

# FEDERAL SCHOOL OF SURVEYING ACT

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## SCHEDULE

### FEDERAL SCHOOL OF SURVEYING ACT

**An Act to establish the Federal School of Surveying to provide courses of instruction and training in surveying, cartography, photograph, lithography, hydrography and other related courses and to make provisions for related matters.**

[1990 No. 19.]

[25th June, 1990]

[Commencement.]

## PART I

### *Establishment of the Federal School of Surveying, etc.*

#### 1. **Establishment of the Federal School of Surveying**

(1) There is hereby established a school to be known as the Federal School of Surveying (in this Act referred to as the "School").

(2) The School shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

#### 2. **Establishment and Composition of the Council of the School**

(1) There is hereby established for the School a governing body which shall be known as the Council of the Federal School of Surveying (in this Act referred to as "the Council").

(2) The Council shall consist of-

(a) the Surveyor-General of the Federation who shall be the chairman;

(b) one person to represent the Federal Survey Department;

(c) one person to represent the Ministry of Finance;

(d) one person to represent the National Planning Commission;

(e) one person to represent the Ministry of Education;

(f) one person to represent the Ministry of Works and Housing;

(g) two persons including the Surveyor-General of the Oyo State to represent the Surveyors-General of the States of the Federation;

(h) one person to represent the Armed Forces of the Federation;

- (i) one person to represent the Nigerian Institute of Surveyors;
- (j) one person to represent the interest of other bodies engaged in the practice of surveying and mapping in Nigeria; and
- (k) the Rector of the School.

(3) The members of the Council other than *ex-officio* members shall be appointed by the Minister on the recommendation of the bodies they represent, if any.

(4) The provision of the Schedule to this Act shall have effect with respect to the proceedings of the Council and the other matters mentioned therein.

[Schedule.]

### 3. Tenure of office

(1) A member of the Council, other than an *ex-officio* member, may, by notice addressed to the Council, resign his appointment.

(2) The Minister may, in writing, remove any member of the Council, if he is satisfied that it is not in the interest of the School that the member concerned should continue in office.

(3) A person who ceases to hold office as a member of the Council otherwise than by removal under subsection (2) of this section, shall be eligible for re-appointment.

(4) Members of the Council who are not public officers shall be paid out of moneys at the disposal of the Council such travelling and other expenses as the Council may, from time to time, with the approval of the Minister, determine.

## PART II

### *Functions and powers*

#### 4. Functions of the School

The functions of the School shall be to-

(a) provide courses of instruction, training and research in surveying, cartography, photography, lithography, hydrography, photogrammetry, remote sensing and other related courses;

(b) produce technical, professional and such other skilled personnel, normally required for surveying and mapping duties;

(c) organise conferences, seminars, workshops and study groups relative to learning as specified in paragraph (a) of this section;

(d) provide courses of instruction in surveying, leading to approved qualification for the practice of surveying;

(e) provide specialised professional training for registration as surveyors;

(f) perform such other functions as in the opinion of the Council are necessary to promote the objectives of the School.

#### 5. Functions of the Council

(1) Subject to the provisions of this Act, the Council shall be responsible for the general management of the affairs of the School and in particular, for the control of the property and finances of the School.

(2) The Council may do anything which in its opinion is calculated to facilitate the performance of its functions under this Act.

## **6. Powers of the School**

The School shall have power to-

(a) award certificates for courses provided by it under section 4 of this Act;

(b) enter into such contracts as may be necessary or expedient for carrying into effect the provisions of this Act;

(c) acquire, hold, lease, sell, mortgage or otherwise alienate or dispose of any property, movable or immovable;

(d) invest its funds in such manner and to such extent as it may think necessary or expedient;

(e) establish and maintain a library, comprising such books, journals, records, reports and other publications and information systems as may be required for the discharge of the functions conferred on the School by this Act;

(f) accept gifts of land, money or other property upon such terms and conditions, if any, as may be specified by the person or organisation making the gift: Provided that the School shall not accept any gifts if the terms and conditions attached thereto are inconsistent with its functions under this Act.

## **7. Directives by the Minister**

The Minister may give to the School directives of a general character or relating generally to matters of policy with regard to the exercise by the School of its functions under this Act and it shall be the duty of the School to comply with such directives.

## **PART III**

### *Staff of the School*

## **8. Appointment of the Rector of the School**

(1) The Minister shall appoint for the School a Rector who shall be the chief academic and administrative officer of the School.

