

**A LAW TO ESTABLISH THE KADUNA
GEOGRAPHIC INFORMATION SERVICE AND MATTERS
CONNECTED THEREWITH**



Kaduna State of Nigeria

Law No. ...15... 2015

(23rd December 2015)

Date of Commencement

BE IT ENACTED by the House of Assembly of Kaduna State as follows:-

Enactment

1. This Law may be cited as the Kaduna Geographic Information Service (KADGIS) Law, 2015.

Short Title

2. This Law shall come into operation on the ...23rd... day of ...December... 2015.

Commencement

3. In this Law unless the context otherwise requires:

Interpretation

“Board” means the Governing Board of the Service;

“Director-General” means the Director-General of the Service;

“Governor” means the Governor of Kaduna State;

“Member” means member of the Governing Board and includes the Chairman;

“Person” includes 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;

"Service" means the Kaduna Geographic Information Service established under section 4 this Law;

"State" means Kaduna State of Nigeria; and

"The Fund" means the fund established for the Service pursuant to Section 25 hereof.

4. (1) There is hereby established, a Service to be known as Kaduna Geographic Information Service in this Law referred to as "the Service".
- (2) The Service shall be a body corporate with perpetual succession and a common seal and may:
- (a) sue and be sued in its corporate name; and
 - (b) hold and acquire any property or interest in property, moveable or immovable.
- (3) The Service shall be a parastatal in the office of the Governor.

Establishment of the Service

5. (1) There is hereby established for the Service a Governing Board which shall consist of:
- (a) a Chairman with cognate experience in Public Service and any two of the following:
 - (i) Land Administration;
 - (ii) Geospatial Science; or
 - (iii) Information Technology
 - (b) one member each from the three Senatorial Zones in the State one of whom shall be a woman;
 - (c) representatives of the following not below the rank of a Director:
 - (i) Ministry of Finance;
 - (ii) Kaduna State Urban Planning Development Authority;

Establishment and Composition of the Governing Board

- (iii) Kaduna State Environmental Protection Agency (KEPA);
- (iv) Ministry of Justice;
- (v) Board of Internal Revenue;
- (vi) Ministry of Environment and Natural Resources;
- (vii) Ministry for Local Government and Chieftaincy Affairs;
- (viii) Surveyor-General;
- (d) a representative of Kaduna Chamber of Commerce, Industry, Mines and Agriculture (KADCCIMA).
- (e) the Director-General of the Service.

(2) All members shall be part-time members to be appointed by the Governor.

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| 6. | Members shall hold office for a period of four years renewable for a further period of four years. | Tenure |
| 7. | The quorum at a meeting of the Board shall be simple majority of the members of the Board. | Quorum |
| 8. | Every meeting of the Board shall be presided over by the Chairman and if the Chairman is unable to attend a particular meeting, the Members present at the meeting shall select one of their Members to preside at the meeting. | Meeting of the Board |
| 9. | Where upon any specific issue or occasion, the Board desires to obtain the advice of any person on any particular matter, the Board may co-opt that person to be a member and that person while so co-opted shall have all the rights and privileges of a member, except that he shall not be entitled to vote or count towards a quorum. | Power to Co-opt |

10. (1) The Board may appoint such number of standing or ad-hoc committees as it thinks fit to consider and report on any matter with which the Service is concerned.
- (2) Every committee appointed under sub-section (1) of this Section, shall be presided over by a member of the Board and shall be made up of a number of persons, not necessarily members of the Board as the Board may determine in each case.
- (3) The validity of any proceedings of the Board or a committee thereof, shall not be adversely affected by;
- (a) any vacancy in the membership of the Board; or
- (b) reason that a person not entitled to do so, took part in the proceedings.

11. (1) The fixing of the Seal of the Service shall be authenticated by the signature of the Director General or such other member authorised generally or specifically by the Board.
- (2) Any contract or instrument, which if made by a person not being a body corporate, would not be required to be made under seal, may be made or executed on behalf of the Service by the Director General or by any other person generally or specially authorised by the Board.
- (3) Any document purporting to be a contract, instrument or other document signed or sealed on behalf of the Service shall be received in evidence and, unless the contrary is provided, be presumed, without further proof to have been so signed or sealed.

12. Any Member of the Board or a Committee thereof, who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Board or Committee, shall forthwith disclose his interest to the Board or Committee and shall not Vote on any question relating to the contract or arrangement.

13. (a) Any Member may resign his appointment at any time by notice in writing under his hand addressed to the Governor.

