



ZAMFARA STATE OF NIGERIA

**A LAW TO PROVIDE FOR THE ESTABLISHMENT OF
ZAMFARA STATE GEOGRAPHIC INFORMATION SYSTEM
AGENCY AND FOR OTHER MATTERS CONNECTED
THEREWITH 2019.**



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LAW NO. OF 2019

I ASSENT THIS DAY OF 2019

**ALH. ABDUL-AZEEZ ABUBAKAR YARI
(SHATTIMAN MAFARA)
EXECUTIVE GOVERNOR
ZAMFARA STATE**

Enactment The Zamfara State House of Assembly Enacts as follows -

Short title 1. This Law may be cited as Zamfara State Geographic Information System Agency Establishment Law, 2019.

Commencement 2. This Law shall come into operation on the day of 2019.

Interpretation 3. In this Law -

"Governor" means the Governor of the State;

"State" means Zamfara State of Nigeria;

"Agency" means the Zamfara State Geographic Information System Agency Established under section 4 of this Law;

"Board" means the Governing Board of the Agency;

"Members" means members of the Governing Board and include the Chairman;

"Chief Executive" means the Head of the Agency who shall be incharge of the operation of the Agency;

"Person" includes any individual, partnership, firm, company, cooperation (statutory or otherwise), joint venture trust, association, organization or other entity, in each case whether or not it has a separate legal personality;

"Commissioner" means the Commissioner Ministry of Land and Survey or any person serving as head of the Ministry of Land;

"Fund" means the fund established for the Agency, pursuant to section 25 of this Law.

Establishment
of the Agency

4. (1) There is hereby established in the State an Agency to be known as Zamfara State Geographic Information system Agency (in this Law referred to as "the Agency") to exercise the functions and powers and pursue the objectives assigned to it by this Law.
- (2) The Agency:
 - (a) Shall be a body corporate with perpetual succession and a common seal;

- (b) May sue and be sued in its corporate name;
 - (c) May acquire, hold or dispose of any moveable or immovable property for the purpose of its function under this Law;
- (3) The Agency shall be under the supervision of the Ministry incharge of Land and Survey of the State.

Establishment and composition of the Governing Board

5. (1) There is hereby established for the Agency a Governing Board to be known as Zamfara State Geographic Information System Agency Governing Board (in this Law referred to as the Board).
- (2) The Board shall consist of the following members to be appointed by the Governor on the recommendation of the Commissioner;
- (a) a Chairman,
 - (b) one member from each the three senatorial zones in the State;
 - (c) an influential woman in the State;
 - (d) representative of the following not below the rank of a Director;
 - (i) Ministry of Finance;
 - (ii) Board of Internal Revenue;
 - (iii) Ministry of Justice;
 - (iv) Ministry of Local Government & Chieftaincy Affairs;
 - (v) Ministry of Budget and Economic Planning;
 - (vi) Ministry of Commerce;
 - (vii) Ministry of Lands and Survey.

(e) The Managing Director of the Agency to serve as Secretary of the Board;

(3) All members of the Board other than the Managing Director shall be part time members and persons of proven integrity;

(4) The Chairman shall have cognate experience in the public service, particularly in land administration or geographical science.

Tenure of office of
the Chairman and
Members of the Board

(1) A chairman and members of the Board other than ex-officio shall hold office for a term of 3 years from the date of their first appointment and may be eligible for re-appointment for another period of 3 years and no more.

(2) The Members of the Board shall be paid such remunerations and allowances as the State Government may, from time to time determine subject to the recommendation of the Commissioner.

Cessation of
membership of the
Board.

(1) A member of the Board shall cease to hold office if-

- (a) he becomes of unsound mind;
- (b) he becomes bankrupt;
- (c) he is convicted of a felony or of any offence involving dishonesty; or
- (d) he is guilty of serious misconduct in relation to his duties.

(2) A member of the Board 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.

Resignation of a
Member of the
Board

8. A member of the Board may resign his appointment by notice, in writing under his hand, addressed to the Secretary to the State Government and the resignation shall take effect only on the acceptance by the Secretary to the State Government.

Vacancy in the
Board

9. Where a vacancy occurs in the membership of the Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor, so however, that the successor shall represent the same interest.

