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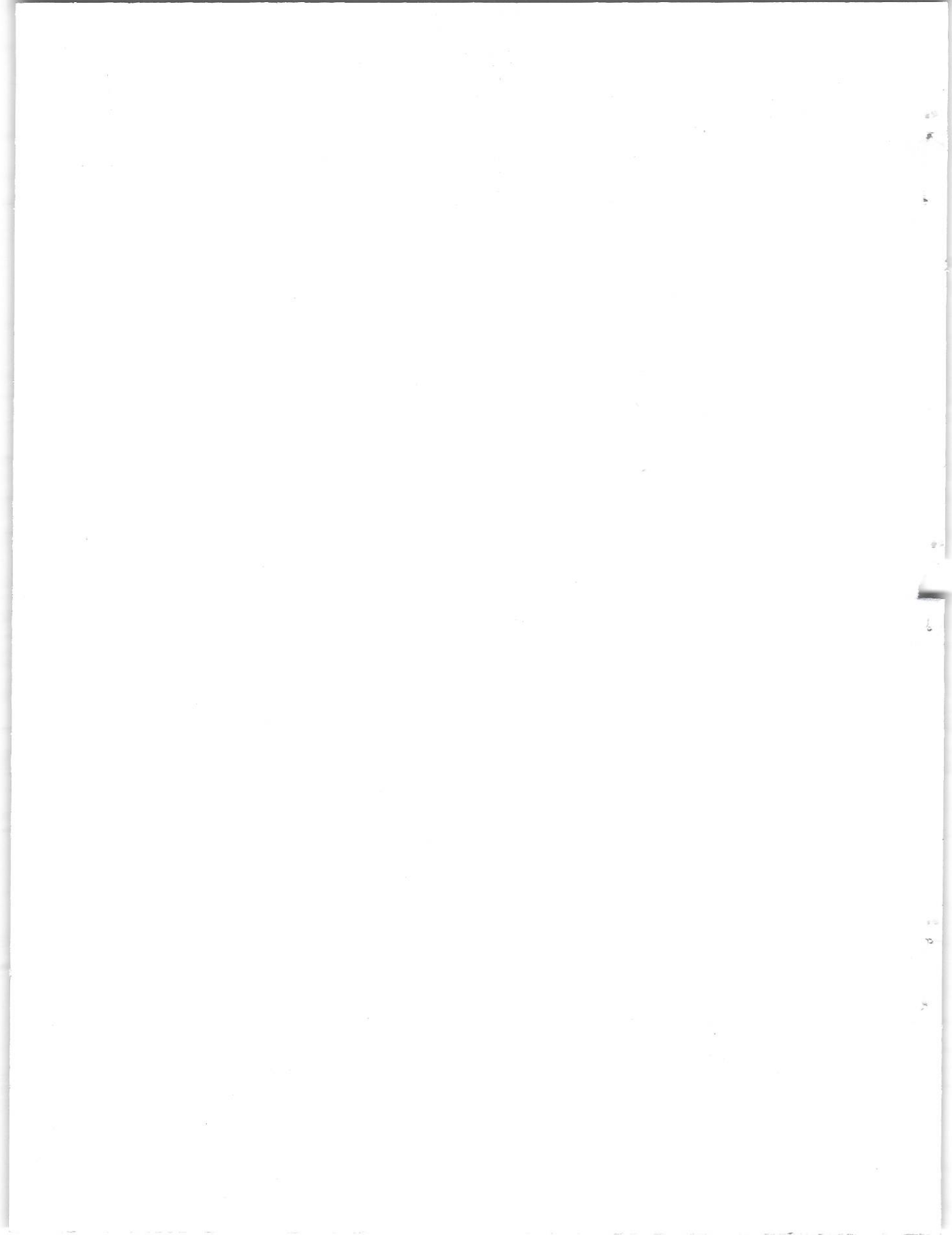
Government Notice No. 1

The following is published as Supplement to this Gazette:

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KEBBI STATE OF NIGERIA

LAW NO: 02 OF 2022

I ASSENT this.....23rd..... day ofMarch... 2022

Sen. Abubakar Atiku Bagudu

The Governor, Kebbi State

A LAW TO ESTABLISH KEBBI STATE GEOGRAPHICAL INFORMATION SYSTEM (KEBGIS) AGENCY AND FOR OTHER MATTERS CONNECTED THEREWITH, 2022.

