounts including a profit and loss account and balance sheet. *Accounts, Annual Report and Audit*
- (2) The Agency shall not later than three (3) months after the end of the financial year to which they relate, cause its accounts to be audited by the State Auditor-General or Auditors appointed from the list of government approved auditors and in accordance with the guidelines supplied by the Auditor-General of the State.
- (3) The Auditor-General may carry out or cause to be carried out, any investigation into the Agency's financial transactions.
- (4) Not later than three (3) months after the end of the financial year, the Agency shall prepare an annual report on the operations of the Agency during the preceding year.
- (5) Copies of the Accounts, Auditor's Report and Annual Report shall be submitted to the Governor through the Chairman of the Board.

PART III - REGISTRATION OF LAND TITLES AND INSTRUMENTS

22. Except as may be otherwise stated in this Law, every document of interest or title to Land in Imo State shall be registered in accordance with the provisions of this Law including those previously registered with the Ministry in charge of Lands before the commencement of this Law. *Compulsory Registration of Land Title, Instruments, and Survey plans*
23. Any person, who has power to assign or is entitled in Law or equity to any land, is required by this Law to apply to be registered as the land holder. *Cases in which Registration is permitted*
- Provided that the Registrar shall not register any power of attorney relating to transfer of land on which the consent of the Governor has not been endorsed.
24. There shall be a Lands Registry which shall be located in the Agency or such other places as may be directed by the Board. *Lands Registry*
25. There shall be a Chief Registrar of Titles and Instruments in the Lands Registry (hereinafter referred to as "the Registrar") to be appointed by the Board subject to the approval of the Governor. *Chief Registrar of Titles*
26. There shall be a Lands Registry Map (referred to in this Law as, "the Map") showing the boundaries of every parcel of land that is registered and it shall be drawn to a scale approved by the Surveyor-General. *Lands Registry Map*
27. A document creating any interest in land shall not be registered without a survey plan describing and delineating the particular land. *Survey plans*
28. (1) Every register mentioned in this Law shall contain the following information *Contents of the Register in IGIS*
- (a) names and addresses of the parties to the transaction;
 - (b) description of the property;
 - (c) location of the property;
 - (d) survey plan of the property; and
 - (e) all other information that may be deemed necessary and appropriate.
29. Any document electronically produced under the seal of the Agency shall be admissible in a court of Law. *Production of Document in Trials*

- 30.(1) Any holder in possession of any registrable document under this Law shall register same within ninety (90) days. *Registration of Documents*
- (2) The forms for registration of titled land and land covered by deeds/certificates of occupancy shall be as contained in Forms created subject to regulations made pursuant to this Law.
- (3) All revocations, acquisitions and excisions made pursuant to the Land Use Act shall be registered with the Chief Registrar of Titles.
31. A sublease under five (5) years does not require registration. *Subleases under 5 years*
32. Any succession to land under a Will or on Intestacy or Insolvency does not require the Governors consent but must be registered on production of a certified true copy of the grant or Letters of Administration. *Will or on intestacy*
33. Where the Registrar is satisfied that a document is registrable but the person who has the authority to present such document for registration has failed to register, he shall by notice in writing, require such person to present the document for registration. *Power to compel Registration*
- 34.(1) Once a person has been validly registered as the holder of a parcel of land, the registration shall be evidence of holding of that land together with all the rights, privileges and appurtenances, except rights to mineral resources or mineral oils on the land. *Registration of Documents*
- (2) The registration of any person as the sub-leasee of any land parcel shall vest the leasehold interest described in the sub-lease together with all rights and appurtenances attached subject to all agreements, liabilities and incidents of such lease in that person.
- (3) For the purpose of this section, minerals and mineral oils have the meaning set out in the Petroleum Act and the Minerals and Mining Act, 2007.
- 35.(1) The registration fee and any additional fee payable under this Law on issuance of the notice in Subsection (2) below shall become payable whether or not the document is presented for registration. *Additional Fees for delayed Registration*

