

# Building Regulations 1984

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B 61

C.R.S.L.N. No. 15 of 1984

Town and Country Planning Law

## BUILDING REGULATIONS 1984

[19th July, 1984] Commencement.

In exercise of the powers conferred upon me by section 84 (1) (c) of the Town and Country Planning Law and of all powers enabling me in that behalf, I, LIEUTENANT-COLONEL DANIEL PATRICK ARCHIBONG, the Military Governor of the Cross River State of Nigeria acting as Commissioner in charge of Lands, Surveys and Town Planning matters, do hereby make the following—

### REGULATIONS

1. (1) When an order declaring a planning area has been published, no person shall, within the planning area, carry out any development of land or any construction, demolition, alteration, extension, repair or renewal of any building or other structure or change the existing use of building/land without the approval in writing of the authority. *Development of land within planning area*

(2) No new building shall be erected within the area of jurisdiction of the authority until plans of the proposed building together with a survey plan of the site showing the location of all adjoining buildings and erections, have been submitted to the authority and approval for them in writing obtained. *Area planning authority*

2. (1) Plans of proposed buildings shall be drawn to a scale large enough to portray all details clearly and to accomplish this, the following scales shall be adopted— *Scales.*

foundation	.. .. .	1:100, 1:50
plan	.. .. .	1:100, 1:50
elevations	.. .. .	1:100, 1:50
staircase	.. .. .	1:50, 1:20
sections	.. .. .	1:100, 1:50
details	.. .. .	1:20, 1:10

(2) The scale used shall be indicated on all drawings preferably under the title of each view and such plans shall specify the building materials, doors and windows schedules, room dimensions and their intended uses as well as give cross sections of the proposed building and all other relevant and required information.

(3) Drawings submitted for approval shall bear the name and address of the designer as well as the title and location of the projects. Plans of industrial and public buildings, schools, hospitals, shops, theatres and any dwelling above 2 storeys in height shall be prepared and submitted for approval by a registered architect.

(4) All layout plans shall be certified by a registered town planner before being submitted for the approval of the authority. The following drawings shall be presented:

(a) *Site plan*:—Scale 1:200, 1:250, 1:500 or any other convenient scale depending on the size of the scheme showing the north point, distances between buildings and the boundary walls, the positions of septic tanks, soak-away pits, inspection chambers, gulleys and drainage lines.

(b) *Elevations*:—Scale 1:100, 1:50. All elevations should be presented indicating the ground floors, and ceiling levels as well as the overall height of the building.

(c) *Sections*:—Scale 1:100, 1:50. The section is the next in importance to the floor plan and so shall be sufficiently detailed and annotated to explain the method and materials of construction. In this case, the ceiling, the sill, the window and the door heights shall be shown.

Submission  
building of  
plans.

3. (1) Four sets of building plans drawn as directed above and one set of the plans clothed or calicoed shall be submitted to the authority within whose jurisdiction the site of the proposed building falls.

(2) On approval three copies of these plans duly endorsed by the authorised officers and stamped shall be delivered to the bonafide owner(s) or his agent.

Fee.

4. (1) For every building plan submitted as stipulated in paragraph 3 above, a non-refundable building plans registration fee as shall be stipulated from time to time shall be charged. The appropriate registration fee per building plan shall be charged per each building to be erected on the plot or site.

(2) Every time a registered plan is re-submitted for re-checking a non-refundable checking fee shall be charged as shall be stipulated from time to time.

(3) Every survey plan charted into a master plan for purposes of investigation shall attract a charting fee as shall be stipulated from time to time.

Building line  
and setback.

5. For the purpose of these regulations, "building line" may be defined as the predetermined minimum distance from the road centre line, on both sides of the road, within which no structure of any kind may be permitted. It may briefly be described as an "erection or obstruction free zone". The building line applicable shall be as set out in the applicable building Lines Order or at least 6.00 metres obstruction free space measured from the kerb of the road into the plot. Where a scheme has been approved, the building line shall be the building set back in the scheme or as determined by the authority. The external frontage wall including car porch of any building upon the site shall not project beyond the building line. For places of Worship and Social gathering where cars and pedestrians usually assemble, adequate in-site parking space shall be provided as street parking shall not be allowed.

For all Federal Trunk (A) Roads the laid down minimum building line of 45.00 metres from road centre line shall apply.

6. (1) For a bungalow, a minimum distance of 1.5 metres shall be allowed from the property boundaries not facing any road. For each additional floor above, the distance shall be increased by 1.5 metres.

Spaces around buildings for all bungalows and storey buildings (Residential).

(2) The minimum permissible distance between one bungalow and another, or between any two structures not exceeding 6.0 metres overall height in the same plot shall be 3.0 metres.

(3) The minimum permissible distance between a bungalow and a storey building (ground and first floor) shall not be less than 4.50 metres. For any additional floor to the storey building, the distance shall be increased by 1.5 metres.

(4) A minimum distance between a storey building (ground and first floor) and another storey building shall not be less than 6.0 metres. For any additional floor to any of the storey buildings, the distance shall be increased by 1.5 metres.

7. Not more than fifty per cent (50%) of the area of a residential plot shall be built upon. For both industrial and commercial areas the permissible plot coverage shall not exceed forty per cent (40%); but generally, where possible thirty to thirty-five per cent shall be desirable to allow sufficient area for circulation, services and facilities.

