

# A BILL

## FOR

AN ACT TO ESTABLISH THE NATIONAL HYDROGRAPHIC AGENCY, TO CARRY OUT HYDROGRAPHIC AND OCEANOGRAPHIC SURVEYS, INCLUDING OCEAN METEOROLOGY FOR NATIONAL DEFENCE AND CIVIL REQUIREMENTS AND FOR RELATED MATTERS, 2020

*Sponsored by Hon Yusuf Adamu Gagdi*

[ ] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria-

1 PART I - ESTABLISHMENT OF THE AGENCY

2 1.-(1) There is established a body to be known as the National Establishment  
3 Hydrographic Agency (in this Act referred to as "the Agency"). of the Agency

4 (2) The Agency:

5 (a) shall be a body corporate with perpetual succession and a  
6 common seal; and

7 (b) may sue or be sued in its corporate name.

8 2.-(1) The objectives of the Agency are to carry out: The Objectives  
9 (a) Hydrographic and oceanographic surveys, including ocean of the Agency

10 meteorology for national defence and civil requirements;

11 (b) Fulfill all international hydrographic treaties, conventions and  
12 protocols acceded to by Nigeria;

13 (c) Carry out commercial hydrography, seismic and other marine  
14 surveys for economic diversification and revenue generation for the FGN;

15 (d) Provide maritime safety information, notices to mariners and  
16 nautical publications for the safety of seafarers in line with IMO SOLAS  
17 Convention;

18 (e) Represent Nigeria in all international hydrographic matters;

19 (f) Provision of official nautical charts and publications, sailing

1 directions, list of lights, notices to mariners, tide tables and other nautical  
2 publications, where applicable, satisfying the needs for safe navigation within  
3 Nigerian waters and the sub region in general;

4 (g) Planning, acquisition and maintenance of survey platforms,  
5 including surface, sub-surface and air survey platforms that form part of the  
6 National Hydrographic Survey Fleet;

7 (h) planning acquisition and maintenance of survey and charting  
8 equipment, instruments, software and infrastructure for the NHO;

9 (i) Conduct training and re-training in surveying, nautical  
10 cartography and related fields for NHA personnel involved in hydrographic  
11 activities using the medium of the National Hydrographic School;

12 (j) Monitor, control, superintend and coordinate all national  
13 hydrographic and oceanographic surveys;

14 (k) Be the sole authority for nautical charting, tidal matters and other  
15 nautical publications in Nigeria;

16 (l) Be the depository for all hydrographic, oceanographic and seismic  
17 data in Nigeria;

18 (m) Collection of hydrographic, oceanographic and other related data  
19 from all government and private stakeholders in Nigeria and use same for  
20 compilation of nautical charts and publications, including dissemination and  
21 updating all nautical information necessary for safe navigation within the  
22 Maritime Zones of Nigeria;

23 (n) Regulation of all hydrographic surveys conducted within  
24 Nigerian waters to ensure that they are in accordance with international  
25 standards and consistent with the need to ensure/improve safe navigation  
26 within Nigerian waters;

27 (o) Superintendence of all land survey and dredging matters within  
28 the NN and assist in the delimitation and demarcation of maritime boundaries  
29 of Nigeria in conjunction with National Boundary Commission;

30 (p) Provision, custody and distribution of navigational equipment and

1 publications for the NN, planning and provision of appointments, training  
2 and career of personnel (Naval and Civilian) into hydrographic  
3 specialization;

4 (q) Liaising with other local and international mapping,  
5 hydrographic and oceanographic organization for the purpose of  
6 maintaining local and international standards and providing accurate and  
7 up-to-date hydrographic data including electronic navigational charts,  
8 tide/current information, as well as forecasting and shoreline surveys; and