- (b) If a Member dies or resigns or otherwise vacates his office before the expiration of the term for which he is appointed, the Governor shall appoint a fit and proper person for the remainder of the term of office, and the successor shall represent same interest.

14. There shall be paid to every Member, such emoluments, allowances and benefits as the Governor, from time to time, may determine.

Remuneration

15. (1) The Service shall have the responsibility for management of land matters in the State including all issues relating to title, registration, searches and such other responsibilities.

Functions and Powers of the Service

(2) In discharging its responsibility under (1) above, the Service shall undertake the following duties:

- (a) introduce, implement and sustain best practices for land ownership and title certification in the State;
- (b) receive, conduct due diligence on, and verify applications for issuance of Certificates of Occupancy for land or the grant of other rights over land or subsequent transactions in land within the State;
- (c) develop and maintain a database of all land within the affected areas particularly with respect to title history, location, size, use and other related issues;
- (d) permit access to existing data on land for the purpose of conducting title searches for members of public at a fee to be prescribed from time to time by the Service;
- (e) undertake all such other activities as are required for the efficient management and administration of land in the State;
- (f) conform to national standard concerning geospatial data;

- (g) approve and register Land Vendors; and
- (h) undertake such other activities as are required for the efficient management and administration of land matters in the State.

(3) To develop and maintain a geographic information system or such appropriate system and structures in the State research and land management.

16. (a) acquire, provide, deploy and manage software and hardware for storing, assembling, manipulating and displaying geographically referenced material;
- (b) establish a central geographic information clearing house to maintain map inventories, information on and planned geographic and spatial systems applications, information on available for the acquisition or enhancement geographic information resources;
- (c) plan, establish and manage a directory of geographic information and the resources available within the State.
- (d) coordinate geographic information system projects, including overseeing the development and maintenance of base maps and geographic information systems throughout the State;
- (e) provide consultancy services and technical assistance, education and training on the application use of geographic information technologies;
- (f) maintain, update, and interpret geographic information and geographic information systems standards;
- (g) provide geographic information services, as requested, to persons wishing to augment their geographic information systems capacities upon payment of the prescribed fees;
- (h) in cooperation with other relevant agencies of government, evaluate, participate in pilot studies, make

Objectives

recommendations on geographic systems hardware and software;

- (i) provide staff support and technical assistance to all levels of Government on geographical information system and policies;
- (j) coordinate and provide overview of geographic information systems activities throughout the State;
- (k) review and submit to the Governor for approval, all proposed geographic information systems projects in the State;
- (l) pursue funding strategies to continually develop and maintain up-to-date geographic information systems solutions for the entire State;
- (m) provide technical support to assist other agencies of the government or other persons who wish to incorporate geographic information systems capabilities in their activities and systems; and
- (n) undertake all other steps and initiatives as are required for the proper administration of this Law throughout the State.

17. The Governing Board shall have the power to:

Powers of the Board

- (1) do all things which by this Law or any other enactment or administrative directive are required or permitted to be done by the Board;
- (2) delegate its powers to any Member or Official and authorize any such Member or Official to perform any of its functions, subject to any limitation imposed by law.
- (3) from time to time, borrow by way of overdraft or otherwise, such sums as it may require for the effective discharge of its functions under this Law.
- (4) appoint, promote and discipline the Staff of the Service as may appear to it necessary or expedient;

(5) consider the resignation or withdrawal of appointment of staff of the Service.

(6) The Governing Board shall be responsible for the periodic review of KADGIS policies and strategy for the attainment of an efficient enterprise geospatial data, infrastructure and land administrative system in the State and provide advice and general guidance to the Director General.

18. The Service may accept any gift, grant or donation of land, money or other property from any person upon such terms and conditions acceptable to the Service.

Gifts and Donations to the Service

19. (1) For the purpose of carrying out the functions conferred on the Service under this Law, the Director-General, or any employee of the Service duly authorized in that behalf:

Right of access to information

(a) shall have a right of access to all relevant geographic information records of any person in the State.

(b) may, by notice in writing, served on any person require such person to furnish or cause to be furnished geographic information or other similar information held by or available to such persons, on such matters as may be specified in the notice.

(2) it shall be the duty of any person required to furnish information pursuant to subsection (1) of this section to comply with the notice within the period specified in the notice or where no period is specified, within a reasonable period.

20. (1) The Governor shall appoint a Director-General as the Chief Executive and Accounting Officer of the Service.

Director-General

(2) The Director-General shall hold office for a term of 4 years and may be renewed for another term.