Building size restrictions.

8. The maximum projection of eaves at the sides of buildings shall be one metre. The maximum projection at the front and rear of buildings shall be one point five metres. In no case shall eaves be lower than two metres from the ground floor level or lower than the level of the top of the windows.

Restrictions on eaves projection.

9. (1) The site on which any new building is to be erected shall be cleared, levelled, and drained to the satisfaction of the authority.

Clearing of sites.

(2) No new building shall be erected on a site filled up with animal, vegetable or other offensive matter until same has been properly disposed of and the site has been approved by the authority.

(3) Every intending developer shall cause the foundations of the proposed building and the limits of the site to be clearly defined on the ground by means of pegs. Any developer who fails to comply with the above shall be guilty of an offence.

(4) No drain shall be so laid or constructed for the purposes of a new building that when such building is erected the drain shall pass through or under it. All main drains in built up areas must be slabbed, that is to say, covered with reinforced concrete structure.

10. No person shall dig a well, pit latrine (salga) or dump refuse be it household refuse, garbage, industrial wastes or similar nuisance anywhere within the area of jurisdiction of the authority without the prior approval of the authority or any other competent body. Any person who contravenes this regulation shall be guilty of an offence and punishable under this regulation or any other existing law.

Wells and refuse clearing.

11. The authority may give approval for the use of the following materials for the purpose of buildings within its area of jurisdiction:

Materials.

(1) WALLS

(a) Concrete (sand-cement) blocks

(b) Stone

- (c) Bricks (properly baked).
- (d) Asbestos claddings, plywood, woods or mud may not be app except in isolated cases where the intended use is either permanent in nature, or requires the use of those part materials.
- (e) Other materials specifically approved may be used.
- (2) ROOFS
  - (a) Corrugated iron sheets
  - (b) Asbestos sheets

Foundations. 12. (1) Foundations shall be of the minimum dimensions sh in the following table—

Wall thickness	Vertical measurement from bottom of trench	Foundations minimum width
0.102 metres	0.15 metres	0.31 metres
0.15 metres	0.23 metres	0.46 metres
0.23 metres	0.31 metres	0.70 metres
0.31 metres	0.31 metres	0.91 metres
0.46 metres	0.46 metres	0.14 metres

- N.B. (a) The width of the foundation shall be three times the thicl of the wall to ensure stability, that is to say,—  
if wall thickness is  $m$ , foundation width =  $3 \times m$ .
- (b) Depth of foundation shall be determined at site by a engineer but shall not be less than 0.75 metres.

(2) Foundations for building shall be made of concrete. The con shall be mixed in the proportion of: four parts of coarse aggregate to parts of fine aggregate and one part of cement, that is to say, con mix 1:2:4.

(3) No foundation trenches shall be filled back with earth ar building shall be constructed beyond the damp-proof course (d.p.c.) it has been inspected and written approval given by the authority.

Size of rooms.

13. Habitable rooms shall have the following minimum desi dimensions:

- (a) *Living/Bedroom*:—The minimum area of a room shall be square metres and the minimum width 3.00 metres.
- (b) *Ceiling Height*:—The minimum dimension shall be 2.85 m
- (c) *Kitchen*:—The minimum area shall be 5.40 square metre; its width not less than 1.80 metres.

Construction of floor.

14. (1) The design of any building which is to be provided reinforced concrete floors and/or roofs and beams shall be pre; only by a qualified structural engineer or architect, and the wor drawings and calculations in respect of any such building shall be mitted to the authority for certification. Scale 1:100, 1:50.

(2) Where any building is to be provided with timber floors, the minimum size of every joist shall be as shown in the following table:

Maximum Clear Span (m)	Size of Joist (mm) (Spaced at 400 mm centres)	Maximum Clear Span (m)	Size of Joist (mm) (Spaced at 400 mm centres)
0.9	38 by 75	3.7	50 by 175
1.2	50 by 75	3.8	38 by 200
1.6	38 by 100	3.9	63 by 175
2.0	50 by 100	4.2	50 by 200
2.4	38 by 125	4.3	38 by 225
2.7	38 by 125	4.5	63 by 200
2.8	38 by 150	4.7	50 by 225
3.1	50 by 150	5.0	63 by 225
3.3	38 by 175	5.4	75 by 225

(3) Joist shall not be laid further apart than a distance of 0.40 metres between their centres, and shall always be laid on edge.

(4) Every joist shall have a minimum of 0.10m metres on the length of bearing, at each end, upon the supporting walls of beams.

(5) If the floor joist exceeds 0.20 metres in depth, bridging or strutting pieces shall be inserted between the joist at right angles to them, in longitudinal rows not more than 1.8 metres apart.

(6) Timber floors board shall not be less than 20 mm in thickness.

15. Internal dimensions of rooms (and spaces) as well as the overall length and breadth of the building, thickness of walls and partitions, and sizes of openings, shall be clearly indicated in the floor plan. Floor plan.

16. (1) The ground floor surface within the external walls of any building shall be asphalted or concreted over its entire area.

(2) Where concrete is used for ground floor of any building such concrete shall not be less than 0.10 metres in thickness.

(3) The height of the ground floor of any building shall not be less than 0.15 metres above the level of adjacent ground.