9 (r) Supporting emergency response, ecosystem approaches to  
10 marine management, and coastal resiliency by providing hydrographic data  
11 and services, planning, acquisition and maintenance of hydrographic and  
12 oceanographic platforms (ships/aircrafts/boats) and equipment and any  
13 other duties as may be assigned from time to time by the NHA Board

14 (2) For the purpose of carrying out the objects outlined in section  
15 2(1) (a)-(r) of this Act, the Agency shall:

16 (a) establish such centres, facilities, departments and other  
17 research units within the Agency as may be necessary from time to time or  
18 desirable, subject to the approval of the governing council;

19 (b) be responsible for the discipline and welfare of personnel of the  
20 Agency;

21 (c) refer matters relating to the discipline of military personnel in  
22 the Agency according to the Armed Forces Act;

23 (d) conduct and sponsor studies and researches in hydrography and  
24 related fields of learning;

25 (e) engage top quality staff of international standards aimed at  
26 creating a centre of excellence in mandated fields of study;

27 (f) subject to the provisions of the Land Use Act, acquire, hold,  
28 grant, charge or otherwise deal with or dispose of moveable and immovable  
29 property wherever situate;

30 (g) accept gifts, legacies and donations, provided that the terms and

1 conditions attached to such gifts, legacies or donations are not inconsistent  
2 with the objects and purpose for the establishment of the Agency;

3 (h) erect, provide, equip and maintain libraries, laboratories, lecture  
4 halls, and other buildings as are necessary for the carrying out of the objects of  
5 the Agency;

6 (i) Subject to any limitations or conditions imposed by Statute, invest  
7 any moneys belonging to the Agency by way of endowment, whether for  
8 general or special purposes or such other money as may not be immediately  
9 required for current expenditure in any investments or securities in the  
10 purchase or improvement of land, with power from time to time to vary any  
11 such investments and to deposit any moneys for the time being not invested  
12 with any approved bank on deposit or current account;

13 (j) borrow, whether on interest or not and if need be upon the security  
14 of any of the property, moveable or immovable of the Agency, such moneys as  
15 the council may from time to time require or expedient to borrow or to  
16 guarantee any loan, advances of credit facilities;

17 (k) do such other things as may be required for the effective and  
18 smooth running of the Agency; and

19 (l) do such acts or things that are incidental to the attainment of the  
20 powers listed in this section as are considered necessary to promote the objects  
21 of the Agency.

22 PART II - ESTABLISHMENT AND COMPOSITION OF THE

23 GOVERNING COUNCIL

Establishment  
of the Governing  
Council

24 **3.** There is established for the Agency a Council to be known as the  
25 Governing Council, National Hydrographic Agency (in this Act referred to as  
26 “the Council”).

Composition  
of the Council

27 **4.** The Council shall consist of the:

28 (a) Honourable Minister of Defence as Chairman;

29 (b) Honourable Minister of Transportation;

30 (c) Honourable Minister of Communications;

1 (d) Attorney-General of the Federation and Honourable Minister  
2 of Justice;

3 (e) Chief of Defence Staff;

4 (f) Chief of the Navy Staff;

5 (g) Minister responsible for matters relating to Finance; and

6 (h) Hydrographer of the Nation as Secretary.

7 **5. The Council:**

8 (a) shall initiate or approve the policy of the Agency and may give  
9 the Agency directions on general or specific matters;

10 (b) shall grant approval for the Agency to enter into research and  
11 production partnerships with any Company, Non-Governmental  
12 Organization, firm or individual;

13 (c) shall appoint technical consultants to advise it from time to time  
14 as the need and situation may arise;

15 (d) may, with the approval of the Council, establish other centres  
16 which shall be located in such places in Nigeria as may be selected by the  
17 Agency;

18 (e) may make regulations generally for the purpose of giving effect  
19 to the provisions of this Act, facilitating the discharge of the Agency's  
20 functions or pursuing the Agency's objectives;

21 (f) may delegate any of its powers or functions to any person or  
22 persons, authority or committee except for its powers to approve statutes of  
23 the Agency;

