



**EBONYI STATE OF NIGERIA**

**LAW NO. 025 OF 2020**

**EBONYI STATE**

**LAND INSTRUMENTS REGISTRATION,  
FILING OF JUDGMENT AFFECTING  
LAND LAW, 2020**

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**EBONYI STATE OF NIGERIA  
LAW NO. 025 OF 2020**

**SECTION 1**

**A LAW TO REPEAL AND RE-ENACT A LAW TO ESTABLISH EBONYI STATE LAND INSTRUMENTS REGISTRATION, FILING OF JUDGMENT AFFECTING LAND AND PROVIDE FOR OTHER MATTERS CONNECTED THERETO.** *Long Title*

**SECTION 2**

**BE IT ENACTED** by the House of Assembly of Ebonyi State of Nigeria as follows: *Enactment*

**SECTION 3**

This Law shall be cited as **Ebonyi State Land Instruments Registration, Filing of Judgment Affecting Land Law, 2020.** *Short Title*

## SECTION 4

This Law shall be deemed to have come into effect on **Wednesday the 16<sup>th</sup> day of December, 2020.** *Commencement*

## SECTION 5

In this Law, unless the context otherwise requires: *Interpretation*

**"Certificate of Purchase"** means a Certificate granted by a Court certifying that the right, title and interest of a judgment debtor in certain immovable property has been sold to the person named in the Certificate;

**"Commissioner"** means the Hon. Commissioner for the time being charged with the responsibilities for Lands in Ebonyi State.

**"Foreign Judgment"** means a judgment other than Local Judgment.

**"Governor"** means the Governor of Ebonyi State of Nigeria.

**"Instrument"** means a document affecting Land in Ebonyi State of Nigeria, whereby one party (hereinafter called the grantor) confers, transfers, limits, charges or extinguishes in favour of another party (hereinafter called the grantee) any right or title to or interest in Land in



Ebonyi State of Nigeria and a certificate of purchase under which any instrument may be executed, but not a Will;

**"Local Judgment"** means a judgment or decree of the various Courts in Nigeria whereby the title to Land in Ebonyi State of Nigeria is or shall be affected or whereby the validity of any Instrument Registered under this Law is affected;

**"Office"** means the proper office of the Land registry established under this Law;

**"State"** simply means the Ebonyi State of Nigeria.

**"State Grant"** includes a mining lease, mining right, water right or exclusive prospecting licence granted under the Minerals Act and a timber licence granted under the Forest Law and every other grant, conveyance, lease or mortgage by or on behalf of the Government.

## SECTION 6

1. There shall be in Ebonyi State of Nigeria, a Land Registry with an office or offices at such place or places as the Commissioner may from time to time direct.
2. The Registry shall be the proper office for

*Establishment of  
Land Registry*



the registration of all Instruments including Deed of assignment, Deed of Conveyance, affecting Land in Ebonyi State of Nigeria.

### SECTION 7

1. The Commissioner shall appoint such number of Registrars, Deputy Registrars and Assistant Registrars as may be necessary for the purposes of this Law. *Appointment of Registrars*
2. Subject to the directions of the Registrar, a deputy Registrar or an assistant Registrar may do anything which by this Law is required or authorized to be done by the Registrar.

### SECTION 8

1. There shall be kept at each office such registers, books and files as may be prescribed and a Registrar shall, subject to the provisions of this Law, register therein in the prescribed manner all instruments required to be registered and delivered to him for registration, and shall file all local judgments and foreign judgments required or permitted to be filed and delivered to him for filing. *Registers and Documents to be Kept*



2. All registers kept in the offices of the Land Registry immediately before the commencement of this Law shall form part of the register under this Law.

## SECTION 9

### *Instruments, the Registration of which is Compulsory*

Subject to the provisions of this Law, every instrument executed after the commencement of this Law shall be registered in accordance with the requirements of this Law.

*Instrument Executed  
After the  
Commencement of the  
Law*

## SECTION 10

Subject to the provisions of this Law, every instrument executed before the commencement of this Law, and not already registered, shall be registered in accordance with the requirements of this Law.