17. (1) Where any building is covered with pitched timber roofs, no rafter shall be less in cross sectional area than 0.005 square metres (0.05 metres x 0.10 metres). The tie-beams shall not be less in cross sectional area than the rafter and should be increased in size above the minimum if in the opinion of the Works Engineer or Supervisor the span or designs of the roof trusses shall require such increase. The cross sectional dimensions of all rafters, ties and struts and of all roof trusses shall be clearly noted on the working drawings. Roof.

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(2) No roof shall be covered with thatch except with the approval of the authority.

(3) No eaves gutters shall be fitted except with the approval of the authority. All ceilings and access hatch with trap opening not less than 0.61 metres x 0.38 metres in dimensions shall be provided to the roof space.

(4) No roof shall be constructed, covered with, or renewed or repaired with thatch or other inflammable or permanent material except with the approval of the authority.

(5) No eaves shall be lower than that stipulated in paragraph 8 of these regulations. Any building in respect of which the authority has given approval under sub-paragraph (4) of this paragraph shall be built so that the other buildings projecting outwards are at least 4.5 metres clear of the extremities of the eaves or any other part of the building.

Roof plan. (6) Roof plan shall indicate the layout of rafters and purlings, roof covering, and direction of slopes.

Construction and thickness of walls. 18. (1) All walls shall have adequate damp-proof course and the damp-proof course mix shall be 1:3.

(2) Double walls are prohibited except in cases of walls built of permanent rodent proof material. In this paragraph the expression "double walls" means walls of such construction as will have cavities in the wall liable to harbour rodent or other vermin.

(3) The minimum permissible thickness of walls of buildings constructed of the following materials, normally used, are set out in the tables hereunder:

TABLE 1 — SINGLE STOREY BUILDING

Storey	Material and thickness of load bearing walls.			
	Cement and sand blocks	Burnt brick	Stone	Terra-cotta blocks
Ground	0.15 metres to	0.23 metres	0.31 metres to	0.20 metres
Floor	0.23 metres		0.36 metres	

Mud block stabilised with cement under pressure; sand and cement vibrated under pressure.

TABLE 2 — DOUBLE STOREY BUILDING

Storey	Material and thickness of load bearing walls.			
	Cement and sand blocks	Burnt bricks	Stone	Terra-Cotta blocks
1st Floor	0.23 metres or 0.15 metres	0.23 metres	0.31 metres to 0.36 metres	0.20 metres
Ground	0.23 metres	0.23 metres	0.46 metres	0.20 metres

TABLE 3 — TRIPLE STOREY BUILDING

Storey material and thickness of load bearing walls.

Storey	Cement and sand blocks	Burnt bricks	Stone	Terra-cotta
3rd Floor	0.23 metres 0.15 metres	0.23 metres	0.31 metres to 0.36 metres	0.20 metres
2nd Floor	0.23 metres	0.23 metres	0.46 metres	0.20 metres

19. (1) All buildings shall have adequate cross ventilation.

Ventilation.

(2) All rooms shall contain at least one window and window size shall not be less than  $1/8$  of the Floor area of the room.

(3) If windows or a window and door are not placed on opposite sides of a room or passage, or at opposite ends of a passage, there shall be provided on the wall of such room or passage opposite, each window or door, a ventilation having a clear area of one sixteenth of the Floor area of the room, or passage.

20. Every flight of stairs in a staircase shall be properly constructed of sound and suitable material and be securely fixed and of adequate strength and complete with the following requirements:  $2R + T = 585$  (limits 570 to 600) (in mm).  $R \times T = 42,580$  (limits 40,645 to 42,580) (in millimetres). Where R=Riser and T=Tread.

Staircase.

In the case of a storey building there shall be at least 1:20 section through the staircase indicating the size of the risers and treads and the height and construction of the hand-rail.

21. (1) In these regulations—

“antsiphonage” means any special pipe provided to prevent trap syphonage back pressure;

Definitions in Disposal System.

“effluent drain” means drain conveying the discharge from a septic tank;

“private sewage system” or “installation” means an installation of septic tank for sewage with the necessary connection drains;

“soil drain” means that part of the horizontal drain and its branches conveying the discharge from the soil pipe to the first compartment of the septic tank;

“soil pipe” means any vertical line of pipes extending through or above the roof receiving the discharge from any fitting, such as a water closet or urinal, and connected to the soil drain.

“storm water drain” means that part of any drainage system whether surface or underground receiving rain water discharged from roofs, yards, or other open space but not sludge nor bath water, sewage or other deleterious Fluid;

"waste water drain" means that part of any drainage system conveying discharge from any waste pipe connected to lavatory basins, l sinks and kitchen sinks and similar fittings.

(2) Drawings showing details of construction of the sewage syptic tanks soakaway pits and inspection chambers should accompany every building plan submitted for approval.

Approval to construct sewage system.

22. Any person wishing to construct a private sewage system apply in writing to the authority for that purpose. The approval of authority shall not be considered valid unless the authorised officer have first endorsed the application as suitable for approval.

Submission of plans etc. of sewage system.

