

BAUCHI STATE OF NIGERIA
A LAW TO REPEAL THE BAUCHI STATE GEOGRAPHIC INFORMATION
SYSTEM AGENCY LAW (2015) AND TO ENACT THE BAUCHI STATE
GEOGRAPHIC INFORMATION SERVICE LAW AND MATTERS
CONNECTED THEREWITH:

ENACTED BY THE BAUCHI STATE HOUSE OF ASSEMBLY AS FOLLOWS:

PART I –ESTABLISHMENT OF THE SERVICE, MEMBERSHIP, ETC.

1. (1) There is hereby established, *a service* to be known as *Geographic Information Service in this Law referred to as "the Service"*. (BAGIS) to exercise the functions and powers, and pursue the objectives assigned to it by this law.

(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, acquire and dispose of any property or interest in property, moveable or immovable.
 - (c) *The Service shall be a parastatal in the office of the Governor.*
2. (a) The Governor may delegate to the Director General of the service the powers conferred on him by the Land Use Act, to sign certificate of occupancy, subject to such terms and conditions as the Governor may specify.

(b) Where the power to sign Certificate of Occupancy has been delegated to the Director General, such certificate shall be expressed to be granted for and on behalf of the Governor of the state.
3. (I) There is established for the *Service*, a Governing Board which shall consist of:

- (a) *"A Chairman with cognate experience in Public Service on 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.
- (c) Representatives of the following not below the rank of a Director:
- (i) Ministry of Finance;
 - (ii) Bauchi State Urban Development Board;
 - (iii) Bauchi State Environmental Protection Agency (BASEPA);
 - (iv) Ministry of Justice;
 - (v) Board of Internal Revenue Service;
 - (vi) Ministry of Environment and Solid Minerals;
 - (vii) Ministry for Local Government and Chieftaincy Affairs;
 - (viii) Surveyor-General;
- (d) A representative of Bauchi State Chamber of Commerce and Industry.
- (2) All Members other than the Director-General shall be part-time members, to be appointed by the Governor.
- (3) The **Director General** and Members shall hold office for a period of four years renewable once for a further period of four years only, provided however that:
- (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 of that Member, and the successor shall represent the same interest as that Member.
 - (c) A Member may be removed from office by the **Governor** if he is satisfied that it is not in the interest of the Agency or the interest of the public that the Member should continue in office.
- (4) *"There shall be paid to every Member, other than an ex-officio Member such emoluments, allowances and benefits as the Governor may, from time to time, determine".*
- (5) The provisions of the First Schedule to this law shall have effect with respect to the proceedings of the Agency and other matters mentioned therein.

Part II - Functions and Powers

- 4
- (1) The Service shall have the responsibility for management of Land matters in the State including all issues relating to title approvals, Land allocations, registration, searches and such other responsibilities.
 - (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/recertification 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; in accordance with the Land Use Act

- (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 Estate agents operating in the state**
 - (h) Undertake such other activities as are required for the efficient management and administration of land matters in the State.
- (3) The Service shall have the power to develop and maintain a *geographic information system or such other appropriate system and structures in the Bauchi State for research, land management and development planning and control.*
- (4) In discharging its responsibilities pursuant to **Sub-Section (3)** of this section, the service may pursue all or any of the following objectives;
- (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 available for the acquisition or enhancement of 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 system services, as requested, to persons wishing to augment their geographic information systems capabilities **upon payment of the prescribed fees;**
- (h) In cooperation with other relevant agencies of government, evaluate, participate in pilot studies, and make recommendations on geographic information systems hardware and software;
- (i) Assist with review of service information resource plans and participate in special studies as are requested or delegated by the Governor;;
- (j) Provide staff support and technical assistance to all levels of Government on geographical information system and policies;
- (k) Provide cost effective and efficient means of assembling and distributing relevant information among interested persons;
- (l) Coordinate and provide overview of geographic information systems activities within the State;
- (m) Review and submit to the Governor for approval, all proposed, geographic information systems projects within the State;
- (n) Pursue funding strategies to continually develop and maintain up-to-date geographic information systems solutions for the State;
- (o) Advise the Governor in respect of trends, developments and solutions in geographic information systems;

- (p) Provide technical support to assist other agencies of the State or other persons within the State who wish to incorporate geographic information systems capabilities in their activities and systems; and
- (q) Undertake all other steps and initiatives as are required for the proper administration of this law.

5-(1) The Governing Board shall have the power to:

- (a) Do all things which by this law or any other enactment or administrative directive are required or permitted to be done by the board;
 - (b) Monitor any matter that may affect the functions of the service; and
 - (c) Do such other things as are necessary or expedient for the full discharge of its functions under this law.
- (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 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.
 - (7). The Governing Board shall be responsible for the periodic review of BAGIS policies and strategies 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.

6 (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:

(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 **Sub-Section (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.