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

PART ONE PRELIMINARY

Citation and
Commencement

1. This Law may be cited as Kebbi State Geographical Information system Agency Law, 2022 and shall come into operation on the23rd.....day ofMarch.....2022

Interpretation

2. In this Law unless the context otherwise requires:

“Agency” means the State Geographical Information System Agency;

“Board” means the Governing Board of the Agency;

“Commissioner” means the Commissioner for the time charge with the responsibility for lands in the State;

“Project Manager” means the Project Manager of the Agency;

“Financial Instruction” means the guide lines issue from time to time for the accounting and financial reporting function of the State by the Auditor General of the State or the Units of Audit in the State;

“Member” means a member of the Governing Board of the Agency;

“Person” means any individual, partnership, firm, company, cooperation (statutory or otherwise), joint venture, trust, association, organization or other entity, in each case whether or not having separate legal personality;

“Prescribe” means prescribed by the regulations;

“State” means Kebbi State;

Establishment
of Agency.

3. (1) There is hereby established for the State Geographical Information System Agency (in this Law, referred to as the “Agency”) to exercise the function and powers, and pursue the objectives assign to it by this Law.

(2). The Agency shall be a body cooperate with perpetual succession and a common seal and may;

- (a) Sue and be sued in its cooperate name; and
- (b) Hold, acquire and dispose of any property or interest in property, movable or immovable.

Establishment and
Composition of
the Governing
Board.

4. (1) There shall be established for the Agency, a governing Board which shall consist of;
- (a) Chairman to be appointed by the Governor,
 - (i) Twelve other persons who shall be appointed by the Governor as members, each being member of or representing the interest of a constituency or an organization as follows:-
 - (ii) Three person, one from each of the senatorial district in the state.
 - (iii) All the members of the State Fiscal Transparency, Accountability and Sustainability Steering Committee (SFTAS).
 - (iv) Representatives from Lands and Town Planning Units.
 - (b) The chairman and members of the Board other than Ex-Officio members shall be appointed by the Governor subject to the confirmation of the State House of Assembly.
 - (c) The Project Manager of the Agency shall be appointed by the Governor on the recommendation of the Commissioner.

Tenure and
Remuneration.

- (2). All members other than the Project Manager shall be part time members.
- (3). Members other than ex officio 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 address to the Commissioner for Lands, Housing and Urban Development.

- b) If a member dies or resigns or otherwise vacate 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 other member.
 - c) A member may be removed from office by the Governor if the Governor 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, such emoluments, allowances and benefits as the Governor may, from time to time, determine.
- (5). The provision of the First Schedule to this law shall have effect with respect to the proceeding of the Agency and other matters mention therein.

PART II – FUNCTIONS AND POWERS

Function of the Agency.

5. (1) The Agency shall have the responsibility for Management and administration of Land data in the state including all issues relating to title, registration, searches, approvals and other such responsibilities as may from time to time be prescribed by the Honourable Commissioner.
- (2). In discharging its general responsibility under subsection (1) of this section, the agency shall under take the following duties-

- (a) Introduce, implement and sustain best practices for Land ownership and title certificate in the state,
 - (b) Receive, conduct due diligence on, and verify applications for issuance of certificate of occupancy for Land or the grant of other rights over land or subsequent transaction in Land, within the state and forward same through the commissioner for Governor's approval after thorough scrutiny by the Ministry.
 - (c) Develop and maintain a database of all Land within the State particularly with respect to title and title history, location, size used and related indicators;
 - (d) Undertake all such other activities as are required for efficient management and administration of Land data in the state.
- (3). The Agency shall have the powers to develop and maintain a geographic information system or such other appropriate system and structure in the state for research, land management and development planning.
- (4). In discharging its responsibilities and pursuant to sub-section (3) of this section, the Agency may pursue all or any of the following objectives.
- (a) Acquire, provide, deploy and manage software and hardware for storing, assembling, usage and displaying geographically referenced materials;
 - (b) Establish a central geographic information clearing house to maintain map inventories as obtained from the Office of the Surveyor General, information on current and planned

geographic information system applications on grants available for acquisition or enhancement of geographical information resources.

- (c) Plan, establish and manage a directory of geographical information and the resources available within the state.
- (d) Coordinate geographical information system projects.
- (e) Provide consulting services and technical assistance, and education and training on the application and use of geographical information technologies.
- (f) Maintain updates and interpret geographic information and geographic information systems standards,
- (g) Provide geographical information system services as requested to persons wishing to augment the geographic information system capabilities.
- (h) Either alone or in cooperation with other relevant agencies of government, evaluate, participate in pilot studies, and make recommendation on geographic information systems hardware and software;
- (i) Assist with review of Agency information plans and participate in special studies as requested or delegated by the Commissioner;
- (j) Provide staff support and technical assistance to the Commissioner on geographic information systems and policies;

- (k) Provide cost effective and efficient means of assembling and distributing relevant information among interest persons;
- (l) Coordinate and provide overview of geographical information systems activities within state
- (m) Review and submit to the Commissioner for approval, all propose geographic information system projects within the state;
- (n) Pursue finding strategies to continually develop and maintain up-to-date geographic information systems solution for the state;
- (o) Advise the Honourable Commissioner in respect of trends, development 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;
- (q) Undertake all other steps and initiatives as are required for the proper administration of this Law;
- (r) Establish, maintain and regulate the geographic information data for use in Land Administration and other aspect of Governance in the state;
- (s) Generate, manage and administer geographic data and Land data in the state.