23. The application shall describe the drainage system intended constructed, and shall be accompanied by a block plan drawn to scale not less than 1:400 showing the following particulars thereon for which system is required and their relation to the adjoining road, that is to say

- (a) the name of such road and the number of any of the buildings on such road;
- (b) the sizes and levels of the drains, whether existing or proposed, and the general layout of the system indicating the position of inspection chambers, tanks, gullies and vent pipes;
- (c) working drawings to a scale of not less than 1:100 clearly indicating the nature and position of each sanitary fitting and every pipe connected with the installation. The size and grading of each pipe shall be shown and such further details and particulars as shall enable the authority to decide whether the proposed sewage system shall comply with the provisions of these regulations.

Inspection of work.

24. (1) Every person who shall execute any work under these regulations shall at all reasonable times afford the building inspector or any representative of the authority free access to such work for the purpose of inspection.

(2) Notwithstanding any such inspection or in the event of no inspection taking place, the applicant shall nevertheless at all times be responsible for the observance of these regulations.

Completion of sewage installation.

25. (1) No part of any private sewage installation shall be covered until it has been tested to the satisfaction of the building inspector. If there is any part so covered, the authority may uncover the work at the expense of the owner of the building concerned.

(2) The whole of the installation shall be made mosquito proof to the satisfaction of the authorising officer.

Removal of sludge.

26. The removal of sewage from septic tanks and clearing of drains shall, whenever necessary, be carried out by the authority or its contractors on its behalf at the expense of the owner or occupier of the premises and such expense shall be a debt due to the authority from the owner or occupier.

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27. The owner or occupier of any premises in which a private sewage system is installed shall afford the officer of the authority or any other person empowered in that behalf the freedom of entry for the purposes of inspecting or carrying out work on any private sewage system.

Access to premises for inspection.

28. The owner of any premises shall maintain a proper condition of repair and efficiency in every private sewage system belonging to such premises.

Maintenance of installation.

29. (1) All testings shall be carried out by the authority, the entire house drains may be tested with smoke and all soil drains shall be subject to water test. Should the pipes be found free of defect and leaky joints, the work will be considered satisfactory.

Testing of installations.

(2) A contractor shall provide labour for all testings. All outside drains shall stand the smoke test without leaking. All pipe installations inside the building and all tanks must be such as to stand any hydraulic pressure which can occur due to stoppage in any part of the system.

30. (1) No alteration of or addition to any building shall be made which shall cause any part of a private sewage system connected therewith to be in contravention of these regulations.

Alteration of building with respect to sewage system.

(2) No alteration of or addition to any private sewage shall be made out the approval of the authority.

31. (1) Where a building inspector or any other officer authorised by the authority is satisfied that an efficient and safe soakaway system can be installed it shall be permissible to pass the effluent material from a septic tank into the soil at the discretion of the inspecting officer. Erection filter shall include provision of one third of 0.76m<sup>3</sup> of filtering material for each of the persons which the premises concerned may reasonably accommodate.

Disposal of effluent material.

(2) No storm or waste water drains shall be connected with the system but the connection to the final compartment of a soakaway may be permitted.

32. (1) All underground pipes shall be made of impervious and non-absorbent materials such as glazed stone ware and shall have a perfectly smooth internal and be accurately shaped.

Waste water drain pipes.

(2) The internal diameter of drain pipes and traps shall not be greater than is required for their work, but shall not in any case be less than 0.10 metres.

(3) Every drain shall be laid in straight lines from point to point, and their junctions shall be made obliquely at an angle of not more than sixty degrees and in the direction of the flow.

(4) Every pipe line shall be laid to a through gradient throughout its length so as to give a fall from the base of the soil pipe to the septic tank as follows:

- 0.102 metres pipes at least 1 in 60
- 0.15 metres pipes at least 1 in 80
- 0.23 metres pipes at least 1 in 120

(5) Every drain shall be properly ventilated and any drain not being an inlet suitable for ventilation of such drain shall be properly trapped with water.

Inspection chamber:

33. (1) Inspection chambers constructed of granite or other approved material shall be built at each of the following:

- (a) at intervals not exceeding 30.4 metres in every stretch of drain;
- (b) whenever the direction of the drain changes;
- (c) whenever a junction with another drain is formed; and
- (d) at the outlet from a septic tank;

(2) Such chambers shall be of adequate interval dimension and shall have a clear width of at least 0.61 metres opposite the mouth of connection for a depth of less than 0.91 metres and at least 0.91 metres clear for a greater depth.

(3) The sides and inlets of all chambers shall be fitted with covers of approved material and design.

(4) Covers shall be level with or above the surface of the ground on which they are placed.

(5) Dead ends of all drains shall be provided with clear inspection chambers.

Drains under buildings:

34. (1) No drain forming part of a private sewage installation shall pass under any building without the consent in writing of the authority.

(2) Where such consent is given—

- (a) the pipes shall be of cast iron of standard thickness or of cement and pressure pipes of an approved make;
- (b) all joints in cast iron pipes shall be caulked with lead and joints in asbestos cement pipes shall be of an approved design;
- (c) the drain shall be laid in a direct line for the whole length beneath the building; and
- (d) adequate means of access shall be provided at each of the following:

Septic tank:

35. (1) In any installation the whole of the effluent including from water closets, urinals and any fittings from which excrement is discharged, shall pass through a properly ventilated pipe system into the compartment of a septic tank.

(2) All septic tanks shall be constructed in such a position as the authority may deem necessary. No septic tank shall be constructed within the building line of any road and in no case shall the tank be constructed within a distance of 3.05 metres of a dwelling, any bedroom or room intended for storage, preparation or consumption of food.

