

Law No. 15



2018

Kaduna State of Nigeria

**A LAW TO SUBSTITUTE THE KADUNA GEOGRAPHIC
INFORMATION SERVICE LAW NO. 15 OF 2015**

[28th February, 2018]

Date of
Commencement.

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

**PART I
PRELIMINARY**

1. This Law may be cited as the Kaduna Geographic Information
Service (KADGIS) Law, 2018. Short Title.

2. This Law shall come into operation on the 28th day of February,
2018. 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 (foreign or domestic);

“Service” or “KADGIS” means the Kaduna Geographic
Information Service established under Section 4 of this Law;

“State” means Kaduna State of Nigeria; and

“The Fund” means the Fund established for the Service pursuant to section 27, hereof.

PART II
ESTABLISHMENT, FUNCTIONS AND POWERS
OF THE SERVICE

Establishment
of the Service.

4. (1) There is established, a Service to be known as Kaduna Geographic Information Service (hereafter 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 property moveable or immovable;
- (c) grant changes on any immovable property or interest in immovable property.

(3) The Service shall be a parastatal in the office of the Governor.

Functions of
the Service.

5. (1) The Service shall have the responsibility for administration and management of land matters in the State including all issues relating to title, registration, searches and such other responsibilities as may be determined by the Governor.

(2) The Service shall undertake the following duties:

- (a) ensure that efficient and reliable services and secured products are made available to all stakeholders and to advance good governance and transparency of land management in the State;
- (b) introduce, implement and sustain best practices for land ownership and title certification in the State;
- (c) receive, conduct due diligence on, and verify applications for issuance of Rights of Occupancy for land or the grant of other rights over land or subsequent transactions in lands within the State;

- (d) develop and maintain a database of all land within the State particularly with respect to title history, location, size, use and other related issues;
 - (e) permit access to existing data on land for the purpose of conducting title searches for members of the public at a fee to be prescribed from time to time by the Service;
 - (f) ensure conformity with the National Standard concerning geospatial data; and
 - (g) undertake such other activities as may be required for the efficient management and administration of land matters in the State.
- (3) To develop and maintain a geospatial information system or such appropriate system and structures in the State for research and land management.

6. The Service shall subject to the approval of the Governor have the following powers:

Power of the Service.

- (a) acquire, provide, deploy and manage software and hardware for storing, assembling, manipulating and displaying geospatial reference material;
- (b) establish a central geospatial information clearing house and set standards in relation to the quality and format of geospatial information;
- (c) plan, establish and manage a directory of geospatial information and the resources available within the State.
- (d) coordinate geospatial information system projects, including overseeing the development and maintenance of base maps and geospatial information systems throughout the State.
- (e) provide consultancy services and technical assistance, education and training on the application and use of geospatial information technologies;

- (f) maintain, update, and interpret geographic information and geospatial information systems standards;
- (g) provide geospatial information services, as requested, to persons wishing to augment their geospatial information systems capacities upon payment of the prescribed fees;
- (h) in cooperation with other relevant agencies of government, evaluate, participate in pilot studies, make recommendations on geospatial information systems hardware and software;
- (i) provide staff support and technical assistance to all levels of Government on geospatial information system and policies;
- (j) coordinate and provide overview of geospatial information systems activities throughout the State;
- (k) review and submit to the Governor for approval, all proposed geospatial information systems projects in the State;
- (l) pursue funding strategies to continually develop and maintain up-to-date geospatial 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 geospatial information systems capabilities in their activities and systems;
- (n) to charge such fees as are appropriate for its services; and
- (o) undertake all other steps and initiatives as are required for the proper administration of this Law throughout the State.

**PART III
GOVERNING BOARD OF THE SERVICE**

7. (1) There is established for the Service a Governing Board whose members shall be appointed by the Governor and shall consist of:

Establishment and Composition of the Governing Board.

- (a) A Chairman with cognate experience in the Public or Private Sector;
- (b) three Members, one each from the three Senatorial Districts in the State at least one of whom shall be a woman;
- (c) One representative not below the rank of a Director from Ministries responsible for:
 - (i) Finance;
 - (ii) Justice;
 - (iii) Environment;
 - (iv) Local Government ;
 - (v) Agriculture.
- (d) a representative of the Kaduna State Internal Revenue Service not below the rank of a Director;
- (e) a representative of Kaduna Chamber of Commerce, Industry, Mines & Agriculture (KADCCIMA);
- (f) the Director-General of the Service;
- (g) the Legal Adviser of the Service;

(2) All members shall be part-time members except the Director-General and Legal Adviser.