*Instruments Executed  
Before the  
Commencement of the  
Law*

## SECTION 11

1. No instrument executed after the commencement of this Law shall be registered unless it contains a proper and sufficient description and subject to the

*Description and plan  
of Land Affected*



regulations, a plan of the Land affected by such instrument.

The decision of the Registrar as to the adequacy of the description and plan of any land in any instrument for the purpose of identification shall be final, subject to any Order of the High Court.

2. No State grant executed after the 1<sup>st</sup> June, 1918, and no instrument executed after the said date affecting Land, the subject of a State grant executed after the said date shall be registered unless the plan of the Land affected by such State grant or instrument is signed by a Surveyor and is counter signed by the Surveyor-General or a copy of a plan so signed and countersigned.

*Plans Attached to State Grants to be Signed by a Surveyor and Countersigned by the Surveyor General*

3. No instrument executed after the 1<sup>st</sup> June, 1918, having thereon or attached thereto a plan of the Land affected shall be registered unless the plan is signed by a Surveyor or a copy of a plan which has been signed by a surveyor.

*Plans Attached to other Instruments to be Signed by a Surveyor*

4. In this section, the terms "Surveyor" and "Surveyor-General" have the meanings assigned to those terms by the Survey Law.

*Definition of Terms*



### SECTION 12

No instrument declared by this enactment as void shall be registered. *Void Instrument*

### SECTION 13

No Land Instrument or Document or Power of Attorney shall be registered unless it is accompanied with Deed of Assignment or Conveyance or surrender depending on the mode acquisition of interest. *Validity of Instrument*

### SECTION 14

No instrument endorsed on another instrument shall be registered unless the instrument on which it is endorsed is registered. *Registration of Instrument Endorsed on Another Instrument*

### SECTION 15

The prescribed fees shall be as specified in the schedule of fees to this Law. These prescribed fees shall be payable for Land transaction in Ebonyi State. *Prescribed Fees*



## SECTION 16

1. No collection of rates, charges, fees etc by Local Government Councils in places designated as Urban Areas and Capital Territory. *Collection of Rates in Designated Urban Areas and Capital Territory*
2. It shall be an offence punishable with Five (5) years imprisonment without option of fine for a Local Government Official or any other person not authorized by the State Government to collect fees, rates, charges etc in Urban Areas or within Capital Territory.

## SECTION 17

Allocation of Land at the area designated as Centenary City in the State for Banking Activities/Commercial purposes shall be at the rate of Twenty Million Naira (N20,000,000.00) per 1000 Square Metres. *Allocation of Land at Centenary City for Banking Activities/ Commercial Purposes*

## SECTION 18

### Sanctions

Every State grant executed after the commencement of this Law, and every instrument affecting Land the subject of a State *Certain Documents Void for non Registration*



grant or, whereby Land is granted by a citizen of Nigeria to a non-Nigerian, executed after the commencement of this Law shall, so far as it affects any Land, be void unless the same is registered within six months from its date (or, in case of an instrument whereby Land is granted by a citizen of Nigeria to a non-Nigerian, from the date on which it receives the Governor's consent) if executed in Nigeria, or Twelve months from its date (or, in the case of an instrument whereby Land is granted by a citizen of Nigeria to a non Nigerian, from the date on which it receives the Governor's consent) if executed elsewhere:

Provided that the Registrar may extend such periods whenever he shall be satisfied that registration has been delayed without default or neglect on the part of the person acquiring the right or interest in the Lands in question.

## SECTION 19

No Instrument shall be pleaded or given in evidence in any court as affecting any Land unless the same shall have been registered in accordance with the requirements of this Law:

*Inadmissibility in  
Evidence*

Provided that a memorandum given in respect of an equitable mortgage affecting Land in Ebonyi



State of Nigeria executed before the 1<sup>st</sup> day of October 1996 and not registered under this Law may be pleaded and shall not be inadmissible in evidence by reason only of not being so registered.