(3) All septic tanks shall be built at such a level that flooding of the septic tanks by sub-soil or tidal water is impossible.

(4) All septic tanks shall be water-tight, and constructed of,

(a) cement and granite concrete, reinforced where necessary in the opinion of the authority; or

(b) glazed stone-ware or other impervious material.

(5) The capacity of septic tanks shall be designed according to the number of persons which the premises concerned may reasonably accommodate as follows:—

(a) for not exceeding 10 persons 0.113 cubic metres per person;

(b) for not exceeding 20 persons 0.090 cubic metres per person;

(c) for not exceeding 30 persons 0.07 cubic metres per person;

(6) All septic tanks shall be of a minimum depth of 1.2 metres shall be designed and must consist of not less than 2 compartments, the total length being at least 4 times the width. The length of the first compartment shall be more than half of the total length of the septic tank. The floor of all septic tanks shall be built to a gradient of 1:20 sloping downwards towards the inlet.

(7) All septic tanks shall be provided with a dislodging valve and pen stock, and the valve shall be located in a chamber effectively protected against the ingress of water and potential mosquito breeding;

But the requirements of this paragraph may be dispensed with where a septic tank is installed in a dwelling house if in the opinion of the authority and the engineer the provision of a dislodging valve and pen stock is unnecessary.

(8) Applicants shall furnish plans with such specification and particulars therein as may be required and such plans shall immediately be approved by the authority, where the authority considers the plans satisfactory.

36. (1) All soil pipes shall be formed of iron or asbestos cement of an approved make, smooth and free from obstructions, with proper gas-tight joints. Every soil pipe shall be fitted securely to prevent sagging and shall be readily accessible, and carried up without diminution of its cross section and with as few bends as possible to at least 0.61 metres of such soil pipe. It shall terminate in as exposed a situation as possible and shall be protected at the top by a domed wire grating.

Soil pipe

(2) Every fitting connected to a soil pipe shall be efficiently trapped in close to such fitting before being connected to the main pipe, and in the case of any installation in which more than 0.025 metres fitting is connected to one main vertical pipe, antisiphonage pipes of adequate size shall be installed behind each trap and carried up to at least 0.91 metres above the highest fitting before being connected to the main ventilating pipe.

(3) All iron piping forming part of any installation shall be covered internally with approved anti-corrosive protection.

Size of soil pipe.

37. (1) No soil pipe shall be larger than is necessary for the work it has to do, but it shall not be less than 0.08 metres in diameter in any case for a building higher than three storeys.

(2) The weight of iron piping per centimetre shall not be less than the following—

Diameter of iron . . . . .	weight /cm
0.08 metres . . . . .	36.3 kg/cm
0.10 metre . . . . .	4.10 kg/cm

(3) All soil pipes shall have a minimum thickness of 6.35 mm and shall withstand hydraulic pressure of 3.52 kg/sq. cm.

(4) The internal diameter of antisiphonage pipe to any closet shall be not less than 0.05 metres.

Water closet.

38. (1) Every water closet shall be furnished with:

(a) a basin or other suitable receptacle of non-absorbent material of an approved type and pattern;

(b) a suitable apparatus for application of water to the basin for the effectual cleaning of such basins, and for the prompt and effectual removal there from and from trap connected therewith of any solid or liquid filth which may from time to time be deposited therein.

(c) A cistern of the valveless type for the purpose of flushing which shall be separate and distinct from any cistern made for domestic purposes and shall be constructed, fitted and placed so that there shall be no direct connection between any service pipe upon the premises and any part of the apparatus of the water closet other than such flushing cistern. Such flushing cistern shall be constructed so as to discharge completely and to refill rapidly and shall be provided with an over-flow pipe discharging at a conspicuous position.

(2) A Low-level cistern shall have a capacity of 13.5 litres and a high level cistern a capacity of 9.09 litres. The type of fittings shall be specified in the drawings submitted in accordance with paragraph 23 and shall be subject to the approval of the authority. The foregoing requirements shall however be deemed to be complied with in any case where the apparatus of the water closet is connected for the purpose of flushing with a cistern of adequate capacity which is used solely for flushing the water closet.

Connection.

39. Every pipe and union connection of such flushing cistern with the basin or other receptacle, with which the water closet may be provided shall be so constructed that such pipe and union shall not in any part have an internal diameter of less than 6.35 mm or such greater diameter as the authority may direct, having in view the level at which the cistern is fixed.

Material and execution of work.

40. (1) The whole of the work in connection with private sewage installation shall be executed with the best material of their several kinds available and drains laid in accordance with approved plans, and all works shall be done to the satisfaction of the authority and such officer as the authority may appoint to inspect the work.

(2) Efficient means for disposal of domestic effluent shall be secured by suitable measures to the satisfaction of the authority.

(3) The floor of every bathroom and wash place shall be glazed or paved with cement or other non-absorbent material in such a manner as to prevent water or other fluid from being absorbed by the floor or walls.

\* 41. Notice of commencement and/or completion of the building shall be given in writing to the authority and no person shall let or occupy a new building unless the authority has certified in writing that the building is fit for occupation.

Notice of commencement/completion of building.

\* 42. (1) A building under construction shall be open to inspection by the authority or any person duly authorised on its behalf and a copy of the building plan as approved shall be kept upon the site and shall be available for inspection at all times during working hours. No alteration whatsoever from approved plans shall be made without a written approval from the authority.