Power of the
Board

10. The Governing Board shall have the following powers:-

- (a) Responsible for the periodic review of the Policies of the Agency and strategy for the attainment of an efficient enterprise geospatial data, infrastructure and land administrative system in the State and provide advice and general guidance to the Executive Director;
- (b) Establish standard guideline for the management of the Agency;
- (c) Delegate its powers to any member or staff and authorize any such member or staff to perform any of its functions subject to the limitation imposed by law.
- (d) Perform such other duties which in the opinion of the board are necessary or expedient for the discharge of its functions in accordance with this law or any other enactments.

PART II

POWERS AND FUNCTIONS OF THE AGENCY.

Powers and
Functions of the
Agency

11. (1) The Agency shall have the responsibility for management of land matters in the State including all issues relating to title, registration, searches and such other responsibilities.
- (2) In discharging its responsibility under subsection (1) of this section, the Agency shall undertake the following duties -
- (a) introduce, implement and sustain best practices for land ownership and title certification in the State;
 - (b) receive, conduct due diligence on and verify applications for issuance of Certificates of Occupancy for lands or the grant of other rights over lands or subsequent transactions in land within the State;
 - (c) develop and maintain a database of all lands within the affected areas, particularly with respect to title history, location, size, use and other related issues;
 - (d) permit access to existing data on and for the purpose of conducting title searches for members of public at a fee to be prescribed from time to time by the Agency;
 - (e) conform to national standard concerning geospatial data;
 - (f) Regularisation of land for the purpose of telecommunication, mining and quarry of all lands within the state; and

(g) undertake such other activities as are required for the efficient management and administration of land matters in the State.

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

Objectives

12. In the discharge of its responsibility pursuant to section 11 of this Law, the Agency may pursue all or any of the following objective =

- (a) acquire, provide, deploy, and manage software and hardware for storing, assembling, manipulating and displaying geographically referenced material;
- (b) establish a central geographic information clearing house to maintain map inventories, information on and planned geographic and spatial systems applications, information on available for the acquisition or enhancement geographic information resources;
- (c) plan, establish and manage a directory of geographic information and the resources available within the State.
- (d) coordinate geographic information system projects, including overseeing the development and maintenance of base maps and geographic information systems throughout the State;
- (e) provide consultancy services and technical assistance education and training on the application and use of geographic information technologies;

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

Office of the
Agency

13. (1) The Agency shall have its head office in the State Capital and may establish zonal offices in each of the three senatorial zones where it become necessary to establish such zonal offices;
- (2) The Zonal offices shall be under the control and direction of the Managing Director of the Agency;

Right of access
to information

14. (1) For the purpose of carrying out the functions conferred on the Agency under this law, the Managing Director 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 requiring such person to furnish or cause to be furnished geographic information or other similar information held by or available to such persons, on such matters as may be specified in the notice.
- (2) it shall be the duty of any person required to furnish information pursuant to subsection (1) of this section, to comply with the notice within the period specified in the notice or where no period is specified, within a reasonable period.

Power to
appoint
consultant

15. The Agency may engage the services of such consultants and advisers in such areas where the Agency have technical deficiency.

PART IV
STAFF OF THE AGENCY

Appointment of
the Chief
Executive of the
Agency

16. (1) There shall be a Managing Director to the Agency to be appointed by the Governor on the recommendation of the Commissioner;
- (2) The Managing Director shall be the Chief Executive and Accounting Officer of the Agency;
- (3) The Managing Director salary, allowances remuneration and any other benefits shall be equal with that of the Managing Director in the state.

Qualification and
functions of the
Chief Executive

17. (1) The Managing Director shall possess the following qualifications -
- (a) Shall be a Degree holder or its equivalent from a recognized university/institution;
- (b) An Officer in the State Service on atleast grade level 14 with atleast 15 years cognate experience in -
- (i) Land Administration;
 - (ii) Land Surveyor;
 - (iii) Geographic Information or
 - (iv) Information technology.
- (c) Be a registered member in one of the professional fields of studies in subsection (1)(b) (i – iv) of this section.
- (2) In the General Coordination and Administration of the Agency, the Managing Director shall be responsible for -

- (a) Briefing members of the Board on the day to day General and Administration of the Agency;
- (b) Shall be co-signatory to the Account(s) of the Agency;
- (c) Execution of the policies formulated by the Board;
- (d) Preparation of the Annual Budget and Financial Account of the Agency and submit same to the Governor;
- (e) Responsible for the day to day General Administration of the Agency;
- (f) Prepare annual report and General performance of the Agency and submit same to the Governor;
- (g) Perform such other duties as may from time to time assigned to him by the Board;

Removal of the
Managing Director

18. (1) The Managing Director may be removed by the Governor on ground of incapacity, disability, misconduct or failure to discharge his functions subjects to the recommendation of the Commissioner.
- (2) Without prejudice to the provision of subsection (1) of this section, the Governor may remove the Managing Director, if in the opinion of the Governor, it is not in the interest of the Agency or the Interest of the public that the Managing Director shall not continue in office.