## SECTION 20

Subject to the provisions of this Law, every Instrument Registered under this Law shall, so far as it affects any Land, take effect, as against other Instruments affecting the same Land, from the date of its registration as hereinafter defined in the proper office as specified in section 5 and every instrument registered before the commencement of this Law shall be deemed to have taken effect from the date provided by the Law in force at the time of its registration.

*Loss of Priority*

## SECTION 21

1. Any person desiring that any Instrument shall be registered shall deliver the same together with a true copy thereof and the prescribed fee to the Registrar at the office,
2. The Registrar shall, immediately after such delivery, place upon the instrument and upon the copy thereof a certificate, as in

*Instrument and Copy  
to be Delivered to  
Registrar*

*Certificate of Delivery  
to Registrar. Form B  
First Schedule*



Form B in the First Schedule.

3. Unless the instrument is one which is prohibited by this Law, the Registrar shall compare the copy of the instrument with the original and if he shall find such copy to be a true copy and to comply with any regulations made under this Law and for the time being in force he shall certify the same by writing thereon the words "**certified true copy**" and appending his signature thereto. *Registration*

4. The Registrar shall thereupon register the instrument by causing the copy so certified to be pasted or bound in one of the register books and by endorsing upon the original instrument a certificate as in Form C in the First Schedule and upon such registration the year, month, day and hour specified in the certificate endorsed on the instrument in pursuance of subsection (2) shall be taken to be the year, month, day and hour at which the instrument was registered. *Return of Instrument*

5. The original instrument shall thereafter, upon application of been returned to the person who shall have delivered it for instrument registration. Provided that if application for the return of the instrument is not made within twelve months after the *Form C. First Schedule*



date of registration the Registrar may destroy the instrument.

6. Every instrument duly certified as having been registered before the 1<sup>st</sup> October, 1996 and the date upon which the Land Registration (Amendment) Ordinance, 1948, came into operation shall be deemed for all purposes to have been registered at the hour in the day of the month and year specified in the certificate placed thereon in accordance with the provisions of subsection (2) of this section.

*Validation of  
Registration of  
Certain Instruments.  
N.15 of 1948*

## SECTION 22

1. When, upon examining an Instrument and the copy thereof delivered to him for registration, the Registrar finds that such instrument is one which is declared by this Law to be void or the registration of which is declared by this Law to be void or the registration of which is prohibited by this Law or that the copy is not a true copy, or does not comply with any regulation made under this Law for the time being in force, he shall refuse to register such instrument and shall write in red ink across the certificates endorsed on the instrument and

*When Registration to  
be Refused*



copy in pursuance of subsection (2) of the last preceding section the words "registration refused" and shall append his signature thereto and the title of the registry office concerned.

2. Such Instrument and copy thereafter, upon application, shall be returned to the person who shall have delivered it for registration:

*Return of Rejected Instrument*

Provided that if application for the return of the Instrument and copy is not made within twelve months from the date on which they were delivered for registration the Registrar may destroy them.

- 3a. Nothing herein contained shall prevent an instrument the registration of which has been refused from being delivered again for registration provided that the provisions of section 19 are complied with and that the Instrument, if it was void by virtue of the provisions of section 13 when previously delivered for registration, has ceased to be void owing to the time for registration having been extended by the Registrar.

*Re-delivery for Registration*

- b. In the event of such subsequent delivery the procedure prescribed by section 16 shall be followed and the year, month, day and hour of registration shall be taken to be the year, month, day and hour of such subsequent



delivery.

4. When registration of an Instrument is refused, the fee paid upon delivery for registration shall not be returnable, and in the event of the Instrument being delivery again for registration the fee upon delivered shall be payable again.