- (2) Any person who fails to comply within three months after service on him of a notice to register document as required under this Law, commits an offence and is liable on conviction to a fine of One Hundred and Fifty Thousand naira (N150,000.00) only if the land is in urban area and Fifty Thousand Naira (N50,000) if the land is in a rural area.
- (3) Where a sub-lease or mortgage is presented for registration later than six (6) months from the date of consent of such sub-lease or mortgage, an additional sum of Ten Thousand Naira (N10,000.00) per month of delay on the registration fee shall be payable.
36. The application forms and procedures for different categories of registration shall be in the manner prescribed by the Agency, subject to the provisions of this Law. *Application forms*
- 37.(1) Subject to the provisions of this Law, documents creating interests in the register shall, irrespective of the dates on such documents, have priority according to the order in which they were presented for registration at the Lands Registry. *Priority of Registered interests*
- (2) Presentation of a document for registration may be effected by hand, post or courier and the document shall be registered on the day of its delivery at the Lands Registry, PROVIDED it is within the hours of registration otherwise it shall be registered at the commencement of business in the next working day.
- (3) Where two or more documents are sent separately by post or courier in respect of the same transaction, they shall be deemed to have been received at the Registry at the time the last document was received.
- (4) Where the Registrar is of the opinion that a question of priority or conflict of interest has arisen between any of the documents mentioned in subsection (3) of this section, he may refuse registration until he has heard and determined the rights of the parties interested in the documents.
- (5) A document prepared by the Registrar is deemed to be registered on presentation of an application and shall have the effect of registration.
38. No registrable instrument, after 24 months of the commencement of this Law, shall be pleaded or given in evidence in any court of Law as affecting land in the registration State unless it has been duly registered as required under this Law. *Effects of No Registration*

39. If any of the persons listed below becomes vested with any registered land or mortgage – *Change of Holding by Operation of Law*
- (a) trustee by virtue of the Trustees Act, 1893; or
 - (b) any person by virtue of any law for the time being in force by order of court; or
 - (c) any person by virtue of the exercise of any power capable of overriding the interest of the registered holder;
- then, that person shall, on application in the prescribed manner, be entitled to be registered as holder of that land or mortgage.
40. Subject to the Governor's consent, a registered holder of land may dispose of or deal with the land and create any interest or right over it. *Powers to deal with Registered Land*
- 41.(1) A holder may transfer his reversionary interest in land to any other person as joint holder or holders in common. *Joint holding*
- (2) Where a doubt is raised in any document presented for registration, joint holding shall be presumed to have been intended by the parties unless and until the contrary is proved in a court of competent jurisdiction.
- 42.(1) Notwithstanding any provision in this Law, all land held in common by several persons or Community (Community Land) shall be registered at the Land Registry under this Law. *Partitioning/consolidation of Land*
- (2) A holder to a titled land may partition or consolidate the parcel with another PROVIDED such partition or consolidation is approved by the relevant department of the Agency in accordance with this Law and such approved newly partitioned or consolidated land shall be registered in accordance with the provisions of this Law.
- (3) Land –
- (a) held in common by persons or Communities shall have layout plans approved by the relevant urban planning authorities before partitioning;
 - (b) referred to in paragraph (a) which is less than 5.000 square meters in size or Half a hectare shall not require a layout plan.
- (4) From the date of commencement of this Law, any Community or Joint holder of land or its leader(s) or its agent(s), who partitions and alienates or sells any portion of Community land without registering the land title or preparing a Layout Plan and obtaining a Layout Permit is guilty of an offence under this Law and shall be liable upon conviction to pay a fine of Two Hundred and Fifty Thousand Naira (N250,000,00) or a 3 - month term of imprisonment on each count of infraction.