(2) The Rector shall be responsible for-

(a) the day-to-day administration of the School;

(b) the exercise of general authority over the employees of the School; and

(c) the discipline of the students in the School.

(3) The Rector shall hold office on such terms and conditions as may be determined by the Minister and set out in his letter of appointment.

## **9. Registrar and other staff of the School**

(1) The Council shall appoint a Registrar who shall be the secretary to the Council and attend all the meetings of the Council.

(2) If the Registrar is for any reason unable to attend a meeting of the Council, the chairman of the Council may, after consultation with the Rector, appoint a suitable person to act as secretary for that particular meeting.

(3) There shall be for the School a Deputy Rector, heads of departments and such other academic, administrative, technical and other staff as the Council may require for the efficient performance of the functions conferred on the School by this Act.

(4) The Deputy Rector, Registrar, academic and sector administrative and technical staff of the School shall be appointed by the Council on the recommendation of a committee appointed under the power vested in the Council under paragraph 3 of the Schedule to this Act to be known as the Appointments Committee.

(5) The power to appoint other categories of staff of the School shall be exercised by the Rector with the assistance of such committee as he may constitute for the purpose.

### **10. Staff regulations**

(1) The Council may, subject to the provisions of this Act, make staff regulations relating generally to the conditions of service of the staff of the School and, without prejudice to the generality of the foregoing, such regulations may provide for-

(a) the appointment, promotion and discipline (including dismissal) of employees of the School; and

(b) appeals by such employees against dismissal or other disciplinary measures,

and until such regulations are made, any instrument relating to the conditions of service of public officers in the university system shall be applicable, with such modifications as may be necessary, to employees of the School.

(2) Staff regulations made under subsection (1) of this section shall not have effect until approved by the President and when so approved, they need not be published in the *Gazette* but the Council shall cause them to be brought to the notice of all affected persons in such a manner as it may, from time to time, determine.

### **11. Pensions**

(1) Service in the School shall be approved service for the purposes of the Pensions Act.

(2) Officers and other persons employed in the School shall be entitled to pensions, gratuities and other retirement benefits as are prescribed in the Act, so however that nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefit in respect of that office.

(3) For the purposes of the application of the provisions of the Pensions Act, any power exercisable thereunder by a Minister or other authority of the Government of the Federation, other than the power to make regulations under section 23 thereof, is hereby vested in and shall be exercisable by the Council and not by any other person or authority.

## **PART IV**

### *Discipline*

### **12. Removal from office of staff of the School**

(1) If it appears to the Council that the Rector, Deputy Rector or any other member of the academic or senior administrative or technical staff of the School should be removed from office or employment on the ground of misconduct or inability to perform the func-

tions of his office, the Council shall make a recommendation to that effect to the Minister and, if the Minister approves the recommendation, the Council shall remove the person concerned from his office or employment.

(2) Nothing in subsection (1) of this section shall be construed as precluding the Council from exercising disciplinary control (other than the power of removal from office or employment) in relation to the persons to whom that subsection applies and in the operation of subsection (1) of this section, the Council shall have power at any time to suspend the person concerned from his office or employment until the decision of the Minister on the recommendation made by the Council is known.

(3) Other categories of staff shall, for the purposes of discipline, be subject to the authority of the Rector, so however that no member of such staff (except members who are daily paid) shall be removed from office without the approval of the Council and in exercise of his authority under this section, the Rector shall have power to appoint, in any case where he considers it appropriate so to do, a disciplinary panel of such number of members of the staff of the School as he may in his discretion determine for the purpose of advising him on any particular matter relating to discipline.

### **13. Discipline of students**

(1) The Council may make rules providing for the Rector to conduct enquiries into alleged breaches of discipline (including lack of diligence) by students and such rules may make different provisions for different circumstances.

(2) The rules shall provide for the procedure and rules of evidence to be followed at enquiries under this section.

(3) Subject to the provisions of subsection (1) of this section, where it is proved during the enquiry that any student of the School has been guilty of misconduct, the Rector

may, without prejudice to any other disciplinary powers conferred on him by this Act or any regulations made thereunder, direct that-

(a) the student shall not, during such period as may be specified in the direction, participate in such activities of the School or make use of such facilities of the School, as he may specify; or

(b) the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified; or

(c) the student be suspended for such period as may be specified in the direction; or

(d) the student be expelled from the School.