Part III - Departments of the Agency

8. (1) "Subject to **Sub-Section (2)** of this section the Agency shall comprise the following Department:

- a. Geo-Information (Urban and Regional Planning);
- b. **Bureau For Land & Survey;**
- c. Information and Communication Technology (ICT);
- d. Administration and Accounts; and
- e. Planning, Research and **Statistics.**

(2) For the effective conduct of the functions of the service, the Director General may issue regulations prescribing additional departments for the service or altering the departments listed in **Sub-Section (1)** of this section in any manner whatsoever.

(3) Notwithstanding the provisions of **Sub-Section (2)** of this section, the service shall have power to set up any technical committees to assist in the performance of its duties and functions under this law.

9(l) The Governor Shall appoint a Director General as the Chief Executive and Accounting officer of the Service;

(2) The Director-General shall hold office for the term specified in Sub-Section (3) of Section 3 of this law provided that the said term may be renewed for another term or more as the Governor deems it fit.

(3) The Director-General shall be a person with proven integrity; 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 and shall be subject to the supervision and control of the Board".*

(5) The Director-General shall hold office on such terms as to emoluments and otherwise as may be specified in his letter of appointment.

10 (1). 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 and shall also be Secretary of the Service.

(2) The Secretary to the Board shall:

- a. Issue notices of meetings of the Board;
- b. Keep the records of proceedings of the Board; and
- c. Carryout such duties as the Chairman
Or the Board may from time to time, direct".

11(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.

(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 appointed under **Sub-Section (1)** of this section shall be appointed upon such terms and conditions of service, as the service may deem necessary to enable it, perform its functions under this law.

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

(5) The Service may, in consultation with the Head of Civil Service of the State have the Power to:

(a) Promote and control the staff of the Service as may appear to the service necessary or expedient; and

(b) Dismiss, terminate, consider the resignation or withdrawal of appointment and exercise disciplinary control over the staff of the service other than the Director-General.

(6) The staff of the Agency shall be public servants in the service of Bauchi State, as defined in the Civil Service Commission law.

12(1) The service may, subject to the provisions of this law and in consultation with Bauchi State Civil Service Commission, make staff regulations relating generally to the conditions of service of its employees and without prejudice to the generality of the foregoing, such regulations may provide for:

(a) The appointment, promotion and disciplinary control (including dismissal) of the employees of the service; and

(b) Appeals by employees against dismissal on other disciplinary measures.

(2) Pending the release of the regulations described in **Sub-Section (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 Bauchi State.

(3) Staff regulations issued by the service under **Sub-Section (1)** of this section shall not have effect until approved by the Board and published in the Gazette.

Part IV - Financial Provisions

13(l) the service shall establish and maintain a fund ("***the Fund***") which shall consist of:

- (a) The initial take-off grant from the Bauchi State government;
- (b) The initial take-off grant as appropriated by the State House of Assembly;
- (c) Fees and other charges received by the service pursuant to this law;
- (d) Subject to **Sub-Section 3** of this section, 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 sum as may accrue from time to time to the Service

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

- (a) Specifying the manner in which the assets of the Fund are to be held;
- (b) Regulating payments into the Fund and the matters to which the assets of the Fund may be applied; and
- (c) Required to keep proper accounts records for the purpose of the Fund in such form as may be prescribed.

(3) 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), if any, as may be specified by the person making the gift or donation.

(4) The Service shall not accept any gift or donation if the conditions attached thereto by the person making the gift or donation are inconsistent with the functions of the Service.

14(l) 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.

- (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 **sub-Section (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.
15. 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 V: Regulations and Supplementary Provisions

16. (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.
17. **Any person who:**
- (a) Obstructs the Service or any authorized 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 authorized 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.
- 18 (1) No suit shall be commenced against the Service before the expiration of a period of one month after written notice of intention to commence the

suit shall have been served upon the Service by the intending plaintiff or his agent and the notice shall clearly and explicitly state:

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

(2) The notice referred to in **Sub-Section (1)** of this section and any summons, notice or other documents required or authorized to be served upon the Service in connection with any suit by or against the Service shall be served by delivery of same to the Director-General.

19. Every Member, agent or staff of the Service shall be indemnified out of the assets of the Service against any liability incurred by him in defending any proceedings, whether civil or criminal, in which judgment is given in his favour or in which he is acquitted if any such proceeding is brought against him in his capacity as such Member, agent or staff as aforesaid.

20. (1) From the commencement of this Law, a person or body corporate who operates as Land Vendor or Estate Agent in Bauchi State shall register and obtain an Registration Permit from the Bauchi State Geographic Information Service (*"in this Law referred to as the BAGIS"*).

(2) Application for a grant of Registration Permit under this Law shall be made to the Director-General of the Service in a prescribed form and signed by the person making the application.

(3) The Director-General of the service in granting any Registration Permit under this Law may attach to it such conditions governing the tenure of the operation permit and any other conditions as he deems fit in the interest of the public.