- (5) Where lands are held in common by several persons, the Registrar may, on the receipt of an application and approved layout plan and any other relevant document, from one or more of the holders or a person in whose favour an order for the sale of an undivided share of such land has been made, approve the partition in accordance with relevant State Urban Planning Laws.
- (3) The partitioning of land shall be completed by closing any relevant register and opening new registers and also by filling the application together with the agreement or the Order in the Land Registry.
- 43.(1) All existing certificates of occupancy shall cease to be valid upon expiration of twelve (12) months after the commencement of this Law. *Certificate of Occupancy and Statutory Right of Occupancy*
- (2) All existing certificates of occupancy shall be re-registered in compliance with this Law and holders of such certificates shall be issued with new electronic Certificates of Occupancy;
- (3) All issue of existing land certificate(s) shall apply only to the registration of lands over which there currently exists certificates of occupancy, statutory right of occupancy or Governor's consent;
- (4) All other lands shall upon registration in compliance with this Law, be issued certificates of occupancy.
- 44.(1) The Registrar shall issue to the registered holder of any land or mortgage a document showing in the prescribed manner all subsisting entries in the register affecting the land or mortgage. *Information on Register Entries*
- (2) The registered holder of a sub-lease or mortgage over land comprised in a State grant shall submit a copy of the sub-lease, mortgage or grant in a form to be annexed to the certificate.
- (3) A receipt for each land certificate(s) shall be signed by the recipient.
- (4) A Land certificate shall be prima facie evidence of matters contained in it.

- 45.(1) Where any mortgage or disposition is made in respect of any land, the registered holder shall produce the land certificate or title to the Registrar for endorsement of such disposition or mortgage. *Production of certificate on registration of disposition*
- (2) Subject to the provision of subsection (1) of this section on the registration of every change of holding of any land or mortgage, where the same certificate is re- issued, a note of the disposition or change of holding shall be endorsed on it.
- (3) A purchaser from the registered holder of a mortgage selling under the power of sale conferred by the mortgage may be registered as the holder of the land or sub-lease and a new certificate of title to that land or sub-lease may be re-issued.
- (4) The provisions of subsection (3) above shall apply only to mortgages in respect of properties registered in compliance with this Law.
- 46.(1) Where a Certificate of Occupancy is lost or destroyed, the holder may apply to the Registrar for the re-issuance of an extract of the title document. *Lost or Destroyed Title Document*
- (2) The holder referred to in subsection (1) above shall make a statutory declaration under the Oaths and Affirmations Law stating the fact of the loss or destruction of the title document and publish the fact of the loss of the document in a national newspaper.
- (3) If satisfied with such evidence and where no objection is raised within fourteen (14) days of the publication, the Registrar may issue an extract of the title document.
- (4) Where a Land Certificate is lost or destroyed, the holder may apply to the Registrar for the issuance of a new Land Certificate on production of an affidavit of loss and a Police report.
47. Judicial notice shall be taken of the signature of the Chief Registrar of Titles and Deputy Registrars, and every document signed either manually or electronically by any of them shall in all court proceedings, be admissible as such unless the contrary is proven. *Judicial notice of signatories*
- 48.(1)The register in the Lands Registry shall be conclusive evidence of entries made therein. *Entries in and extract from registers*
- (2) Every copy or extract certified by the Registrar shall in any proceedings, be received as prima facie evidence of the original entry of the matter and transactions recorded or registered in the register, the Land Registry map or any title document or plan filed in the Lands Registry.

49. Notwithstanding the provisions of any Law in the State to the contrary, any subsequent registered encumbrance affecting land shall be dealt with only in accordance with the provisions of this Law and no interest shall be passed or created until a title document is registered.

Transactions
Subsequent to
this Law

PART IV - ENFORCEMENT

- 50.(1) Subject to any restrictions or conditions prescribed by the Constitution or any other Law, a Magistrates Court shall have jurisdiction and powers in respect of trial of offences contained in this Law or Regulations made pursuant to this Law.

Offences and
penalties

- (2) Any person, who contravenes the provisions of this Law and Regulations made pursuant to this Law, is guilty of an offence and shall be liable on conviction to pay a fine not exceeding the sum of Two Hundred and Fifty Thousand Naira (N250,000.00) or to imprisonment for three (3) months or to both such fine and imprisonment.

- (3) Any person who carries out any unauthorized construction work or development on the path or Right of Way of any drainage, waterway, public roadway, moat, NNPC oil or gas pipeline, electricity high tension installation or line or areas declared as undevelopable by the Agency is guilty of an offence under this Law and on conviction is liable to pay a fine of Five Hundred Thousand Naira (N500,000.00) or to imprisonment for six (6) months or to both such fine and imprisonment.