Personal liability
of the staff of the
Agency

19. The Managing Director and staff of the Agency shall not be personally liable for any act, omission or default by the Agency, so long as the act, omission or default is done in good faith and for the due discharge of their duty under this law.

Management/
structures of the
Agency

20. (1) The Agency shall have seven Department for its day to day activities and each Department is to be headed by a Director.
- (2) The Agency may establish such other units as it may require under the Department created by subsection (1) of this section.
- (3) There shall be such other staff as may be required by the Agency on transfer, secondment or posting in case of senior staff.
- (4) The Agency may employ such number of junior and casual staff as it may require;
- (5) The staff of the Agency shall be Civil Servants in the service of State.

Departments
of the Agency

21. (1) The Department of the Agency shall consist of;
- (1) Administration;
- (2) Finance and Supply;
- (3) Land Department;
- (4) Legal Services Department;
- (5) Town Planning Department;
- (6) Survey and
- (7) ICT Department.

(2) The Functions of each departments shall be as contained in the regulations of the Agency.

Specific and
General Directives

22. Subject to the provision of this law, the Governor of the State may give to the Agency such Directives of a General or specific nature in relation to the performance of the Agency or any of its functions under this law as he may deem fit and its shall be the duty of the Agency to comply with such Directives.

Power to make
Regulations

23. The Agency may by Order published in the Gazzette, make Regulations in respect of all matters under this law and may alter vary or withdraw any Regulation made as it may deems fit.

Power to review
charges

24. Subject to the provision of this law, the Agency shall have power to review charges for services rendered from time to time which shall be published in the gazette.

PART III

FINANCIAL PROVISIONS

Funds of the
Agency

25. (1) The Agency shall establish and maintain a fund which shall consist of -

- (a) Initial take – off grant from the State Government;
- (b) Monthly subvention from the State Government;
- (c) Such sums as may be appropriated by the State House of Assembly;
- (d) Fees and other charges received by the Agency pursuant to this law;
- (e) All other sums accruing to the Agency by way of grants, gifts, testamentary dispositions, endowments bequests and donations made to the Agency;
- (f) Income from any investment or other property acquired by or vested in the Agency and

(g) Such other sums of money as may be accrue from time to time to the Agency.

(2) This fund shall be managed in accordance with State Financial Regulations.

Power to accept gift

26. (1) The Agency may accept gift of land, donation, money or any other property, on such terms and conditions if any, as may be specified by the person or organization making the gift.

(2) The Agency shall not accept any gift if the condition(s) attached by the person or organization offering the gift are inconsistent with the objectives and functions of the Agency under this Law.

Money withdrawal

27. For the purpose of this Law, all cheque or instruments for withdrawal of any amount of money from the account of the Agency shall carry the signatures of the Managing Director and Director of Finance of the Agency.

Power to pay expenditure

28. The Agency shall establish and maintain separate account(s) for which shall defrayed all expenditures incurred by the Agency.

Application of the fund received by the agency

29. All funds received by the Agency shall be applied in accordance with the conditions attached to the release and shall follow the provisions contained in the State Financial Regulations.

Annual estimate

30. The Agency shall cause to be prepared, not later than 30th September, in each year an estimate of the expenditure and income of the Agency during the next succeeding year and the agency shall submit same to the Accountant General of the State.