8. The Governing Board shall have 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 power to any Member or Official and authorize any such Member or Official to perform any of its functions of the Service, 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) periodically review KADGIS policies and strategies for the attainment of an efficient geospatial data, infrastructure and land administrative system in the State and provide direction and general guidance to the Director General.

Directives by
the Governor.

9. Subject to the provisions of this law, the Governor may give to the Service and Governing Board such directives of a general or specific nature relating to particular functions and it shall be the duty of the Service and the Governing Board to comply with such directives.

Departments.

10. Subject to the approval of the Governor, the Service shall comprise of such number of departments as may be required to exercise its powers and discharge its duties and functions under this Law.

Tenure of
Office of
Members.

11. Members shall hold office for a period of four years renewable for a further period of four years.

Cessation from
Office.

12. The office of a Member shall become vacant if:

- (a) his tenure of office elapse;
- (b) he resigns by notice in writing to the Governor;
- (c) he dies;
- (d) he is removed from office by the Governor on public interest.

Removal from
Office.

13. (1) A Member may at any time be removed from office by the Governor on the occurrence of any of the following if:

- (a) he becomes bankrupt;
- (b) he is convicted for a felony or any offence involving dishonesty or fraud;
- (c) he becomes of unsound mind or is incapable of carrying out his duties;
- (d) he is guilty of serious misconduct in relation to his duties;
- (e) in the case of a person possessed of professional qualification, he is disqualified from practising his profession;
- (f) in the opinion of the Governor, it is in the interest of the Service that the Member be relieved of his membership.

(2) Where an office becomes vacant, 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 of the Board such remunerations, allowances and benefits as may be determined by the Governor. Remuneration of members of the Board.

15. (a) The Board shall meet quarterly or as may be considered expedient for the effective discharge of its functions. Meeting of the Board.

(b) The Chairman shall preside over the meetings of the Board and where the Chairman is unable to attend a particular meeting, the Members present at the meeting shall select one of their Members to preside.

16. (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. Ad-hoc Committees.

(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.

Power to
co-opt.

17. Whenever in the opinion of the Board it is expedient or desirable to obtain the service or advice of any person on any matter under consideration by the Board, the Board may co-opt such person at such meeting of the Board as may be requested and such person shall have the right and privileges of a Member. Save that he shall not be entitled to vote on any question or be counted towards a quorum.

Validity of
Proceedings.

18. 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) any reason that a person not entitled to do so, took part in the proceedings.

Quorum.

19. The quorum at a meeting of the Board shall be a simple majority of the Members.

Disclosure of
Interest by
Members of
the Board.

20. (1) A member of the Board who is in any way directly or indirectly interested in a transaction or project of the Service shall disclose the nature of his interest at a meeting of the Board, and such disclosure shall be recorded in the minutes book of the Service, and the member shall not take part in any deliberation or decision of the Board with respect to that transaction or project.

(2) For the purpose of subsection (1) of this section, a general notice given at a meeting of the Board by a member to the effect that he is associated with any trade or business or he is a member of a specified company or firm and is to be regarded as interested in any transaction or project of the Service concerning that trade, business, company or firm shall be regarded as sufficient disclosure of his interest in relation to that transaction or project.

(3) A member of the Board may not attend in person a meeting of the Board in order to make a disclosure which he is required to make under this Section if he takes reasonable steps to ensure that the disclosure is made by a notice which is brought up and read at the meeting.

21. (a) All questions at a meeting of the Board shall be determined by a majority of votes of members present. Voting.

(b) At any meeting of the Board, each Member shall have a vote and if there is equality of votes, the presiding Chairman shall have a second or casting vote.

PART IV MANAGEMENT AND STAFF OF THE SERVICE

22. (1) The Governor shall appoint a Director-General as the Chief Executive and Accounting Officer of the Service, who shall be responsible for the day-to-day administration of the Service. Director-General.

(2) The Director-General shall hold office for a term of five (5) years and may be renewed for another term only.

(3) The Director-General shall be a person with not less than 10 years cognate experience in geospatial information systems, information technology or land administration.