Power of the Agency.

6. (1) The Agency shall have the power to :-
 - (a) Do all things which by this Law or any other enactment of administrative directive that are require or permitted to be done by the Agency;
 - (b) Monitor any matter that may affect the functions of the Agency; and
 - (c) Do such other things as are necessary or expedient for the full discharge of its functions under this Law;
- (2). Subject to any limitation imposed by the Law, the Agency may delegate any of its powers to any member or official of the Agency and authorize any such member or official to perform any of its functions.

Power to accept Gift.

7. (1) The Agency may accept any gift, grant or donation of Land, money or other property from any person upon such terms and conditions (acceptable to the Agency), if any, as may be specified by the person making the gift or donation.
 - (2). The Agency shall not accept any gift or donation if the condition attached thereto by the person making the gift or donation are inconsistent with function of the Agency.

Right of access and information.

8. (1) For the purpose of carrying out the directions Confer on the Agency under this Law, the Project Manager, or any employee of the Agency duly authorized in that behalf;
 - (a) Shall have a right of access to all relevant geographic information record of any person within the state; and

(b) May by notice in writing serve on any person required such person to furnish or caused to be furnished geographic information or other similar information held by or available to such person, 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 UNITS OF THE AGENCY

Units of the Agency.

9. (1) There shall be such number of Unit for the Agency as may be approved by the Board;
- (2). For the effective conduct of the function of the Agency, the Board may on recommendation of the Agency, issue regulation prescribing additional Units for the Agency or altering the existing ones in any manner whatsoever;
- (3). Notwithstanding the provision of sub-section (2) of this section, the Agency shall have power to set up any technical committees to assist in the performance of its duties and function under this Law.

Project Manager of the Agency.

10. (1) The Governor shall appoint a Project Manager as the chief executive officer of the Agency.
- (2). The Project Manager shall be a person with professional qualifications and requisite experience in geographic information system, Land administration, Town Planning or Surveying;

- (3). The Project manager shall be responsible for day-to-day administration of the Agency, keeping the books and record of the Agency and execution of the policy and practice of the Agency shall be subject to supervision and control of the Boards,
- (4). The Project Manager shall hold office on such terms as to emolument and otherwise as may be specified in his letter of appointment.
- (5). There shall be legal adviser for the Agency.
- (6). The Secretary shall be the Head of the Administration of the Agency.

Staff of the Agency.

11. (1) The Board may from time to time appoint such other employees as it may deem necessary to enable the Agency effectively performed its function under this Law.
 - (2). The staff of the Agency appointed under subsection 1 of this section shall be appointed upon such terms and conditions of the civil service rule.
 - (3). The power of the Board under this section shall include the power to :-
 - (a) Promote and control the staff of the Agency as it may appear to the Agency necessary or expedient; and
 - (b) Dismiss, terminate, consider the resignation or withdrawal of appointment and exercise disciplinary control over the staff of the Agency, other than the Project Manager.

- (4). The Board may specifically delegate the Project Manager, the power to appoint such category of staff of the Agency as the Board may from time to time specify.
- (5). The staff of the Agency shall be public officer of the state as defined in the constitution of the Federal Republic of Nigeria 1999 as amended.
- (6). The Agency may engage such consultants and advisers as it may require for the effective discharge of its functions.
- (7). The staff of the Agency may enjoy certain special allowances as the Governor may from time to time approve.

Staff Regulations.

- 12 .(1) The Board may subject to the provision of this Law and in consultation with the state civil service commission make staff regulation relating generally to the condition of service of its employees and without prejudice to the generality of the foregoing, such regulations may provide for :-
 - (a) To appoint, promote and disciplinary control (including dismissal) of the employees of the Agency; and
 - (b) Appeals by employees against dismissal other disciplinary measures;
- (2). Pending the release of the regulation describe in sub-section (1) of this section, the employment of the staff of the Agency shall be governed by terms and condition generally applicable to officers in public service of the state.

- (3). Staff regulation issue by the Agency under subsection 1 of this section shall not have effect until approved by the Commissioner of Land and Housing and published in the State Gazette.