(3) The Director-General shall be a person with relevant qualifications and cognate experience in land administration, geographic information system or information technology.

- (4) The Director-General shall be responsible for the day-to-day administration of the Service subject to the supervision and control of the Board.
- (5) The Director-General shall be paid such remuneration as may be specified in his letter of appointment.
21. The Board shall appoint a Legal Adviser who shall be a legal practitioner of not less than ten years post-call qualification with cognate experience in land administration. The Legal Adviser
22. (1) The Service may subject to the approval of the Board from time to time appoint such other employees as it may deem necessary, to enable it effectively perform its functions under this Law. Staff of the Service
- (2) The Board may specifically delegate to the Director-General, the power to appoint such categories of staff of the Service as the Board may from time to time specify.
- (3) The staff of the Service shall be Public Servants in the service of Kaduna State.
- (4) The Service may engage such Consultants and Advisers in such areas where they have technical deficiency.
23. (1) The Service may make staff regulations relating generally to the conditions of service of its employees. Staff Regulations
- (2) Pending the publication of the regulations described in subsection (1) of this section; the employment of the Staff of the Service shall be governed by the terms and conditions generally applicable to Officers in the Civil Service of the State.
- (3) Staff Regulations issued by the Service under Subsection (1) of this section shall not have effect until approved by the Board and published in the Gazette.
24. (1) The Service shall establish and maintain a fund which shall consist of: Fund of the Service

- (a) the initial take-off grant as appropriated by the State House of Assembly;
- (b) such sums as may be appropriated by the State House of Assembly by way of annual subvention;
- (c) fees and other charges received by the Service pursuant to this Law;
- (d) all other sums accruing to the Service by way of grants, gifts, testamentary dispositions, endowments, bequests and donations made to the Service;
- (e) income from any investment or other property acquired by or vested in the Service; and
- (f) such other sums as may accrue from time to time to the Service.

(2) The Fund shall be managed in accordance with financial regulations.

25. (1) The Service shall, not later than 30th September in each year, submit to the Governor an estimate of its expenditure and income (including estimates of expected payments into the Fund) during the next succeeding year.

Annual Estimate and accounts

(2) The Service shall keep proper accounts in a form which conforms to accepted accounting standards, and proper records in relation thereto and the accounts shall be audited as provided in subsection (3) of this section.

(3) The accounts of the Service shall be audited at the end of each calendar year by auditors appointed by the Auditor-General of the State in accordance with the Financial Regulations and the fees of the auditors and the expenses for the audit generally shall be paid from the Fund.

26. The Service shall, not later than 30th June in each year, submit to the Governor, a report on the activities of the Service and its

Annual Reports

administration during the immediate preceding year and shall include in the report the audited accounts of the Service.

Regulations

27. (1) The Service may by order published in the Gazette make regulations for the effective operation of this Law and the due administration thereof.
- (2) The Service shall have power to review charges for services rendered from time to time which shall be published in the Gazette.

28. Any person who:

Offences

- (a) obstructs the Service or any authorised officer of the Service in the exercise of any of the powers conferred on it by this Law, or
- (b) fails to comply with any lawful enquiry or requirements made by an authorised officer in accordance with the provisions of this Law

Commits an offence and shall be liable upon conviction to a fine not exceeding One Hundred Thousand Naira (₦100,000.00) or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

29. No suit shall be commenced against the Service before the expiration of a period of 30 days after written notice of intention to commence the suit shall have been served upon it by the intending plaintiff or his agent and the notice shall clearly and explicitly state:

Legal Proceedings

- (a) the cause of action;
- (b) the particulars of claim; and
- (c) the relief which he claims.

30. No Member or staff of the Agency shall be sued in his personal capacity for any act done or omitted to be done in the lawful performance of his duties under this Law.

Indemnity

DATED AT KADUNA this 22nd day of December 2015.



Malam Nasir Ahmad el-Rufa'i
Governor, Kaduna State.

EXPLANATORY NOTE

(This note does not form part of this Law and has no legal effect)

The purpose of this Law is to establish the Kaduna Geographic Information Service to replace the defunct Ministry of Lands, Surveys and Country Planning with the object of computerising all land records and information throughout Kaduna State.

This printed impression has been carefully compared with the Bill which has passed the Kaduna State House of Assembly and found to be true and correctly printed copy of the said Bill.



HON. AMINU ABDULLAHI SHAGALI
(Speaker)



BARR. UMMA ALIYU HIKIMA
(Clerk to the Legislature)