24 (g) shall approve the creation of any office, department or  
25 committee as may be considered necessary or expedient for the smooth  
26 running of the Agency;

27 (h) shall recommend the nomination of Hydrographer of the  
28 Nation to the President and Commander-in-Chief of the Armed Forces for  
29 approval subject to the provisions of the Armed Forces Act;

30 (i) shall exercise control and supervise the policy, finances and

Functions and  
Powers of the  
Council

1 property of the Agency;

2 (j) shall appoint the provost, professors and other academic and  
3 administrative staff, stipulate terms and conditions of their appointment,  
4 determine the remuneration of the principal officers and other staff of the  
5 Agency that are not military personnel and scope of their responsibilities; and

6 (k) shall do such other things as are necessary for the successful  
7 performance of the functions of the Agency;

8 (l) Shall approve the organizational structure, committees and  
9 definition of duties established by the hydrographer of the nation".

Tenure of office  
of members  
of the Council

10 **6.-(1)** The office of a member of the Council shall be deemed vacant if  
11 within 4 years from the date of first appointment:

12 (a) he dies;

13 (b) he resigns before the expiration of his tenure;

14 (c) he is adjudged to be medically unfit, a lunatic or of unsound mind;

15 (d) a case of gross misconduct is established against him;

16 (e) he is sentenced to death or imprisonment;

17 (f) he is adjudged or declared bankrupt;

18 (g) he is discovered to be a member of any secret society;

19 (h) he is indicted for fraud or embezzlement by a Judicial  
20 Commission of Inquiry or indicted for contravention of the Code of Conduct;

21 (2) For the Hydrographer of the Nation, whose removal from office  
22 shall be in accordance with military posting, on the recommendation of the  
23 CNS and Council to the President and Commander-in-Chief of the Armed  
24 Forces of Federal Republic of Nigeria for approval, his tenure shall be for a  
25 minimum of 4 years.

26 PART III - STRUCTURE OF THE HEADQUARTERS, OFFICES AND

27 DEPARTMENTS OF THE AGENCY

Structure of the  
Headquarters,  
Offices and  
Departments of  
the Agency

28 **7.-(1)** The Headquarters of the Agency shall be situated in the Federal  
29 Capital Territory Abuja.

- 1 (2) There shall be at the headquarters the following offices and  
2 Departments:  
3 (a) Office of the Hydrographer of the Nation and Chief Executive  
4 Officer (CEO);  
5 (b) Naval Assistant Secretary  
6 (c) Deputy Hydrographer  
7 (d) Director Survey Operations;  
8 (e) Director Cartography;  
9 (f) Director Aerial Survey;  
10 (g) Director Cadastral Survey;  
11 (h) Director Legal;  
12 (i) Director Finance;  
13 (j) Director Photogrametry and GIS;  
14 (k) Director Administration;  
15 (l) Director Nautical Publication; and  
16 (m) Director Survey Instruments.

17 (3) Each Department shall be headed by a Director with an  
18 establishment rank of Rear Admiral or its equivalent in other Security  
19 Agencies or a Civilian with requisite professional experience, for a  
20 minimum duration of 2 years.

21 (4) The Agency shall have powers to establish other Departments  
22 as the need arises.

23 PART IV - PRINCIPAL OFFICERS AND OTHER STAFF OF THE AGENCY

24 **8.**-(1) There shall be appointed for the Agency, a Hydrographer of  
25 the Nation drawn from the Nigerian Navy, not below the rank of a serving  
26 Rear Admiral or its equivalent whose appointment and removal from office  
27 shall be in accordance with military posting, on the nomination of the Chief  
28 of Naval Staff (CNS) and Council recommendation to the President and  
29 Commander-in-Chief of the Armed Forces of Federal Republic of Nigeria  
30 for approval.