- Auditing of accounts 31. The Auditor General of the State shall have the right of access to the Books, Accounts and vouchers of the Agency and shall be entitled to such information and explanation as he may deem necessary for the Audit of the Agency Accounts.
- Incentive of the staff of the Agency 32. (1) The staff of the Agency shall be entitled to 5% of all fees and charges realized to the Agency.
- (2) The 5% may be used for office management and welfare of the Staff of the Agency.
- (3) The Managing Director shall in consultation with the Directors of the Agency, determine the sharing formula of the 5% to the Staff of the Agency.
- Remittance of Fees and charges to the BIRS. 33. At the end of every month the Agency shall deduct the 5% from its Account before remitting the fees and charges to the State Board of Internal Revenue.
- Power to Borrow 34. The Agency may from time to time with the approval of the Board Borrow such sums of money not exceeding five million (N5,000,000.00) for the purpose of discharging its functions under this Law.
- Meeting of the Agency 35. (1) The Managing Director and Three other Directors shall form a quorum for the meeting of the Agency.
- (2) Where there is deadlock in the meeting on issues requiring vote the Agency may adopt the procedure contained in supplementary provision of this Law relating to the Board.

36. After processing of the application for Certificate of Occupancy, the agency may forward the application to Land Use and Allocation Committee for deliberation and its recommendation for Governor's Approval where necessary.

PART IV

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD.

- Meeting of the Board 1. (1) The Board shall meet not less than three times in each year and subject thereto, the Board 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 Five other members, he shall summon a meeting of the Board to be held within 7 days from the date on which the notice is given.
- (2) At any meeting of the Board, the Chairman shall preside but if he is absent, the members present at the meeting shall appoint one of them to preside at the meeting.
- Power to Co-opt 2. Where the Board desires to obtain the advice or expert opinion of any person on a particular matter, the Board may co-opt him to the Board for such period as it thinks fit; but a person who is in attendance by virtue of this paragraph, shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.
- Committees 3. (1) The Board may constitute one or more committees to carry out on behalf of the Board such of its functions as it may determine.

(2) A committee appointed under this sub-paragraph (1) of this paragraph shall consist of such number of persons (not necessarily members of the Board as may be determined by the Board) and a person other than a member of the Board shall hold office on the Committee in accordance with the terms of his appointment.

Quorum 4. The Quorum for any meeting of the Board shall be $\frac{2}{3}$ of the members.

Voting 5. Every question before the Board management or any committee set up by the Agency, shall be determine by simple majority of the members present, in case of equal division of the votes, the Chairman or any person presiding shall have a second casting vote.

Taking of minute 6. (1) Where the Managing Director is absent at the meeting of the Board, the Chairman may appoint any Director of the Agency to act as Secretary for the particular meeting.

(2) The Managing Director who is the Secretary of the Board, shall keep an accurate record of the minute of meetings in the minutes book provided at the meeting.

Committee 7. The Board may appoint such number of standing or ad-hoc committees as it thinks fit to consider or report on any matter with which the Agency is concerned.

Common seal 8. (1) The fixing of the Seal of the Service shall be authenticated by the signature of the Managing Director or such other member authorised generally or specifically by the Board.

- (2) Any contract or instrument, which if made by a person not being a body corporate, would not be required to be made under seal, may be made or executed on behalf of the Agency by the Managing Director or by any other person generally or specifically authorised by the Board.
- (3) 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.

Offences

9. Any person who:

- (a) obstructs the Agency or any authorised officer of the Agency in the exercise of any of the powers conferred on it by this Law, or
- (b) fails to comply with any lawful enquiry or requirements made by an authorised officer in accordance with the provisions of this Law, commits an offence and shall be liable upon conviction to a fine not exceeding One Hundred Thousand Naira (N100,000.00) or imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Legal proceedings

10. No suit shall be commenced against the Agency 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 -

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

Indemnity 11. No Member or staff of the Agency shall be sued in his personal capacity for any act done or omitted to be done in the lawful performance of his duties under this Law.

Punishment for offences by the staff of the agency

12. Any person who -

- (a) Collects or attempt to collect any amount of money meant for the Agency without due authority;
- (b) Dishonestly embezzles, mis-appropriate fees and charges collected for the Agency;
- (c) Or dishonestly diverts or fails to remit any amount meant for the Agency.
- (d) Undermines or distort the activities of the Agency;
- (e) Demand an amount in excess of the fees and charges of the Agency from any person or
- (f) Compromise any amount of fees and changes of the Agency, commits an offence and shall be liable on conviction to a fine of N50,000.00 or imprisonment which may extend to 6 months or both.

MADE AT GUSAU THIS.....^{22nd}..... DAY OF.....^{March}..... 2019

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


Alh. Isah Abdullahi Bayero
Clerk to the House