Inspection of construction works.

(2) The developer shall inform the Authority when:—

- (a) The foundations are pegged out
- (b) The foundations have been laid
- (c) The damp proof course (d.p.c.) has been laid
- (d) Reinforcements are in position prior to filling in concrete
- (e) The walls are completed prior to roofing
- (f) The building is completed ready for occupation.

\* 43. If any work of which the plans have been approved by the authority is not commenced within 12 months or completed within 36 months of such approval, the authority may, if it thinks fit, regard the plans as lapsed and call for new plans.

Building to be commenced within certain period.

\* 44. (1) Any application for structural alterations involving change of roof material from mat (thatch) to corrugated iron sheet or the change of room walls from mud and wattle to sandcrete or sand dry blocks shall be regarded as major repairs and shall be undertaken only with the approval of the authority.

Repairs to existing building.

\* (2) All major repairs shall be accompanied with detailed drawings of the whole building to include—

- (i) Site Plan
- (ii) Ground Plan
- (iii) All elevations
- (iv) Sections
- (v) Windows and doors schedule
- (vi) Details of septic tank and soak away pit

\* (vii) Repairs that are in very old compounds in high density indigenous residential areas shall be accompanied with detailed plans as required above but may not be accompanied with a survey plan of the premises.

45. The authority shall have the power to cordon off or zone off streets for specific types of buildings as it thinks proper.

Zoning of streets for particular type of structures.

46. (1) The authority shall have the power to patrol the areas under its jurisdiction and enter any land or premises to enforce building regulations.

Deviation from plan.

(2) The authority may by endorsement on the plans and the building permit thereto authorize any deviation from the plans and requirements of these regulations for the period of one year from the date of such endorsement provided such deviation shall not preclude the completion of the building.

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47. If any building is deemed by the authority to be a dangerous building the authority shall immediately serve notice in writing to the owner of such building if he is known and is residing within a day's journey from the place where such building is situated, and/or on the occupier, if any, requiring such owner or occupier forthwith to take such action as shall be specified in the notice, and if neither the owner nor the occupier shall comply with such requirement within 7 days after service of such notice on him or if no owner or occupier is found, the authority shall cause such action to be taken as the authority may deem necessary to remove the danger; and all expenses of protecting the public and of taking such action as aforesaid shall be a debt due to the authority from the owner of the building.

Building may be sold for expenses.

48. (1) If no owner shall be found or shall appear to pay such expenses within 6 months after action has been taken by the authority in connection with the dangerous building, the authority may cause the land on which the building was erected to be sold to defray the said expenses.

(2) The rules of court relating to sales in execution of court order shall, *mutatis mutandis*, apply to such sales:

Provided that no right of occupancy or any lease of state land shall be sold under the powers conferred by these regulations except with the consent of the Commissioner responsible for land matters.

Stop work and removal of work executed in contravention of regulations.

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49. (1) If any work shall be executed contrary to the provisions of these regulations or any instructions thereunder the authority may by the issue of a stop work and seven days demolition notice in writing require the person who has executed the work, or the occupier to remove the same and if within the time specified in such notice, the requirement of the notice is not complied with, the authority may forcibly, with the aid of its demolition squad, remove or cause the structure to be altered, whether occupied or not as the authority may think proper.

(2) Any expenses incurred by the authority in or about the removal or alteration of any structure or work may be recovered as a debt from any of the persons upon whom such notice as aforesaid shall have been served.

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Issue

(3) Any building erected without the approval of the authority shall be regarded as an illegal structure, and the authority shall cause work thereof to be stopped by the issue of a stop work notice and the illegal structure shall be removed after a seven days demolition notice in writing shall have been issued.

~~X~~ (4) Any modification or alterations to an approved building plan without the prior approval of the authority shall be regarded as illegal, and the authority shall cause such a work or the offending alteration to be stopped by the issue of a stop work notice and the offending section removed after the issue of seven days demolition notice in writing.

50. (1) Whenever any building or part thereof is taken down by virtue of any powers conferred by these regulations the authority may sell the materials thereof and the proceeds of such building and the balance, if any, after deducting administrative and other expenses shall be placed on deposit in the authority's treasury to the credit of the owner of the building.

Materials of building taken down may be sold.

(2) If the proceeds of the sale are less than the cost of administrative expenses the balance shall be recoverable from the owner of the building.

51. Every occupier of land (other than a government servant occupying government land) or the owner of any unoccupied land or of land which is occupied land or of land which is occupied under a tenancy from year to year or for any term shall, if so required by the authority, fence such land in a manner that the authority shall approve, and shall at all times maintain such fence in good repair to the satisfaction of the authority but—

Fencing of plots.

(a) the erection of the fences around plots shall not extend beyond the road or right of way reservation of any road. If a road has 12.00 metres building line the fence should not be less than 7.5 metres from the centre of the road.

(b) the height of fences around plots shall not exceed 1.8 metres. However, on plot frontage or corners where two or more roads meet the height of fence shall not exceed 1.0 metres in order to allow motorists clear vision round the corners.

(c) fences shall not be constructed of any material which shall harbour rodents.

(d) live fences shall be kept properly trimmed.