## SECTION 23

### Filing of Judgments

1. Within Two Calendar Months from the date of every Local Judgment, the Registrar of the court by which such Judgment has been pronounced shall transmit to the Registrar, at such Registry Office as the Commissioner may from time direct, a certified true copy of the Judgment together with a copy of any map or plan ordered to be filed in that court to which the judgment refers, a copy whereof has not already been transmitted under the provisions of this Law and any other map or plan ordered by the court to be transmitted.  
*Copy of Local Judgments to be Transmitted with Plan*
2. No map or plan other than those specified in subsection (1) shall accompany or be attached to a copy of a Judgment transmitted under the provisions of that subsection.



## SECTION 24

On receipt of the certified true copy of any Local Judgment and the Map or Plan specified in subsection (1) of section 19, the Registrar shall file the same.

*Registrar to File Copy of Judgment*

## SECTION 25

Failure to transmit or file any Local Judgment and any error in transmitting or filing any Local Judgment shall not affect the validity or effect of such Judgment.

*Effect of not Filing*

## SECTION 26

The Chief Judge, with the approval of the Governor, may make rules of court for giving effect to sections 23, 24 and 25 of this Law in the High Court and Magistrates' Courts and in particular for requiring and regulating the filing in courts of maps and plans in matters wherein the title to Land in Ebonyi State of Nigeria or the validity of any Instrument registered under this Law is or may be in issue.

*Rules of Court*



## SECTION 27

### Miscellaneous

Registration shall not cure any defect in any Instrument or, subject to the provisions of this Law, confer upon it any effect or validity which it would not otherwise have had.

*Effect of Registration*

## SECTION 28

For the purposes of registration, an Instrument shall be deemed to include all certificates and other materials endorsed thereon or attached thereto at the time it is delivered for registration.

*Instrument to Include  
Endorsements  
Thereon*

## SECTION 29

All register books, registers and files of registered documents at the registry office shall be deemed to be in legal custody and shall be receivable in evidence in any Court and every Registrar shall produce or cause to be produced any register book, register or file or registered documents in his office, on subpoena or order of any court without payment for so doing unless the court shall direct otherwise.

*Registers to be  
Deemed in Legal  
Custody and to be  
Receivable in  
Evidence*



### SECTION 30

The Registrar shall allow searches to be made at all reasonable times in any register book, register or file of registered or filed documents in his custody for fees as may be presented.

*Searches*

### SECTION 31

1. The Registrar shall upon request give a certified copy of any entry in any such register book or register or of any filed document.

*Copies of Entries in Registers*

2. Every such certified copy shall be received in evidence, without any further or other proof in all civil cases.

### SECTION 32

Any person who shall willfully make or cause to be made for the purpose of being inserted in any register under this Law any False Statement touching on any of the particulars herein required to be known and registered shall be liable to a fine of One Hundred Thousand Naira (N100,000.00) or to imprisonment for two years or both.

*Penalty for False Statement*

document.



**SECTION 33**

Any person who shall willfully destroy or injure or cause to be destroyed or injured, any register books, register or filed document or any part thereof or shall counterfeit or cause to be counterfeited any part of any such book, register or document or any certified copy thereof or extract therefrom or shall willfully insert or cause to be inserted in any such book, register, file, certified copy or extract any false entry, or shall certify any writing to be a copy or extract of any such book, register or file, knowing the same to be false in any part thereof, or shall forge and counterfeit the seal of any registry office, shall be liable to imprisonment for seven years.

*Penalty for  
Destroying or  
Falsifying Register*

**SECTION 34**

The fees prescribed in the Second Schedule or such other fees as the Commissioner may by regulation prescribe shall be paid into the Government's Internally Generated Account,

*Fees Second Schedule*

**SECTION 35**

The Commissioner may, on the approval of the Governor, increase or reduce the amount of any fee payable under this Law.

*Power to Increase or  
Reduce Fee*



**SECTION 36**

The Commissioner may make regulations:

*Power to Make Regulations*

1. For the governance and guidance of Registrars and of all persons acting under them.
2. Prescribing the nature, size and shape of the paper or other substance to be used for copies of instruments delivered for registration and generally the manner in which such copies are to be prepared.
3. Excepting from the provisions of section 9 in so far as the said section relates to a plan, any class of instrument.
4. Excepting from the provisions of this Law any class of instrument.
5. Adding to or altering any of the forms given in the First Schedule.
6. Generally for the purposes of this Law.

