

OFFICE OF THE SURVEYOR GENERAL OF THE FEDERATION
(ESTABLISHMENT) BILL, 2021
ARRANGEMENT OF CLAUSES

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A BILL

FOR

AN ACT TO ESTABLISH THE OFFICE OF THE SURVEYOR-GENERAL OF THE FEDERATION TO BE SADDLED WITH THE RESPONSIBILITIES OF ENHANCING THE EXISTING NATIONAL GEODETIC REFERENCE SYSTEM FOR ALL SURVEYING AND MAPPING PROJECTS IN NIGERIA AND DELINEATING, DEMARCATING, AND SURVEYING, ALL INTERNATIONAL AND INTERSTATE BOUNDARIES OF NIGERIA; IT ALSO SEEKS TO RESTRICT ALL THE FEDERAL GOVERNMENT INSTITUTIONS FROM MAKING MAPS AND DIRECT THE INSTITUTIONS TO SUBMIT THEIR MAP NEEDS TO THE OFFICE OF THE SURVEYOR-GENERAL OF THE FEDERATION FOR THE SERVICES AND RELATED ACTIONS AND FOR RELATED MATTERS

Sponsored by Hon. Abubakar Kabir

[] Commencement

ENACTED by the National Assembly of the Federal Republic of

Nigeria:

- 1 PART 1 - ESTABLISHMENT OF THE OFFICE OF THE SURVEYOR-GENERAL
- 2 OF THE FEDERATION AND THE GOVERNING BOARD
- 3 1.-(1) There is established a body to be known as the Office of the
- 4 Surveyor-General of the Federation (in this Bill referred to as "OSGOF").
- 5 (2) The OSGOF shall:
- 6 (a) be a body corporate with perpetual succession and a common
- 7 seal and may sue and be sued in its corporate name; and
- 8 (b) acquire, hold, mortgage, purchase, and deal howsoever with
- 9 property, whether movable or immovable, real or personal.
- 10 (3) The OSGOF shall have its Headquarters in the Federal Capital
- 11 Territory (FCT) Abuja, and branch offices in the States, as the need, may
- 12 determine from time to time.
- 13 2. The OSGOF shall:

Establishment of
the Office of the
Surveyor-General
of the Federation

Functions of the
OSGOF nt

1 (a) establish, extend and enhance the existing national geodetic
2 reference system for all surveying and mapping projects across the federation;

3 (b) delineate, demarcate, survey, all international and interstate
4 boundaries of the federation;

5 (c) produce geospatial products such as administrative maps,
6 electronic national atlas, a gazetteer of geographical place names, road maps,
7 and other thematic maps for the federation;

8 (d) provide a national geospatial standard for the production of digital
9 maps and other geographical information (Survey Coordination);

10 (e) conduct cadastral surveys of all Federal Lands;

11 (f) carry out research training, supervision of surveying, and mapping
12 in collaboration with the relevant academic institutions;

13 (g) execute vital national survey (in consultation with relevant
14 departments of government) of a time-lapse mapping of all areas of exploration
15 and exploitation of solid minerals, oil and gas, forestry, and other national
16 resources, areas such as desertification, gully erosion, and land degradation;
17 and

18 (h) carry out special survey on magnetic, gravity, and surveys;

19 (i) provide a national geospatial standard for the production of digital
20 maps and other geographical information (Survey Coordination); and

21 (j) perform such other functions as may be directed by the Board or
22 the Minister to give effect to the provisions of this Bill.

23 PART II - ESTABLISHMENT AND CONSTITUTION OF THE GOVERNING

24 BOARD OF THE OSGOF

25 3.-(1) There is established for the management of the affairs of the
26 OSGOF a Governing Board (in this Bill referred to as "the Board").

27 (2) The Board shall consist of:

28 (a) a Chairman, who shall be a person with the requisite knowledge in
29 a survey, research and development, with not less than fifteen years of cognate
30 experience;

1 (b) 2 representatives, not below the rank of a Director of the
2 Ministries responsible for:

3 (i) Works,

4 (ii) Solid Minerals,

5 (iii) Petroleum,

6 (iv) Science and Technology,

7 (v) Finance, and

8 (vi) National Boundaries Commission;

9 (c) one representative each from the:

10 (i) Six Geopolitical Zones in Nigeria,

11 (ii) Raw Materials and Research Development Council; and

12 (d) the Surveyor-General of the Federation who shall serve as the
13 Secretary to the Board.