(e) the authority shall have the power to cause any fence which has been erected or raised beyond the prescribed height, or any other fence likely to cause danger to road users and obscure vision, to be taken down to the required height, and may recover the expenses as a debt from the owner or occupier of the land.

~~X~~ 52. (1) Any person who contravenes any of the provisions of these regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred naira for each offence or in default of payment, to an imprisonment for a term not exceeding six months, or both.

Penalties.

(2) Any penalty imposed in pursuance of these regulations shall not however, affect the powers of the authority to alter or remove any installations, structures or buildings that contravene these regulations.

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Definitions.

53. In these Regulations unless the context otherwise requires—  
“approved” means approved by the Chairman of the Area Planning Authority;

“authority” means the Area Planning Authority.

“dangerous building” means a building or any form of construction work including fences, etc. or anything attached to a building in such a state as may cause risk or injury either to the occupiers of such building or any neighbouring building or to the public.

“development” in relation to any land—includes any building or re-building operations and any use of the land or any building thereon for a purpose which is different from the purpose for which the land or building was last being used.

Provided:

(a) That the laying down by the occupier of farmland to fallow or any change of crops grown or in the method of their cultivation by the said occupier shall not be deemed to be development for the purposes of these regulations.

(b) That the carrying out by a local highway authority of any works required for the maintenance or improvement of a road, being works carried out on land within the boundaries of the road shall not be deemed to be development; and

(c) That the carrying out by a local authority or statutory undertaking of any works for the purpose of inspecting, repairing or renewing any sewers, mains pipes, cables or other apparatus including the breaking open of any street or other land for that purpose, shall not be deemed development save in so far as the authority may determine.

\*“existing building” means a building erected or constructed before the date of the order declaring the area a planning area;

“fence” includes any boarding, paling, bank or wall used as such.

“hedge” includes any tree or trees forming a part of a hedge;

“land” includes land covered with water and also everything attached to the earth or permanently fastened to anything which is attached to the earth and also all chattels real and tenures of every description and any interest therein and also undivided shares of land but does not include minerals; “membership of the planning authority” shall be as defined in the order establishing the authority or any other instrument pertaining thereto;

“new buildings” for the purpose of these regulations shall include—

(a) the erection, or re-erection, wholly or partially of any building(s) 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;

(b) the re-erection wholly or partially, of any building of which an outer wall is pulled down to or within ten feet of the surface of the ground adjoining the lowest of the storey building, and of any frame building so far pulled down as to leave only the framework of the lowest storey of part of such frame-work;

(c) the conversion into a dwelling house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling house only;

(d) the re-conversion into a dwelling house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling house;

(e) the making of any addition to an existing building by raising any part(s) of the roof, by constructing or altering a wall, or making any projection from the building, or making any other structural addition to the building, but so far as regards the addition only and;

(f) the roofing or covering over of an open space between walls or buildings.

"officer" of the authority means any person(s) duly authorised or employed or seconded by the authority to carry out specified functions;

"owner" with reference to land means any person(s) receiving rents or profits from any tenant or occupier thereof or who would receive such rents or profits if the lands were left, whether on his own account or as agent for any other person(s);

"owner" also refers to joint owners, lessee, tenant for life, and any other person in actual possession of premises of any tenure or description, and the agent or attorney of such persons or any of them and any person(s) who has an interest in or draws the rent;

"planning area" means all that land within boundaries of the settlements named in the schedule under the order declaring the area a planning area;

"planning authority" means the executive authority for all physical planning matters in the Local Government Area.

"premises" includes usages, buildings, lands, tenements and hereditaments;

"road" includes any road whether public or private and any streets, square, courts, alley, land bridge, footway, track, bridle path, path passage or highway, whether a thoroughfare or not. For the purpose of these regulations the placing or keeping on any land, any shed, tent or other object whether fixed or movable or collapsible, which is not a building shall be a use of that land.

"site" in relation to any building includes office, outbuildings, yards, courts or gardens occupied or intended to be occupied therewith.

54. These Regulations may be cited as the Buildings Regulations 1984 and shall come into force on the 19th day of July, 1984.

DATED at Calabar the 19th day of July, 1984.

Citation and commencement.

DAN P. ARCHIBONG  
LIEUTENANT COLONEL  
Military Governor/Commissioner  
for Lands Surveys and  
Town Planning  
Cross River State

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C.R.S.L.N. No. 7 of 1987

## Town and Country Planning Law

BUILDING REGULATIONS (AMENDMENT)  
REGULATIONS 1987

In exercise of the powers conferred on me by section 84 (1) (c) of the Town and Country Planning Law and of all powers enabling me in that behalf, I, COMMANDER IBIM EBEN PRINCEWILL, the Military Governor of the Cross River State of Nigeria acting as Commissioner in charge of Lands, Surveys and Town Planning Matters do hereby make the following—

## REGULATIONS

1. The Building Regulations 1984 published as Cross River State Legal Notice No. 15 of 1984 (hereinafter referred to as "the principal Regulations") is amended by deleting paragraphs (3) and (4) of regulation 2.

Amendment  
to regulation  
2 of the  
principal  
Regulations.

2. There is *inserted* immediately after regulation 2 new regulations 2A and 2B as follows—

"Building  
plans  
to be prepar-  
ed by regis-  
tered archi-  
tect.

\* 2A (1) All building plans including site plans shall be prepared by a registered architect and submitted with the relevant survey plans and other documents listed in paragraph (3) of this regulation, to the Authority for approval.