**SECTION 37**

Ebonyi State Land Instruments Registration, Filing of Judgement Affecting Land Law, No. 007 of 2020, is hereby **Repealed**.

**Repeal**



**SECTION 38**

The Purpose of this Law is to Repeal and Re- *Object and Purpose*  
Enact a Law to Establish Ebonyi State Land  
Instruments Registration, Filing of Judgement  
Affecting Land, Law No. 025 of 2020 and  
Provide for Other Matters Connected Thereto.



### FIRST SCHEDULE

#### FORM A

##### Certificate of Proof

This Instrument was proved before me by the Oath (or Statutory Declaration) of the within named (grantor, grantee or subscribing witness) to have been duly executed by the within named (grantor).

Given under my hand and seal this ..... day of ..... 20....

(Signed) .....  
(Officer)

#### FORM B

##### Certificate of Delivery to Registrar of Instrument

This Instrument was delivered to me for registration by A. B of (state his residence and profession) at ..... O'clock in the ..... non, this ..... day of .....  
Certificate 20 of 20 of

This Instrument was proved before me by the Oath (or Statutory Declaration) of the within named (grantee or subscribing witness) to have been duly executed by the within named (grantor).  
(Registrar)

#### FORM C

This Instrument is registered as No. .... at page ..... in volume ..... of the Lands Registry in the office at .....

(Registrar)



## SECOND SCHEDULE

The current fees are to be seen in the Land Registration (Fees) Regulations which are printed at a (fee) pages further on).

### LAND INSTRUMENTS

### REGISTRATION LAW

### SUBSIDIARY LEGISLATION

#### **Land Instruments Registration Regulations**

made under sections 32 and 34

1. These Regulations may be cited as the Land Instruments Registration Regulations.
2. Copies of Instruments delivered for registration under the Law shall be prepared on parchment or on stout paper of good and substantial quality, rectangular in shape and the dimensions of such parchment or paper shall not exceed 37.5cm in length by 23.7cm in width (being the size known as "post") and shall not be less than 32.5cm in length by 21cm in width (being the size known as "foolscap") and such copies shall be so written or printed that a margin 5cm wide be left blank on the left-hand side of the parchment or paper.



3. Section 9 of the Law, in so far as that section directs that an Instrument shall not be registered unless it contains a plan of the Land affected, shall not apply to the following Instruments:
- a. Lease of Land, houses or buildings for a term not exceeding Three years (without a right of renewal);
  - b. Instruments affecting Land the boundaries of which are defined in a plan attached to an Instrument registered after the 1<sup>st</sup> June, 1918, and referred to in the instrument presented for registration;
  - c. Mining rights, water rights or assignments of mining rights or of water rights;
  - d. Any Instrument affecting land which the Governor by endorsement thereon may be exempted from the provisions of the said section;
  - e. Leases of plots of lands forming part of a general layout recognized by the Principal Lands Officer, a plan of which showing the plots and layout has been deposited at the Ministry of Lands and the Town Planning Office;



- f. Exclusive prospecting licences which the Chief Inspector of mines by endorsement thereon may exempt from the provisions of the said section.
4. A memorandum entered in a book kept by a Customary Court for recording therein the terms and conditions on which a stranger is allowed to occupy Communal Land, shall be exempted from the provisions of the Law.
5. Licences issued under the State Lands (Temporary Occupation) Regulations shall be exempted from the provisions of this Law.
6. All Instruments Recorded or Filed in accordance with the provisions of bye-laws made by a Local Government Council in exercise of the powers conferred by the Local Government Law shall be excepted from the provisions of this Law.