- (4) Notwithstanding the provisions of subsection (3) above, the Agency shall by order, cause any work or development on the path or right of way of drainage, waterway, public roadway, moat, NNPC pipeline, electricity high tension Installations or line or areas declared as undevelopable by the Agency, to be pulled down or demolished, and recover the cost from the developer in conformity with the provisions of this Law.

- (5) Notwithstanding any other provisions of this law, any person who obstructs or molests or otherwise hinders any public officer in the course of serving notices, demolishing or removing any unauthorized or illegal development, seizing of working implements or otherwise enforcing the provisions of this Law is guilty of an offence and shall on conviction be liable to pay a fine of One Hundred Thousand Naira (N100,000.00) or to imprisonment for one (1) month or to both such fine and imprisonment.

- (6) Any person who breaks any seal of the Agency or flouts a Notice/Order or removes any marking placed upon any property in compliance with the relevant Department, commits an offence and shall on conviction be liable to pay a fine not exceeding the sum of Two Hundred and Fifty Thousand Naira (N250,000.00) or in the case of a corporate entity, One Million Naira or three (3) months imprisonment.
- (7) Any person who impersonates an officer of the Agency or impersonates a registered building industry professional as provided for by the Laws of the Federation of Nigeria or forges the seal or mark of a registered building Industry professional for the purposes of obtaining or executing a Permit under this law commits an offence and shall on conviction be liable to pay a fine not exceeding the sum of Two Hundred and Fifty Thousand Naira (N250,000.00) or three (3) months imprisonment or both.
- (8) Where any cost is incurred by the Agency in the course of demolition or removal or enforcement of compliance as provided for under this Law, such cost shall be assessed and communicated in writing to the owner, builder, developer, occupier or any other person responsible for the illegal structure demanding reimbursement of such cost.
- (9) Any person who fails to pay the assessed cost of demolition shall be guilty of an offence and be liable on conviction to pay a fine not exceeding Two Hundred and Fifty Thousand Naira (N250,000.00) or to three (3) months Imprisonment in addition to the payment of the assessed cost referred to in subsection (9) of this Section.
- (10) Any person who trespasses on and/or carries out development on any land acquired by the Government according to the provisions of the Land Use Act or under this Law commits an offence and on conviction shall be liable to pay a fine of Five Hundred Thousand Naira (N500,000.00) or to Six (6) months imprisonment in addition to paying for the cost of restoring the land to its original state.
- (11) Any person who sells, trades or by any means disposes to a third party, any land acquired by the Government according to the provisions of the Land Use Act or under this Law without due authorization from the relevant Government Authority, commits an offence and on conviction shall be liable to pay a fine of Five Hundred Thousand Naira (N500,000.00) or to Six (6) months imprisonment or both.

- (12) Where the act constituting an offence under this section continues after the service of the relevant notices, the offender upon conviction in addition to the penalty for the offence shall be liable to pay an additional fine not exceeding Ten Thousand Naira (N10,000.00) for each day of such continuation.
- 51.(1) Where it appears to the Agency that it is necessary to obtain any land in policies and proposals of any Operative Development Plan, any right of occupancy subsisting on that land may be revoked on recommendation of the Agency to the Governor. *Power to acquire*
- (2) Any right of occupancy referred to in subsection (1) of this Section shall be revoked only in accordance with the relevant provisions of the Land Use Act.
- 52.(1) Notwithstanding any other provisions in this Law, the Agency on advice of the relevant department or Government agency shall approve the establishment of a Right of Way for drainage, public access and infrastructural services. *Right of way*
- (2) Nothing in this Law shall be construed as preventing the Agency from removing or demolishing any building or structure or obstruction to an established right of way, to the extent that the building or structure or obstruction contravenes the setbacks as prescribed in the National Building Code or Regulations made pursuant to this Law.
53. All matters connected with the payment of compensation for the revocation of a Right of Occupancy under this Part shall be governed in accordance with the relevant provisions of the Land Use Act. *Limit of payment of Compensation*
- 54.(1) The Board may subject to the approval of the Governor by Regulation, set fees, charges and standards of charges and fees, calculating fees and charges to be paid in respect of services rendered by the Agency or for the supply of any data by the Agency. *Charges and fees*
- Such Regulation may stipulate the means by which any fee or charge is to be paid, and may require pre-payment as a condition for the carrying out of a function or the provision of a service or the supply of any data.
55. (1) The Board may by Regulations – *Powers to issue Regulations*
- (a) prescribe forms and formats of documents to be used by the Agency and the means by which these are to be procured or authenticated;
 - (b) make such further provisions as are necessary for the effective operation of the Agency and performance of its functions.