Appointment  
and Functions  
of the Hydrographer  
of the Nation

1           (2) He must have acquired in hydrographic survey experience in  
2 Hydrographic Survey Operations and management or Offshore Survey; and  
3 shall be responsible to the Council for:

4           (a) giving to the Council such information as to the activities of the  
5 Agency as the Chairman of the Council may require;

6           (b) authorizing programmes and plans for giving effect to policy  
7 approved by the Council or to any direction of the Council subject to all or any  
8 of the powers in this section as may be delegated to him by the Council;

9           (c) carrying out the day-to-day running of the Agency;

10          (d) preparation of programme of work and estimates of the Agency's  
11 income and expenditure annually;

12          (e) supervision of the activities of the Directors in the Agency; and

13          (f) co-ordinating the activities of the Centres; and

14          (g) establishment of organizational structures, committees and  
15 definitions of duties.

16          (2) The fact that any power has been delegated to the Hydrographer  
17 pursuant to sub-section (1) of this section shall not preclude the Council itself  
18 from exercising them in any special case.

19          (3) The powers to referred to in sub-section (2) of this section shall  
20 include the:

21          (a) be the operational and administrative Head of the NHA;

22          (b) be the National Authority for hydrographic survey and nautical  
23 cartography in the maritime zones of Nigeria;

24          (c) have authority to deal with all matters related to hydrography and  
25 nautical cartography in the execution of the roles of the NHA;

26          (d) direct the NHA towards the performance of its statutory functions;

27          (e) render annual Report on the activities of the NHA to the Board;

28          (f) be responsible for the deployment of naval officers and ratings of  
29 the NHA onboard private seismic, oceanographic and scientific survey vessels  
30 for monitoring duties within Nigerian waters; and



1 (g) Issue of survey permits to private seismic, oceanographic and  
 2 scientific survey vessels wishing to carry out all forms of survey within  
 3 Nigerian waters

4 Sub - Heading of Part IV to read-

5 (i) Appointment and Functions of the Hydrographer of the Nation”.

6 (ii) Amend the word “Navy” in Section 8(1) to read “Nigerian  
 7 Navy” and substitute the rank “Rear Admiral” to “Rear Admiral”.

8 (iii) Substitute the word “be” in Section 8(2) with “have acquired”  
 9 and delete the words “knowledgeable”, “and have demonstrated”.

10 (iv) Insert the words “or offshore survey” after the word  
 11 Hydrographic Survey Operations and Management in Section 8(2).

12 (v) Delete "; and" at the end

13 **9.**-(1) There shall be appointed for the Agency, a Deputy  
 14 Hydrographer, drawn from the Navy, not below the rank of a serving Major-  
 15 General or its equivalent whose appointment and removal from office shall  
 16 be in accordance with Military posting, on the recommendation of the Chief  
 17 of Naval Staff (CNS) and Council approval, must be Knowledgeable in  
 18 hydrographic survey and have demonstrated experience in hydrographic  
 19 Survey Operations or Offshore Survey.

Appointment  
and Functions  
of the Deputy  
Hydrographer of  
the Nation

20 (2) The Deputy Hydrographer shall assist the Hydrographer of the  
 21 Nation in the day to day Agency of the Agency and in any other  
 22 responsibility as may be assigned him.

23 **10.**-(1) The Hydrographer of the Nation shall be the Secretary to  
 24 the Council and shall be in charge of the Secretariat of the Council.

Functions of the  
Secretary to the  
Council

25 (2) The Secretary of the Council shall carry out such functions and  
 26 duties as the Council may assign including functions specified in Sub-  
 27 section 3(a)-(d) of this section.

28 (3) The Secretary of the Council shall, in addition to such other  
 29 functions and duties as the Council may assign to him:

1 (a) prepare the minutes of meetings of the Council and its  
2 Committees;

3 (b) keep and secure the records of the Council;

4 (c) issue notices of meetings of the Council and other  
5 correspondences as may be directed by the Hon. Minister of Defence; and

6 (d) ensure proper dissemination of the decisions of the Council to the  
7 appropriate persons, institutions or authorities.