(4) Where there is temporarily no Rector or where the Rector refuses to apply any disciplinary measures, the Council may, either directly or through some other staff, apply such disciplinary actions as are specified in subsection (3) of this section to any student of the School who is guilty of misconduct.

(5) Where a direction is given under subsection (3) (c) or (d) of this section in respect of any student, the student may, within 21 days from the date of the letter communicating the decision to him, appeal to the Council and the Council shall, after causing such inquiry to be made in the matter as the Council considers just, either confirm or set aside the direction or modify it in such manner as the Council may think fit.

(6) The fact that an appeal from a direction is brought in pursuance of subsection (5) of this section, shall affect the operation of the direction while the appeal is pending.

(7) The Rector may delegate his powers under this section to a disciplinary committee, consisting of such staff of the School as he may nominate.

(8) Nothing in this section shall be construed as preventing the restriction or termination of a student's activities at the School otherwise than on the ground of misconduct.

(9) It is hereby declared that a direction under subsection (3) (a) of this section may be combined with a direction under subsection (3) (b) of this section.

(10) In all cases under this section, the decision of the Council shall be final, unless reversed by the Minister, on appeal by the student.

## PART V

### *Academic Board*

#### **14. Establishment of an Academic Board for the School**

(1) There is hereby established as an integral part of the School an Academic Board

which shall consist of-

(a) the Rector of the School;

(b) the Deputy Rector;

(c) the Registrar;

(d) the Librarian;

(e) four representatives drawn in rotation from among the universities in Nigeria in the discipline of surveying; and

(f) five other persons, for the time being, holding such appointments on the staff of the School as the Rector may, with the approval of the Council, specify.

(2) A person other than an *ex-officio* member shall hold an appointment on the Academic Board under paragraphs (e) and (f) of subsection (1) of this section for a period of two years and shall be eligible for re-appointment for one further period of two years.

(3) The Academic Board shall-

(a) formulate and continuously evaluate the academic programme of the School; and

(b) perform such other functions as are traditional to such bodies as the Council may, from time to time, direct.

(4) The Rector shall be the chairman at the meeting of the Academic Board and in his absence the Deputy Rector shall preside at such meeting, but in the absence of both, the members present at the meeting shall appoint one of their number to preside at the meeting.

(5) Subject to subsection (4) of this section, the Academic Board shall have the power to regulate its own procedure.

## PART VI

### *Financial provisions*

#### **15. Fund of the School**

(1) The School shall establish and maintain a fund from which shall be defrayed all expenditure incurred by the School in the performance of its functions under this Act.

(2) The fund of the School shall include-

(a) such sums as may, from time to time, be granted to the School by the Federal

Government;

(b) fees charged by and payable to the School in respect of students;

(c) any other amount, charged or dues recoverable by the School;

(d) revenue from time to time accruing to the School by way of subvention, grants in-aid, endowment or otherwise;

(e) interest on investments; and

(f) donations and legacies accruing to the School from any source, for the general or special purposes of the School.

#### **16. Donations for particular purpose**

(1) Donations of money to be applied for any particular purpose shall be placed to the credit of a special reserve account and may be invested in such securities or other investments as may be approved by the Minister, until such time as they may be expended in fulfilment of such purpose: Provided that the School shall not accept a donation for a particular purpose, if the terms and conditions attaching to such donation are inconsistent with the functions of the School under this Act.

(2) The interest derived from the investments referred to in subsection (1) of this section, unless the terms of the donation otherwise require, shall be deemed to be revenue of the School.

#### **17. Payment into bank**

All sums of money received on account of the School shall be paid into such bank as may be approved by the Council for the credit of the School's general, current or deposit account; so however that the Council may invest, as it deems fit, any money not required for immediate use other than donations of money referred to in subsection (1) of section 16 of this Act.

#### **18. Annual estimate, accounts and audit**

(1) The Council shall cause to be prepared, not later than 30 September in each year, an estimate of the expenditure and income of the School during the next succeeding year, and when prepared, they shall be submitted to the President.

(2) The Council shall cause to be kept proper accounts of the School and proper records in relation thereto and when certified by the Council such accounts shall be audited as provided in subsection (3) of this section.

(3) The accounts of the School shall be audited within six months after the end of each year by auditors appointed by the Council from the list and in accordance with the guidelines supplied by the Auditor-General for the Federation; and the fees and expenses of the auditors generally shall be paid from the funds of the School.