- 56.(1) The common seal of the Agency shall not be used or affixed to any document except in pursuance of a resolution duly passed at a meeting of the Board and recorded in the minutes of such meeting. *Authentication of document*
- (2) The fixing of the common seal of the Agency shall be authenticated by the signature of the Chairman and the Secretary or such members as may be specifically authorized in that behalf by a Resolution of the Board.
- (3) Any contract or instrument which would not be required to be under seal if entered into or executed by a person, may be entered into or executed as the case may be on behalf of the Agency by any person generally or specifically authorized in that behalf by the Agency.
- (4) Any document purported to be duly executed under the seal of the Agency shall be received in evidence and shall unless the contrary is proved, be deemed to be so executed.

- 57.(1) Any suit against the Agency, a member of the Board or any officer or employee of the Agency for acts done or omitted to be done in pursuance of or execution of the provisions of this Law or any other Law shall be commenced – *Limitation of Time for Litigation*
- (a) within three months of the act, neglect or default complained of; or
- (b) in the case of a continuing of damage or injury, within six (6) months of the cessation thereof.
- (2) No suit shall be commenced against the Agency, a member of the Board or any officer or employee of the Agency before the expiration of a period of one month after written notice of the intention to commence such suit shall have been served on the Agency by the intending claimant or his agent.
- (3) The notice referred to in sub section (2) of this section shall clearly and explicitly state the cause of action, the particulars of claim, the name and place of abode of the intending claimant and the reliefs sought.

58. The Governor may give directives of a general nature as to the exercise or performance by the Agency of any of its functions in relation to matters appearing before him, and the Agency shall give effect to such directives. *Directives of the Governor*

59. The scope of the powers and functions of the Agency under this Law may be extended or limited by Executive Order(s) duly signed by the Governor. Provided that for such orders to take effect, they shall first be published in the State's Official Gazette. *Extension and Limitation of the scope of the Agency's Powers and Functions*

60. (1) Where the provisions of any other State Law on Lands and other related matters are inconsistent with the provisions of this Law, the provisions of this Law shall at all times prevail and the provisions of that other Law shall to the extent of its Inconsistency be void. *Savings*
- (2) The Owerri Master plan 1977 applicable to Owerri City and as amended from time to time shall remain valid subject to any enactment of the Imo State House of Assembly.

SCHEDULE

Section 5(C)

LIST OF SERVICES FOR WHICH CHARGES WILL BE IMPOSED

A. LAND ADMINISTRATION CHARGES (Urban /Rural Areas)

1. Application Forms

- 1.1. Direct Allocation
- 1.2. Conversion of Land Use
- 1.3. Re-Grant of Title
- 1.4. Merger of Title
- 1.5. Extension of Offer of Title
- 1.6. Recertification of Property Title
- 1.7. Regularization of Property Title
- 1.8. Registration of Property Title
- 1.9. Others

2. Processing Fees

- 2.1. Direct Allocation
- 2.2. Conversion of Land Use
- 2.3. Re-Grant
- 2.4. Sub-Division/ Partitioning
- 2.5. Private Layout
- 2.6. Certificate of Occupancy (Statutory)
- 2.7. Certificate of Occupancy (Customary)
- 2.8. Recertification of Property Title
- 2.9. Regularization of Property Title
- 2.10. Registration of Property Title
- 2.11. Others

3. Valuation Fees

- 3.1. Rental
- 3.2. Purchase
- 3.3. Probate
- 3.4. Re-Grant
- 3.5. Compensation

4. Re-Instatement fee of Revoked Land

5. Certified True Copies (CTC) of Registered Documents

- 5.1. Certificate of Occupancy
- 5.2. Deeds
- 5.3 Land Documents

LANDS ADMINISTRATION AND IGIS LAW 2021**6. Re-Issuance of Land Documents**

- 6.1 Letter of Grant
- 6.2. Certificate of Occupancy

7. Land Use Contravention Charges**8. Premium****9. Land Development Charges****10. Request for Caveat****11. Penalty Fees**