Posting of Staff  
to the Agency

8 **11.**-(1) The Nigerian Navy shall post Naval Officers from time to  
9 time, to fill administrative, command, and other military vacancies in the  
10 Agency.

11 (2) The Council shall appoint such persons as employable highly  
12 skilled Retired Officers from the Armed Forces or other Security Agencies or  
13 Civilian Members of staff for the Agency for research and general  
14 Administration as it considers necessary and shall approve terms and  
15 conditions of service including provision for the payment of pensions.

16 (3) Newly appointed members of staff of the Agency shall, unless  
17 exempted by the Minister of Defence, take such oaths as to secrecy and other  
18 matters as the Minister of Defence may, from time to time, direct.

Tour of duty  
duration

19 **12.** For continuation in projects, Personnel who are trained  
20 hydrographic specialists posted to the Agency should have a minimum of 3  
21 years tour of duty to enable them acquire requisite training, experience transfer  
22 knowledge and in hydrographic survey operations.

23 PART V - FINANCIAL PROVISIONS

Establishment,  
etc. of the National  
Hydrographic  
Development  
Fund

24 **13.**-(1) There is established a fund, which shall be known as the  
25 National Hydrographic Development Fund (in this Act referred to as “the  
26 Fund”).

27 (2) There shall be paid and credited into the Fund established under  
28 sub-section (1) of this section:

29 (a) grants-in-aid and assistance from bilateral and multilateral  
30 agencies;

1 (b) all other sums accruing to the Fund by way of gifts,  
2 endowments, bequest or other voluntary contributions by persons and  
3 organisations:

4 Provided that the terms and conditions attached to such gifts,  
5 endowments, bequest or contributions will not jeopardize the functions of  
6 the Agency;

7 (c) such monies as may be appropriated for the Fund by the  
8 National Assembly; and

9 (d) foreign aids and assistance from bilateral and multilateral  
10 agencies.

11 **14.** The Agency shall apply the funds to:

Expenditure of  
the Agency

12 (a) the training of members of staff of the Agency and provision of  
13 scholarships and awards for specialized training of personnel;

14 (b) pay the civilian personnel, overhead allowances, benefits and  
15 other administrative costs of the Agency; and

16 (c) pay all personnel involved in hydrographic survey  
17 programmes a special allowance called Hazard Allowance (HA), Special  
18 Skill Allowance (SSA), Shift Allowance (SA) and Plain-Clothing  
19 Allowance (PCA).

20 **15.** All incomes derived by the Agency from the sources specified  
21 in this Act and all contributions to the Fund of the Agency shall be exempted  
22 from tax.

Exemption from  
payment of tax

23 **16.-(1)** The Accounts of the Agency shall be audited not later than 6  
24 months after the end of the year to which they relate by auditors appointed  
25 by the Agency from the list of auditors supplied and in accordance with the  
26 guidelines issued by the Auditor-General of the Federation.

Audit and Accounts

27 (2) An auditor appointed under subsection (1) of this section shall  
28 have access to all accounts and other records relating to such accounts as are  
29 kept by the Agency and shall have the power to request from any staff of the  
30 Agency such information and explanation as in the Auditor's opinion are