14 (3) The Chairman and other members of the Board, other than ex-
15 officio, shall be appointed by the President subject to confirmation by the
16 Senate.

17 (4) A person shall not be appointed as a member of the Board if the
18 person:

19 (a) is an undischarged bankrupt;

20 (b) fails to comply or is not capable of fully complying with a
21 judgment or order, including an order for costs, given against the person by a
22 court of law in a civil case; and

23 (c) in the preceding 10 years has been convicted of an offence of
24 which fraud, violence, dishonesty, extortion or intimidation is an element.

25 (5) The Board shall, from time to time, elect from among its
26 members a Vice-Chairman, who shall in the absence of the Chairman
27 exercise the powers and duties of the Chairman, and if neither the Chairman
28 nor the Vice-Chairman is available, the Board members shall nominate a
29 person from among themselves to preside at that meeting.

30 (6) Other members of the Board shall:

1 (a) have at least 10 years cognate experience in survey research and
2 development or related area;

3 (b) be a person of unquestionable character and proven integrity.

Schedule

4 (7) The supplementary provision set out in the Schedule to this Bill
5 shall affect concerning the proceeding of the Board and other related matters.

Tenure of office
of members of
Board

6 4. Members of the Board shall hold office for a term of four years
7 renewable for another term of four years only.

Resignation,
cessation or
removal from
membership of
the Board

8 5.-(1) A member of the Board may resign the appointment by notice in
9 writing addressed to the Chairman of the Board while the Chairman may resign
10 the appointment by notice in writing addressed to the President of the Federal
11 Republic of Nigeria through the Minister.

12 (2) A member of the Board shall vacate office if the member:

13 (a) becomes subject to disqualification under clause 3(4) of this Bill;

14 (b) lacks the physical or mental capacity to perform the functions of
15 the office;

16 (c) becomes of unsound mind;

17 (d) is convicted of a felony, gross misconduct, or of any offence
18 involving dishonesty or fraud;

19 (e) is disqualified or suspended from professional practice in any part
20 of the world, by an order of a competent authority made in respect of that
21 member;

22 (f) in the case of an ex - officio member, ceases to hold the office
23 based on which the member became a member of the Board; or

24 (g) is absent without the leave of the Secretary for more than two
25 consecutive meetings of the Board.

26 (3) A member of the Board may be removed from office by the
27 President if the President is satisfied that it is not in the interest of the public that
28 the member should continue in that office.

Allowances of
Members of
Board

29 6. There shall be paid to every member of the Board such allowances
30 as the OSGOF may from time to time determine in line with the extant policy of

1 Salaries and Wages Commission.

2 7. The Board shall:

Functions of the
Board

3 (a) manage and superintend the affairs of the OSGOF;

4 (b) approve the policies, guidelines, and programmes of the
5 OSGOF;

6 (c) facilitate the formation and development of national and
7 international partnerships or collaboration to implement the objectives of
8 the Bill;

9 (d) review quarterly and annual reports of the OSGOF on the extent
10 of the implementation of the policy framework for the promotion of
11 research, in survey;

12 (e) approve the appointment of senior staff of the OSGOF either on
13 permanent or temporary appointment or through secondment of service;

14 (f) make rules and regulations relating generally to the
15 appointment, promotion, discipline, and conditions of service of employees
16 of the OSGOF;

17 (g) do such other things which in the opinion of the Board and
18 directives of the Minister are necessary and expedient to ensure the efficient
19 discharge of the functions of the OSGOF.

20 PART III - STRUCTURE AND STAFF OF THE OSGOF

21 8.-(1) Subject to this Bill, the OSGOF may be structured into any
22 number of departments and divisions as the Board may deem appropriate for
23 the effective administration of the OSGOF.

Structure of the
OSGOF

24 (2) The Board may create additional Departments and Committees
25 based on management recommendations and prevailing
26 circumstances.

27 (3) Each department shall be managed by a Director who is responsible for
28 coordinating the functions of such a department.