PART IV FINANCIAL PROVISIONS

- Fund of the Agency. 13. (1). The Agency shall establish and maintain a fund ("the fund") which shall consist;
- (a) The initial take-off grants from the Governor;
 - (b) Such sums as may be provided by the State by way of annual subvention or otherwise;
 - (c) Fees and other charges received by the agency pursuant to this Law;
 - (d) All other sums accruing to the Agency by way of grants, gifts, testamentary disposition, endowments, bequest and donation made to the Agency;
 - (e) Income from any investment or other property acquired or vested in the Agency; and
 - (f) Such other sum as may accrue from time to time to the agency.
- (2). The fund shall be managed in accordance with rules prescribed by the Commissioner, provided the rules shall contain provisions:-
- (a) Specifying the manner in which the asset of the fund is to be held;

- (b) Regulate payment in the funds and matters to which the asset of the fund may be applied; and
- (c) Require the keeping of proper amounts and record for the purpose of the fund in such form as may be prescribed.

Annual estimates. 14. (1) The Agency shall not later than 30 September in each year, submit to the Commissioner an estimate of its expenditure and (including estimates of expected payment into the fund) the next succeeding year.

(2).The Agency shall keep proper accounts in a form which conforms to acceptable 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 Agency shall be audited at the end of each and every calendar year by auditors appointed by the Auditor General and in accordance with financial instructions and the fees of the auditors and the expenses for audit generally shall be paid from the funds.

Annual Reports. 15. The Agency shall not later than 30th June in each year submit to the Commissioner a report on the activities of the Agency and its administration during the immediate proceeding year and shall include in the report of the audit accounts of the Agency and the auditor's report therein.

PART V.
REGULATIONS AND SUPPLEMENTARY PROVISIONS

- Power to make Regulations 16. The Commissioner of Lands may make regulations for the effective operation of this Law and the due administration thereof.
- Offences and Penalties. 17. Any person who ;
- (a) Willfully obstruct the agency or any authorized officer of the agency by this Law; or
 - (b) Fails to comply with any law full enquiry or requirements made by an authorized officer in accordance with the provision of this Law.
- Shall be guilt of an offence and shall be liable upon conviction to a fine of fifty thousand naira, or imprisonment for a term not exceeding six months or to both such fine and imprisonment.
- Pre-action notice. 18. (1) No suit shall be commenced against the Agency before the expiration of a period of one month after a written notice of intention to commence the suit have been serve upon the agency by the intending plaintiff or his agent and the notice shall clearly and explicitly state.
- (a) The cause of action;
 - (b) The particular of claim; and
 - © The relief which he claims.

Indemnity of
Members.

(2). The notice referred to in sub-section 1 of this section and any summon notice or other document require or authorized to be served upon the agency in connection with any suit by or against the agency shall be serve by delivery of same to the Project Manager

19. Every member, agent or staff of the Agency shall be indemnified out of the asset of the agency against any liability incurred by him in defending and proceedings, whether civil or criminal, in which judgment is given in his favour or in which he is acquired if any such proceedings are brought against him in his capacity as such member agent of staff as aforesaid.

(iii) publishing the information mentioned in sub paragraph (ii) of this paragraph on its website, the level of indebtedness, including the names of persons or corporations the Government is indebted to; and

(iv) setting the rules and limitations for securing State debt in accordance with the enabling laws.

(3) the Debt Management Office shall publish the State Government's Budgetary provision for each Fiscal Year as it affects the settling its indebtedness in relation to all outlined areas mentioned in paragraph (a) of subsection (2)

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

(USMAN AHMED BUNZA)
Clark to the House

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS RELATING TO THE AGENCY PROCEEDING OF THE AGENCY

1. Subject to this Law and section 27 of the interpretation Act (which provides for decision of a statutory body to be taking by a majority of its members and for the Chairman to have second or casting vote), the Board may make standing orders regulating its proceedings or 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 temporary unable to performed the function of his office, the Permanent Secretary lands shall have performed the functions of his office, the Permanent Secretary lands shall performed such functions in acting capacity pending the appointment of a person to fill in vacancy in the office of the chairman and reference 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 Permanent Secretary shall preside at the meeting.
4. The quorum at a meeting of the Board shall consist of 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 desire 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 meeting 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 toward the quorum.

COMMITTEE:

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 agency is concerned.
(2). Every committee appointed under the provision of sub-paragraph (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 Project Manager of the Agency 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 the 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 Project Manager 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 proceeding of the Board or a committee thereon shall not be adversely affected by :-
 - (a) Any vacancy of the Board or a 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.

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

.....
(USMAN AHMED BUNZA),
Clerk to the House.