	1	necessary for the purpose of the audit.
Annual Report	2	<b>17.</b> The Agency shall prepare and submit to the Council not later than
	3	30th June in each year, a report on the activities of the Agency, the audited
	4	accounts of the Agency and the Auditors' Report for each year preceding the
	5	report.
Power to borrow	6	<b>18.</b> The Council may, with the consent of or in accordance with the
	7	general authority given to it by Government, borrow by way of loan or
	8	overdraft from any source or money required by the Agency for meeting its
	9	obligations in the discharge of its functions under this Act.
Power to accept gifts	10	<b>19.</b> The Agency may accept gift of land, money, property or loan,
	11	upon such terms and conditions if any, as may be specified by the person or
	12	organization making the gift provided that the conditions attached by the
	13	person making the gifts are not inconsistent with the objects of the Agency and
	14	the Federal Government policy.
	15	PART VI - TRANSFER OF PROPERTY TO THE AGENCY
Implementation of Policies	16	<b>20.</b> -(1) The Agency shall ensure the implementation of all policies in
	17	the attainment of its goals and objectives.
	18	(2) The policies shall be in line with the National Hydrographic
	19	Policy and Program as well as Defence Policy of the nation.
	20	(3) The implementation of such policies shall be under the direct
	21	responsibility of the Hydrographer of the Nation NHA.
Restriction on the disposal of landed property	22	<b>21.</b> All landed property of the Agency shall not be disposed of or
	23	charged except with the resolution of the Council
	24	PART VII - MISCELLANEOUS
Establishment of Committees	25	<b>22.</b> Bodies established under this Act, shall have power to constitute
	26	Committees consisting members of such Bodies and, subject to the provisions
	27	of sections 5 and 10 of this Act, authorize a Committee established by it to
	28	exercise on its behalf, such functions as may be delegated to the Committee
Interpretation	29	<b>23.</b> I n this Act, the following expressions shall have the following
	30	meanings:

- 1 "AFN" means Armed Forces of Nigeria;
- 2 "CDS" means Chief of Defence Staff;
- 3 "CNS" means Chief of the Naval Staff
- 4 "HN" means Hydrographer of the Nation;
- 5 "CEO" means Chief Executive Officer;
- 6 "DH" means Deputy Hydrographer;
- 7 "Facility" means any place, premises, structure or installation designed,  
8 adapted or equipped for the performance of any hydrographic Survey or  
9 hydrographic-related process or activity;
- 10 "Fund" means the Fund of the Agency or National Hydrographic  
11 Development Fund established under Section 23(1) of this Act;
- 12 "Government institutions" means any:
- 13 (a) body or company established by or under any law; or
- 14 (b) other institution or body recognized by the Minister by notice in  
15 the Gazette;
- 16 "Launching" means the placing or attempted placing of any ship into a  
17 trajectory or into water, or the testing of a launch vehicle or ship in which it is  
18 foreseen that the launch ship will lift from the water surface;
- 19 "Launch vehicle" means any device manufactured or adapted to launch a  
20 ship;
- 21 "Licence" means a licence issued by the National Hydrographic Agency the  
22 regulatory hydrographic Agency or proprietary in Nigeria body;
- 23 "Licensee" means any person who is the holder of a licence ;
- 24 "Member" means a member of the Council;
- 25 "Misconduct" means immoral, unethical or unprofessional behaviour;
- 26 "MOD" means "Ministry of Defence;
- 27 "Other Security Agencies" means the Nigeria Police Force, the Department  
28 of State Security Services, the National Intelligence Agency, Nigerian  
29 Customs Service, Nigerian Immigration Service, Nigeria Security and Civil  
30 Defence Corps;

- 1 "Prescribed" means prescribed by regulation;
- 2 "Regulation" means any regulation made under this Act;
- 3 "Secretary" means the Secretary of the Council appointed under Section 10 (1)
- 4 of this Act;
- 5 "Technical officer" includes scientists, engineers and lawyers working in the
- 6 Agency; and
- 7 "Technological assets" means any capital assets, patents, designs, data,
- 8 equipment and computer software specifically related to hydrographic survey.
- 9 **24.** This Bill may be cited as the National Hydrographic Agency
- 10 (Establishment) Bill, 2020.

Citation

## EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Hydrographic Agency, and to provide a legal framework to carry out hydrographic and oceanographic surveys, including ocean meteorology for national defence and civil requirements and fulfil all international hydrographic treaties, conventions and protocols acceded to by Nigeria.