29 9.-(1) There shall be a Surveyor-General for the OSGOF who shall
30 be appointed by the President on the recommendation of the Minister,

The Surveyor-
General of the
OSGOF

1 subject to the confirmation of the Senate of the National Assembly.

2 (2) The Surveyor-General shall:

3 (a) be the Chief Executive and Accounting Officer of the OSGOF and
4 responsible for the general administration of the OSGOF;

5 (b) be a fit and proper person with at least 12 years post qualification
6 experience in survey research and development and of proven integrity and
7 ability;

8 (c) keep the records of proceedings and decisions of the Board and
9 such other functions as the Board may from time to time direct; and

10 (d) be appointed for a term of 4 years in the first instance and may be
11 re-appointed for a further term of 4 years and no more.

Other staff of
the OSGOF

12 10.-(1) The Board shall appoint for the OSGOF such number of
13 employees as may in the opinion of the Board be expedient and necessary for
14 the proper and efficient performance of the functions of the OSGOF.

15 (2) The terms and conditions of service, including remuneration,
16 allowances, benefits, and pensions, of the employees of the OSGOF, shall be as
17 determined by the Board using the extant policy of the government.

Pension

18 11. Service in the OSGOF to be pensionable under the subsisting
19 Pensions Act.

20 PART IV - FINANCIAL PROVISIONS

Fund of the
OSGOF

21 12.-(1) There shall be established and maintained by the OSGOF, a
22 Fund into which shall be paid and credited:

23 (a) all allocations from the Federal Government;

24 (b) such monies as may, from time to time, be lent, deposited or
25 granted to the OSGOF by the Government of the Federation or a State;

26 (c) all Grants received from both local and international organization
27 for the OSGOF;

28 (d) fees, levies, penalties, charges, administrative costs of
29 proceedings, and other money payable to the OSGOF in pursuance of this Bill;

30 (e) all monies received by the OSGOF as gifts, loans, contributions,

1 testamentary deposition or donations; and

2 (f) all other monies and assets which may accrue to the Fund from
3 time to time.

4 (2) The Fund shall be managed by rules made by the Minister and
5 without prejudice to the generality of the power to make rules under this sub-
6 clause, the rules shall, in particular, contain provisions:

7 (a) specifying how the assets of the Fund are to be held and
8 regulating the making payments into and out of the Fund; and

9 (b) requiring the keeping of proper accounts and records for the
10 Fund in such form as may be specified in the rules.

11 13. The OSGOF shall apply the funds established under clause 15
12 of Expenditure of the OSGOF this Bill to:

Expenditure of
the OSGOF

13 (a) cost of administration of the OSGOF;

14 (b) payment of salaries, fees, remuneration, bills, rents of the
15 OSGOF;

16 (c) cost of maintenance of any property acquired or vested in the
17 OSGOF;

18 (d) capital expenditure approved by the OSGOF for research and
19 development;

20 (e) allowances, salaries, remuneration, pensions, and gratuities
21 payable to the staff and members of the Board;

22 (f) the payment for all contracts, including mobilization,
23 fluctuations, variations, legal fees, and cost on contract administration;

24 (g) to the payment for all purchases; and

25 (h) payment of such other expenses and activities as are connected
26 with all or any of the functions of the OSGOF under this Bill.

27 14. The OSGOF may, subject to the provisions of this Bill, receive
28 donations from persons, organizations, bodies, or governments for the Bill.

Donations to the
OSGOF

29 15. The OSGOF shall not accept any donation or gift if the
30 conditions attached by the person or organization making the gift are

Restriction on
Donations

1 inconsistent with the functions of the OSGOF under this Bill.

Power to borrow

2 16. The OSGOF may, with the approval of the Minister, borrow, on
3 such terms and conditions as the OSGOF may require in the exercise of its
4 functions under this Bill.

Annual Estimates
and Expenditure

5 17.-(1) The Board shall, not later than 30th September of each year,
6 submit to the Minister, an estimate of the expenditure and income, including
7 payments to the OSGOF Fund, for the next succeeding year.