## Land Registration (Directions) Notice

### SECTION 1

This public notice may be cited as Land Registration (Directions) Notice. *Short Title*

### SECTION 2

There shall be a Registry Office at Abakaliki, which shall be the proper office for the registration of all Instruments Affecting Land in Ebonyi State of Nigeria. *Abakaliki Registry*

### SECTION 1

These Regulations may be cited as the Local Government Councils (Alienation of Land) (Exception from Registration) Regulations. *Short Title*

### SECTION 2

All Instruments recorded or filed under the provisions of any bye Law made by a Local Government Council in exercise of the powers conferred upon a Local Government Council are hereby excepted from the provisions of the Land Instruments Registration Law. *Instruments Recorded or Filed under Local Government bye-law Excepted from Provisions of the Law.*



**Land Registration (Fees) Regulations**  
made under section 31

**SECTION 1**

These regulations may be cited as the Land *Short Title*  
Registration (Fees) Regulations.

**SECTION 2**

The fees prescribed in the Schedule to these *Prescription of Fees*  
Regulations shall become effective and  
operational on Wednesday the 16<sup>th</sup> day of  
December, 2020.

Land Registration (Fees) Regulations  
made under section 31

**SECTION 3**

These regulations may be cited as the Land  
Registration (Fees) Regulations.



**SCHEDULE OF FEES**

S/N	FEES	APPROVED FEES
1	NON-REFUNDABLE FEE	Individual: N30,000 Corporate: N50,000
2	GROUND RENT	URBAN: N50 SEMI-URBAN: N20 RURAL: N5
3	COMPUTER FEE	N5,000
4	REGISTRATION/INSPECTION	N50,000
5	LATE REGISTRATION	N50,000
6	PREMIUM	URBAN: N2000  SEMI-URBAN: N1500  RURAL: N1000
7	SEARCH FEE	N5,000
8	CAUTION FEE	N10,000
9	CERTIFIED TRUE COPY	N2000 PER PAGE
10	CHARTING FEE	N5000
11	SURVEY CHECK	N1000
12	SURVEY FEE	MINISTRY- N30,000 IGR- N30,000
13	CONSENT FEE	2%
14	PREPARATION FEE	N10,000
15	PUBLICATION FEE	N5000
16	RECERTIFICATION FEE	N15,000
17	APPROVAL FEE	N10,000



**C OF O (PRIVATE) RESIDENTIAL FOR ONE PLOT (500M<sup>2</sup>)**

S/NO	FEES	APPROVED FEES
1	NON-REFUNDABLE	30,000
2	SURVEY CHECK & CHARTING	6,000
3	INSPECTION	25,000
4	REGISTRATION	25,000
5	APPROVAL	10,000
6	PREPARATION	10,000
7	PUBLICATION	5,000
8	GROUND RENT	2,500
9	COMPUTER FEE	5,000
10	STAMP DUTY	100
	<b>TOTAL</b>	<b>N118, 600</b>

**C OF O (GOVERNMENT ALLOCATION) RESIDENTIAL FOR ONE PLOT (500M<sup>2</sup>)**

S/NO	FEES	APPROVED FEES
1	APPROVAL FEE	10,000
2	SURVEY FEE	50,000 i.e. 100/M <sup>2</sup>
3	PREPARATION FEE	10,000
4	REGISTRATION FEE	25,000
5	PREMIUM	50,000 i.e. 100/M <sup>2</sup>
6	COMPUTER FEE	5,000
7	GROUND RENT	2500 i.e. 5.00/M <sup>2</sup>
8	STAMP DUTY	100
	<b>TOTAL</b>	<b>N152, 600</b>



**APPENDIX**

**FORM A**

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

**ANASI PATRICIA O. (MRS)**  
CLERK OF THE HOUSE OF ASSEMBLY,  
EBONYI STATE OF NIGERIA.

Dated this 16<sup>th</sup> day of December 2020

**FORM B**

Assented to by me this 16<sup>th</sup> day of DEC 2020

**ENGR. CHIEF DAVID NWEZE UMAHI**  
(FNSE, FNATE)  
GOVERNOR,  
EBONYI STATE OF NIGERIA

**FORM C**

I withhold my assent.

**GOVERNOR**  
**EBONYI STATE OF NIGERIA**

Dated this ..... day of ..... 2020