- 11.1. Non-Development of Land After Two Years of Allocation
- 11.2. Default of Other Fees

12. Capital Gains Tax**B. LAND TRANSACTION CHARGES (Urban / Rural Areas)****13. Application, Consent, Processing and Registration Fees**

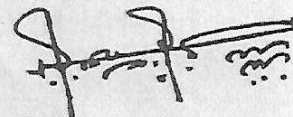
- 13.1. Power Of Attorney
- 13.2. Revocation of Power of Attorney
- 13.3. Release/Surrender of Legal Mortgage
- 13.4. Deed of Mortgage
- 13.5. Supplemental Mortgage
- 13.6. Deed of Release
- 13.7. Deed of Surrender
- 13.8. Deed of Assignment
- 13.9. Deed of Devolution
- 13.10. Court Order
- 13.11. Letter of Administration
- 3.12. Deed of Gift
- 13.13. Deed of Sub-Lease
- 13.14. Deed of Lease
- 13.15. Deed of Purchase
- 13.16. Deed of Cancellation
- 13.17. Deed of Conveyance
- 13.18. Deed of Grant
- 13.19. Deed of Purchase
- 13.20. Deed of Rectification
- 13.21. Deed of Sale
- 13.22. Deed of Transfer
- 13.23. Deed of Variation
- 13.24. Deed Of Vesting Assent
- 13 25. Deed of Release
- 13 26. Development Levy

This printed impression has been carefully compared by me with the Bill which has been passed by the House of Assembly and found by me to be a true and correct printed copy of the said Bill.



BARR. CHINELO ADAORA EMEGHARA
Clerk of the House of Assembly
Imo State of Nigeria

Assented to by me this 18th day of May, 2021



SEN. HOPE UZODINMA
Governor
Imo State of Nigeria

Assent withheld by me thisday of, 2021

SEN. HOPE UZODINMA
Governor
Imo State of Nigeria

Passed again by the Imo House of Assembly by two-thirds majority this
Day of, 2021.



RT. HON. PAUL EMEZIEM
Speaker
Imo State House of Assembly

- 13.27. Lodgement of Court Judgment
- 13.28. Devolution Order
- 13.29. Devolution Order Tenancy Agreement

14. Application for Extension of Time

- 14.1. To Submit Deed for Registration of Assignment
- 14.2. To Submit Deed for Registration of Mortgage
- 14.3. To Submit Deed for Registration of Sub-Lease
- 14.4. To Perfect Documents
- 14.5. For Late Registration of Land Transactions
- 14.6. To Develop Land After Two Years of Allocation

Penalty Fees

- 15. Default of other Fees
- 16. Extra Copies of Deeds C.

17. SURVEY/GIS CHARGES

(Urban/Rural Areas)

- 17. 1. Site Plan Fees
- 17.2. Direct Application
- 17.3. Conversion
- 17.4. Partitioning
- 17.5. Extension

18. Survey Fees

- 18.1. Investigation Search
- 18.2. Beacon Fee
- 18.3. Processing
- 18.4. Additional Field Work

19. Sale of Map Products

- 20. Sale of GIS Products
- 21. Online Geospatial Services
- 22. Spatial Data Repository Service

23. LAND VALUATION AND PROPERTY TAX ASSESSMENT
(Urban/Rural Areas)

- 24. Property Valuation Charge
- 25. Property Tax in conjunction with Land Use Charge
- 26. Ground Rent in conjunction with Land Use Charge

LANDS ADMINISTRATION AND IGIS LAW 2021**6. Re-Issuance of Land Documents**

- 6.1 Letter of Grant
- 6.2. Certificate of Occupancy

7. Land Use Contravention Charges**8. Premium****9. Land Development Charges****10. Request for Caveat****11. Penalty Fees**

- 11.1. Non-Development of Land After Two Years of Allocation
- 11.2. Default of Other Fees