(4) Vendor or Estate Agent who contravenes the provisions of this Section is guilty of an offence and liable on conviction to a fine of Two Hundred Thousand Naira (N 200,000:00) only or to imprisonment for a term not less

than two years (2) or both and shall have his certificate, permit or license revoked or cancelled.

21. **In this law, unless the context otherwise requires:**

- "Service "** means the Bauchi State Geographic Information Service under section 1 of this law;
- 'State'** Means Bauchi State of Nigeria
- "Board"** means the Governing Board of the Service;
- "Director-General"** means the Director-General of the Service;
- "State"** means the Bauchi State Government;
- "Financial Guidelines"** means the guidelines issued from time to time for the accounting and financial reporting functions of the Bauchi State by the Auditor General of the State or the Department of Audit in the Bauchi State;
- "The Fund"** means the fund established for the Service pursuant to section 12;
- "Member"** means member of the Governing Board of the Service including the chairman;
- "Person"** includes any individual, partnership, firm, company, corporation (statutory or otherwise), joint venture, trust, association, organization or other entity, in each case whether or not having separate legal personality;
- "Prescribe"** means prescribe by regulations.
- "Land Vendor"** means persons or Body corporate who are involved or engaged in land dealership, sells speculation, brokering or

facilitating the alienation of land for a fee between vendors and purchasers whether as individual or corporate persons

"Housing"

means buildings use as residential, commercial, warehouses or offices

"Property"

means any infrastructural facility, land, House, Office Warehouse whether fully developed or in the processes of development.

"Estate Agent"

Means real estate broker or real estate salesperson or agent who acts as an intermediary between sellers and buyers of real estate/real property.

22. **Repeal & Savings**

(1) The Bauchi State Geographic Information System Law, 2015 is repealed

(2) Without prejudice to Section 6 of the Interpretation Act, the repeal of the enactment specified in **Sub-Section (1)** of this Section shall not affect anything done under or pursuant to that enactment.

(3) Any proceedings or cause of action pending or existing immediately before the commencement of this Law in respect of any right, interest or obligation may be continued or as the case may be, commenced and any determination of a Court of Law or other authority or person may be enforced accordingly.

23.

This law may be cited as the 'Bauchi Geographic Information Service' (BAGIS) Law, 2018.

FIRST SCHEDULE

Section 3 (5)

SUPPLEMENTARY PROVISIONS RELATING TO THE SERVICE

Proceedings of the Service

1. Subject to this law and **Section 27** of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the Chairman to have a second or casting vote), the Board may make standing orders regulating the proceedings of the Agency and any committee thereof.
2. If at any time, the office of the Chairman is vacant or the Chairman is in the opinion of the Board permanently or temporarily unable to perform the function of his office, the Board may appoint one of its members to perform such functions for the period of the vacancy in the office of the Chairman and references in this schedule to the Chairman shall be construed accordingly.
3. 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 elect one of their Members to preside at the meeting.
4. The quorum at a meeting of the Board shall consist of a Chairman (or in the appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule) and three other members.
5. 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 for as many meetings as may be necessary, 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.

Committees

- 6(1) Subject to its standing orders, the Board may appoint such number of standing 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 the provisions of subparagraph (1) of this paragraph, 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.
7. The decision of the Committee shall have no effect until it is confirmed by the Board.

Miscellaneous

8. The fixing of the seal of the Agency shall be authenticated by the signature of the Chairman and of the Executive Secretary of the Board or such other member authorized generally or specifically by the Board to act for that purpose.
9. 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 Agency by the executive secretary or by any other person generally or specifically authorized by the Board to act for that purpose.
10. Any document purporting to be a contract, instrument or other document signed or sealed on behalf of the Agency shall be received in evidence and, unless the contrary is proved, be presumed, without further proof to have been so signed or sealed.
11. 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 defect in the appointment of a Member of the Board or committee; or
 - (c) Reason that a person not entitled to do so, took part in the proceedings.
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.

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 Bauchi Geographic Information Service to replace the defunct Ministry of Lands, with the object of computerizing all land records and information throughout Bauchi State.

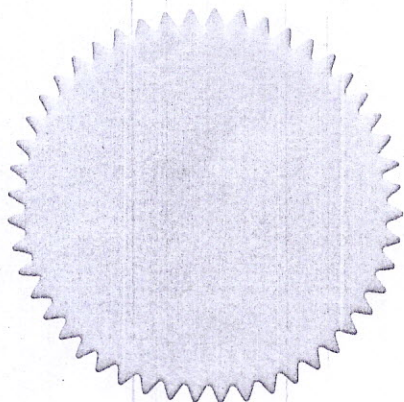
This printed impression has been carefully compared with the Bill, which has passed the Bauchi State House of Assembly and found to be true and correctly printed copy of the said Bill.

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



(ABDULKADIR BAPPA JA'AFAR)
CLERK OF THE HOUSE

Assented to this 12th day of February 2019.



(MOHAMMED ABDULLAHI ABUBAKAR Esq.)
GOVERNOR BAUCHI STATE