(4) The Director-General shall be paid such remuneration and allowances as may be determined by the Governor.

23. (1) Without limits to the generality of the foregoing, the Director-General shall perform and exercise the powers and all the functions of the Commissioner responsible for land matters in the Land Use Act and the following: Functions of the Director-General.

- (a) annually prepare the draft business plan of the Service for the ensuing financial year and submit the plan to the Board for approval;
- (b) submit within three (3) months of his appointment the draft organizational plan of the Service, inclusive of key performance indicators for each division, to the Board for approval;
- (c) recommend to the Board a Scheme containing the proposed personnel requirement, remuneration of the personnel of the Service and their conditions of service based on the approved organizational plan;

- ~~(d)~~ (d) recruit and appoint the personnel needed in accordance with the terms of the Scheme submitted and approved in line with the provisions of paragraphs (c) and (d);
- (e) attend meetings of the Board and keep the Board informed on a regular basis of the performance of the Service;
- (f) ensure compliance with measures approved by the Board with respect to good governance.

(2) In preparing the organizational plan of the Service, the Director-General shall ensure that the Service is structured into divisions, departments or sections to comprehensively cover all its functions following sound organizational practice.

Secretary/
Legal Adviser.

24. (1) There shall be appointed by the Governor a Secretary/ Legal Adviser to the Board who shall be a legal practitioner with not less than fifteen (15) years post-call experience.

(2) The Legal Adviser shall be the Secretary of the Board and shall be responsible for:

- (i) the performance of the legal functions of the Service and administration of the secretariat.
- (ii) keeping the books and proper records of the proceedings of the Board.
- (iii) Conveying decisions of the Board to its members.

Staff of the
Service.

25. (1) The Board may subject to the approval of the Governor from time to time appoint such other employees as it may deem necessary, to enable it effectively perform its functions under this Law.

(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 shall grant pension and gratuities in accordance with the Pension Law of the State.

(5) The Service may engage such Consultants and Advisers in such areas where they have technical deficiency.

26. (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 Public 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.

PART V FINANCIAL PROVISIONS

27. (1) The Service shall establish and maintain a fund which shall consist of: Fund of the Service.

- (a) such sums as may be appropriated by the State House of Assembly by way of annual Subvention;
- (b) all other sums accruing to the Service by way of grants, gifts, testamentary dispositions, endowments, bequests and donations made to the Service;
- (c) income from any investment or other property acquired by or vested in the Service; and
- (d) a percentage as stipulated by the Governor and appropriated by the State House of Assembly of not more than five percent (5%) of all related revenues collected in the preceding financial year, which sum shall be deployed to pay part or all the capital and recurrent expenditures of the Service;

(e) such other sums as may accrue from time to time to the Service.

Annual Estimates and Accounts.

28. (1) The Service shall, not later than 30th June 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.

(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.

Annual Report.

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

PART VI GENERAL PROVISIONS

Gifts and Donations to the Service.

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

Right of Access to Information.

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

(a) shall have a right of access to all relevant geospatial records, data and information 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 geospatial

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.

32. (1) The Service may subject to the approval of the Governor by an Order published in the Gazette make regulations for the effective operation of this Law and the due administration thereof. Regulations.

(2) The Service shall have power to review charges for services rendered from time to time which shall be published in the Gazette.

33. Any person who: Offences.

- (a) interferes with the Service or obstructs 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 of not less than One Hundred Thousand Naira (₦100,000.00) or imprisonment for a term not less than six months or to both such fine and imprisonment.

34. 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.

35. (1) The fixing of the Seal of the Service shall be authenticated by the Signature of the Director-General and the Legal Adviser or such other member authorised generally or specifically by the Board. Common Seal.

(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.

Indemnity.

36. No Member or staff of the Service 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.

Savings.

37. (1) The rights, interests, obligations, assets and liabilities of the Kaduna Geographic Information Service before the commencement of this Law under any contract or instrument are hereby vested in the Service.

Repeal.

(2) The Kaduna State Geographic Information Service Law No. 15 of 2015, is hereby repealed.

DATED AT KADUNA this 28th day of February, 2018.

MALAM NASIR AHMAD EL-RUFA'I, OFR
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)

BELLO ZUBAIRU IDRIS Esq.
(Clerk to the Legislature)