12. Capital Gains Tax**B. LAND TRANSACTION CHARGES (Urban / Rural Areas)****13. Application, Consent, Processing and Registration Fees**

- 13.1. Power Of Attorney
- 13.2. Revocation of Power of Attorney
- 13.3. Release/Surrender of Legal Mortgage
- 13.4. Deed of Mortgage
- 13.5. Supplemental Mortgage
- 13.6. Deed of Release
- 13.7. Deed of Surrender
- 13.8. Deed of Assignment
- 13.9. Deed of Devolution
- 13.10. Court Order
- 13.11. Letter of Administration
- 13.12. Deed of Gift
- 13.13. Deed of Sub-Lease
- 13.14. Deed of Lease
- 13.15. Deed of Purchase
- 13.16. Deed of Cancellation
- 13.17. Deed of Conveyance
- 13.18. Deed of Grant
- 13.19. Deed of Purchase
- 13.20. Deed of Rectification
- 13.21. Deed of Sale
- 13.22. Deed of Transfer
- 13.23. Deed of Variation
- 13.24. Deed Of Vesting Assent
- 13 25. Deed of Release
- 13 26. Development Levy

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IMO GEOGRAPHIC INFORMATION SERVICE (IGIS) REVENUE PAYMENT CODES

Category Name	Revenue Code	Revenue Name	Rate
IMO GEOGRAPHIC INFORMATION SERVICE	97919001-75551001	Application Fees - Direct Allocation	10,000.00
	97919001-75551002	Application Fees - Conversion of Land Use	10,000.00
	97919001-75551003	Application Fees - Re-Grant of Title	10,000.00
	97919001-75551004	Application Fees - Merger of Title	10,000.00
	97919001-75551005	Application Fees - Extension of offer of title	10,000.00
	97919001-75551006	Application Fees - Rectification of property title	10,000.00
	97919001-75551007	Application Fees - Regularization of property title	10,000.00
	97919001-75551008	Application Fees - Registration of property title	10,000.00
	97919001-75551009	Application Fees - Others	10,000.00
	97919001-75551010	Processing Fees - Direct Allocation	100,000.00
	97919001-75551011	Processing Fees - Conversion of Land Use	1,000,000.00
	97919001-75551012	Processing Fees - Re-Grant	150,000.00
	97919001-75551013	Processing Fees - Sub-Division/Partitioning	250,000.00
	97919001-75551014	Processing Fees - Private Layout	100,000.00
	97919001-75551015	Processing Fees - Certificate of Occupancy (Statutory)	250,000.00

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IMO GEOGRAPHIC INFORMATION SERVICE (IGIS) REVENUE PAYMENT CODES

97919001-75551016	Processing Fees - Certificate of Occupancy (Customary)	150,000.00
97919001-75551017	Processing Fees - Recertification of property title	200,000.00
97919001-75551018	Processing Fees - Regularization of property title	100,000.00
97919001-75551019	Processing Fees - Registration of property title	50,000.00
97919001-75551020	Processing Fees - Others	
97919001-75551021	Valuation Fees - Rental	200,000.00
97919001-75551022	Valuation Fees - Purchase	10,000.00
97919001-75551023	Valuation Fees - Probate	
97919001-75551024	Valuation Fees - Re-Grant	20,000.00
97919001-75551025	Valuation Fees - Compensation	20,000.00
97919001-75551026	Re-instatement fee of revoked land	250,000.00
97919001-75551027	Certified true copies (CTC) Registered Documents	10,000.00
97919001-75551028	Certified true Copies - Certificate of Occupancy	250,000.00
97919001-75551029	Certified true Copies - Deeds	120,000.00
97919001-75551030	Certified true Copies - Land Documents	100,000.00
97919001-75551031	Re-Issuance of Land Documents	200,000.00