\* (2) The relevant site shall first be approved by a qualified Town Planner in the Authority Office, but where there is no qualified Town Planner, the Survey Plan shall be sent to the nearest Zonal Town Planning Office for the site to be approved.

\* (3) When applying for approval, the following documents should be included:—

(a) Letter of approval of site;

(b) Site plan;

(c) Floor plans;

(d) Elevation drawings;

(e) Roof plan;

(f) Section drawings; and

(g) Sanitation and Drainage designs.

(4) No building or excavation shall commence without a formal approval from the Authority; and an application inviting the Authority for inspection before building or excavation shall be in writing".

"Drawings to be checked by professionals and layout designs to be prepared by Town Planner. 2B. (1) All drawings submitted to an Authority for approval shall be checked and approved by the following professionals employed by the Authority:—

- (a) Town Planner (Site Plans);
- (b) Architect (Architectural Drawing);
- (c) Structural Engineer (Structural Drawings);
- (d) Electrical/Mechanical Engineer (Electrical/Mechanical Drawings);

but where these professionals are not available, the drawings shall be sent to the Ministry of Works and Transport headquarters for checking and approval.

(2) All authorised layout designs shall be prepared by a registered Town Planner and submitted to the State Chief Town Planning Officer for clearance and subsequent approval by the Commissioner".

Amendment to regulation 6 of the principal Regulations.

3. Regulation 6 of the principal Regulations is amended by—

- (a) deleting the full stop at the end of paragraph (1) and adding immediately after the word, 'metres', occurring at the end of that paragraph the words "to a maximum of 3 metres on one side".
- (b) replacing paragraph (3) with the following new paragraph—

"(3) The minimum permissible distance between a bungalow and a storey building (ground and first floor) shall not be less than 4.50 metres within the same plot; and for any additional floor to the storey building, the distance shall be increased by 1.5 metres to a maximum of 6 metres, on one side. The same minimum distance shall apply to two adjacent buildings of two or more storeys".

Amendment to regulation 13 of the principal Regulations.

4. Regulation 13 of the principal Regulations is amended by inserting immediately after sub-paragraph (c) thereof a new sub-paragraph as follows—

"(d) Corridor: The minimum width shall be 1 metre".

5. Regulation 14 of the principal Regulations is amended by replacing paragraph (1) thereof, with the following new paragraph—

Amendment to regulation 14 of the principal Regulations.

“(1) The design of any building requiring re-inforced concrete floor and roofs, columns, beams, mechanical and electrical installations shall be prepared only by a registered architect; and the structural, electrical and mechanical drawings and calculations in respect of any such building, by the appropriate registered engineer, before submitting same to the Authority for approval”.

6. Regulation 20 of the principal Regulations is hereby amended by (a) re-numbering the first paragraph of that regulation as paragraph (1) and the second paragraph thereof as paragraph (3) and inserting in the appropriate spaces new paragraphs (2) and (4) as follows—

Amendment to regulation 20 of the principal Regulations.

“(2) Recommended limits for various building types :

Types of Building	Maximum Riser	Minimum Tread
Private Dwelling	190 mm	215 mm
Public Building	160 mm	255 mm
Theatre	150 mm	275 mm

Minimum Stair Width shall be 1 metre for both dwelling and public buildings.

Length of Flights — Minimum 3 steps. Maximum 16 steps.

Headroom: The vertical distance measured from the nosing shall not be less than 2 metres and the distance from the nosing measured at right angles to the slope of the staircase shall not be less than 1.55 metres or 2.15 metres for a totally enclosed staircase.

(4) In addition to staircases, any building above four storeys shall be provided with lift(s)”.

7. Regulation 43 of the principal Regulations is hereby amended by deleting the words “or completed within 36 months” occurring in that regulation.

Amendment to regulation 43 of the principal Regulations.

8. Regulation 46 of the principal Regulations is hereby amended by replacing paragraph (2) thereof with the following new paragraph—

Amendment to regulation 46 of the principal Regulations.

“(2) The Authority may by endorsement on the building plan and the building permit thereto authorise any modification on the plan for a period not exceeding one year from the date of such endorsement provided such modification shall not affect the completion of the building”.

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Amendment  
to regulation  
53 of the  
principal  
Regulations.

9. Regulation 53 of the principal Regulations is amended by inserting in the appropriate places the following new definitions—

"cleared site" in this context means site which has been charted in the appropriate master plan and has been found to meet the master plan's specifications;

"the Commissioner" shall mean the Commissioner responsible for Lands, Surveys and Town Planning;

"layout" shall mean an approved development area showing more than one plot;

"site" in this context shall mean a plot of land on which a building project is to be erected/developed;

"site plan" in the context of these Regulations shall mean a plan showing the position of a building or buildings in a plot in accordance with the building bye-laws and relevant environmental factors;

"Zonal Town Planning Office" in this context shall be Calabar, Eket, Ikot Ekpene, Ogoja and Uyo.

Short title  
and com-  
mencement.

10. These regulations may be cited as the Building Regulations (Amendment) Regulations 1987 and shall come into force on 3rd April, 1987.

MADE at Calabar the 3rd day of April, 1987.

IBIM E. PRINCEWILL  
COMMANDER  
Military Governor  
Cross River State