#### **19. Annual report**

The Council shall, not later than 31 December in each year, submit to the President a report, in such form as the President may, from time to time, direct, on the activities of the School during the preceding year and shall include in such report the audited accounts of the School.

## PART VII

### *Miscellaneous*

#### **20. Power to make bye-laws**

(1) The Council may, within the scope of its authority under this Act, make bye-laws relating to any internal domestic matters placed by this Act under its control and superintendence other than matters for which provision is to be made by standing orders under paragraph 1 (1) of the Schedule to this Act or in pursuance of paragraph 2 (2) of the said Schedule.

[Schedule.]

(2) All such bye-laws shall be in writing and shall come into force when sealed with the seal of the School, unless some other date for commencement be therein prescribed.

(3) Nothing in subsection (2) of this section shall make it obligatory for the Council to publish any of the said bye-laws in the *Gazette*.

#### **21. Regulations**

The Council may, with the approval of the Minister, make regulations for giving effect to the provisions of this Act and without prejudice to the foregoing, regulations shall provide-

(a) the entry into and the type of courses approved for the School;

(b) the duration of the courses and academic standards; and

(c) the certificates and diplomas which may be awarded by the School.

#### **22. Interpretation**

In this Act, unless the context otherwise requires-

"**bye-laws**" means bye-laws made under section 20 of this Act;

"**Council**" means the governing body of the School established under section 2 of this Act;

"**Minister**" means the Minister charged with responsibility for matters relating to surveys;

"**property**" includes rights, liabilities and obligations;

"**Registrar**" means the Registrar of the School;

"**School**" means the Federal School of Surveying established under section 1 of this Act;

"**staff**" means all persons employed by the Council to serve at the School.

#### **23. Short title**

This Act may be cited as the Federal School of Surveying Act.

## SCHEDULE

[Section 2 (4).]

### *Proceedings of the Board*

**1.** (1) Subject to this Act and section 27 of the Interpretation Act, the Council may make standing orders regulating the proceedings of the Council or any committee thereof.

[Cap. I23.]

(2) The quorum of the Council shall be four and the quorum of any committee of the Council shall be as determined by the Council.

**2.** (1) The Council shall meet not less than three times in each year and, subject thereto, the Council shall meet whenever it is summoned by the chairman, and if the chairman is required to do so by notice given to him by not less than three other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which the notice is given.

(2) At any meeting of the Council, the chairman shall preside; but if he is absent, the members present at the meeting shall appoint one of their number to preside at that meeting.

(3) Where the Council desires to obtain the advice of any person on a particular matter, the Council may co-opt him as a member for such period as it thinks fit; but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Council and shall not count towards the quorum.

(4) Notwithstanding anything in the foregoing provisions of this paragraph, the first meeting of the Council shall be summoned by the Minister.

### *Committee*

**3.** (1) The Council may appoint one or more committees to carry out on behalf of the Council such of its functions as the Council may determine.

(2) A committee appointed under this paragraph shall consist of such number of persons (not necessarily all members of the Council) as may be determined by the Council; and a person, other than a member of the Council, shall hold office on the committee in accordance with the terms of his appointment.

(3) A decision of a committee of the Council shall be of no effect until it is confirmed by the Council.

### *Miscellaneous*

**4.** (1) The fixing of the seal of the Commission shall be authenticated by the signature of the chairman and of any other member authorised generally or specially by the Council to act for that purpose.

(2) Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the School by the Rector or any person generally or specially authorised to act for that purpose by the Council.

(3) Any document purporting to be a document duly executed under the seal of the School shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.

(4) Members of the Council who are not public officers shall be paid out of moneys at the disposal of the Council such remuneration, fee or allowances in accordance with such scale as may be approved, from time to time, by the President.

(5) The validity of any proceedings of the Council or of a committee thereof shall not be adversely affected by a vacancy in the membership of the Council or of a committee or by any

defect in the appointment of any member of the Councilor committee or by reason that a person not entitled to do so took part in the proceedings.

(6) Any member of the Councilor any person holding office on a committee of the Council who has a personal interest in any contract or arrangement entered into or proposed to be considered by the Council or a committee thereof shall forthwith disclose his interest to the Councilor committee and shall not vote on any question relating to the contract or arrangement.

FEDERAL SCHOOL OF SURVEYING ACT

**SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*