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IMO GEOGRAPHIC INFORMATION SERVICE (IGIS) REVENUE PAYMENT CODES

97919001-75551032	Letter of Grant	30,000.00
97919001-75551033	Certificate of Occupany (Premium)	2,000,000.00
97919001-75551034	Land Use Contravention Charges	250,000.00
97919001-75551035	Premium	
97919001-75551036	Land Development Charges	100,000.00
97919001-75551037	Request for Caveat	10,000.00
97919001-75551038	Penalty Fees	250,000.00
97919001-75551039	Penalty Fees-Non-Development of Land after two years of allocation	350,000.00
97919001-75551040	Default of other fees	200,000.00
97919001-75551041	Capital Gains Tax	200,000.00
97919001-75551042	LAND TRANSACTION CHARGES (URBAN/RURAL AREAS)	
97919001-75551043	Power of Attorney	300,000.00
97919001-75551044	Revocation of Power of Attorney	100,000.00
97919001-75551045	Release/Surrender of Legal Mortgage	
97919001-75551046	Deed of Mortgage	20,000.00
97919001-75551047	Supplemental Mortgage	20,000.00

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IMO GEOGRAPHIC INFORMATION SERVICE (IGIS) REVENUE PAYMENT CODES

97919001-75551048	Deed of Release	
97919001-75551049	Deed of Surrender	
97919001-75551050	Deed of Assignment	
97919001-75551051	Deed of Devolution	
97919001-75551052	Court Order	
97919001-75551053	Letter of Administration	50,000.00
97919001-75551054	Deed of Gift	
97919001-75551055	Deed of Sub-Lease	50,000.00
97919001-75551056	Deed of Lease	100,000.00
97919001-75551057	Deed of Purchase	20,000.00
97919001-75551058	Deed of Cancellation	100,000.00
97919001-75551059	Deed of Conveyance	50,000.00
97919001-75551060	Deed of Grant	
97919001-75551061	Deed of Purchase	
97919001-75551062	Deed of Rectification	
97919001-75551063	Deed of Sale	

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IMO GEOGRAPHIC INFORMATION SERVICE (IGIS) REVENUE PAYMENT CODES

97919001-75551064	Deed of Transfer	
97919001-75551065	Deed of Variation	
97919001-75551066	Deed of Vesting Assent	
97919001-75551067	Deed of Release	
97919001-75551068	Development Levy	50,000.00
97919001-75551069	Lodgment of Court Judgment	
97919001-75551070	Devolution Order	
97919001-75551071	Devolution Order Tenancy Agreement	
97919001-75551072	Application for Extension of Time	10,000.00
97919001-75551073	Application for Extension of Time To Submit Deed of Registration of Assignment	
97919001-75551074	Application for Extension of Time To Submit Deed of Registration of mortgage	
97919001-75551075	Application for Extension of Time To Submit Deed of Registration of Sub-lease	
97919001-75551076	Application for Extension of Time To perfect Documents	10,000.00
97919001-75551077	Application for Extension of Time For Late Registration of Land Transactions	10,000.00
97919001-75551078	Application for Extension of Time To Development After Two Years of Alloca	20,000.00
97919001-75551079	Default of other Fees	50,000.00

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IMO GEOGRAPHIC INFORMATION SERVICE (IGIS) REVENUE PAYMENT CODES

97919001-75551080	Extra copies of deeds C.	5,000.00
97919001-75551081	Survey/GIS Charges (Urban/Rural Areas)	
97919001-75551082	Site Plan Fee	
97919001-75551083	Direct Application	10,000.00
97919001-75551084	Conversion	10,000.00
97919001-75551085	Partitioning	50,000.00
97919001-75551086	Extension	50,000.00
97919001-75551087	Survey Fees - Investigation Search	50,000.00
97919001-75551088	Survey Fees - Beacon Fee	
97919001-75551089	Survey Fees - Processing	10,000.00
97919001-75551090	Survey Fees - Additional Field Work	
97919001-75551091	Sale of Map Products	2,000.00
97919001-75551092	Sale of GIS Products	5,000.00
97919001-75551093	Online Geospatial Services	25,000.00
97919001-75551094	Spatial Data Repository Service	25,000.00
97919001-75551095	Land Valuation and property tax assessment (Urban/Rural Areas)	

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IMO GEOGRAPHIC INFORMATION SERVICE (IGIS) REVENUE PAYMENT CODES

97919001-75551096	Property Valuation Charge	
97919001-75551097	Property Tax: in Conjunction with land use charge	
97919001-75551098	Ground Reat: in Conjunction with land user charge	