8 (2) The Board shall cause to be kept proper accounts of the OSGOF in
9 respect of each year and proper records in relation thereto and shall cause the
10 accounts to be audited not later than 6 months after the end of each year by
11 auditors appointed from the list by the guidelines supplied by the Auditor-
12 General of the Federation.

Annual Report

13 18.-(1) The Board shall prepare and submit to the Minister, not later
14 than 30th June in each year, a report in such form as the President may direct on
15 the activities of the OSGOF during the immediately preceding year and shall
16 include in the report a copy of the audited accounts of the OSGOF for that year
17 and auditor's report thereon.

18 (2) The Minister shall, upon receipt of the report referred to in sub-
19 clause (1) of this clause, cause a copy of the report and the audited accounts of
20 the OSGOF and the auditor's report thereon to be submitted to the National
21 Assembly.

22 PART V - MISCELLANEOUS PROVISIONS

Restriction on
making of maps
by the Federal
Government
institutions

23 19. All the Federal Government institutions, other than the OSGOF,
24 being the apex institution on survey and mapping, are restricted from making
25 maps.

Submission of
map needs by all
the Federal
Government
institutions to
the Office of
Surveyor-General
of the Federation

26 20. All the federal government institutions that require a map shall
27 refer their needs, in that regards, to the OSGO, in a prescribed form, for the
28 production of the map and related action.

Penalty

29 21. Any federal institution which contravenes the provisions of this
30 Bill by making maps shall be liable to have the produced maps confiscated and

1 whatever amount that has been expended on such production shall be
2 recovered from the private resources of the Chief Executive Officer of the
3 Institution.

4 22. The President may give directives of a general nature to matters Directives by the
5 of policy concerning functions of the OSGOF and it shall be the duty of the President, etc.
6 OSGOF to comply with the directives.

7 23. The Minister may in collaboration with OSGOF and other Powers of the
8 relevant stakeholders shall issue a regulation to give full effect to the Minister to make
9 objectives of this Bill. Regulations

10 24.-(1) To provide offices and premises necessary for the Offices and
11 performance of its functions under this Bill, the OSGOF may, subject to the Premises of
12 Land Use Act: OSGOF

13 (a) purchase or take on lease any interesting land, or other property;
14 and

15 (b) construct offices and premises and equip and maintain same.

16 (2) The OSGOF may, subject to the land use Act and the approval
17 of the Minister, sell or lease out any office or premises held by it, which
18 office or premises is no longer required for the performance of its functions
19 under this Bill.

20 25.-(1) Subject to the provisions of this Bill, the provisions of the Limitation of suit
21 Public Officers Protection Act shall apply concerning any suit against the OSGOF
22 member or officer, or employee of the OSGOF.

23 (2) Notwithstanding anything contained in any other law, no suit
24 shall lie against any member of the Board, the chairman or any other officer
25 or employee of the OSGOF for anything done in pursuance or execution of
26 this Bill or any other law, or any alleged neglect or default in the execution of
27 this Bill, duty or authority, shall lie or be OSGOF in any court unless:

28 (a) it is commenced within three months after the act, neglect or
29 default complained of; or

30 (b) in the case of a continuation of damage or injury, within six

1 months next after the leasing thereof.

Services of a
document

2 26. A notice, summons, or other document required or authorized to
3 be served upon the OSGOF under the provisions of this Bill or any other law
4 may be served by delivering it to the office of the Surveyor-General.

Restriction of
execution against
property of the
OSGOF

5 27. In any action or suit against the OSGOF, no execution or
6 attachment of process shall be made against the OSGOF, unless not less than
7 three months' notice of the intention to execute or attach has been given to the
8 OSGOF.

Interpretation

9 28. In this Bill:

10 "Board" means the Governing Board of the OSGOF;

11 "Geopolitical Zones" means North Central, North East, North West, South
12 East, South West, South-South, and southwest;

13 "OSGOF" means the Office of the Surveyor-General of the Federation;

14 "Member" means a member of the Board and includes the Chairman;

15 "Minister" means the Minister responsible for survey;

16 "President" means the President of the Federal Republic of Nigeria;

Citation

17 29. This Bill may be cited as the Office of the Surveyor-General of the
18 Federation (Establishment) Bill, 2021.

SCHEDULE

[Clause 3(7)]

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

Proceedings of the Board

1. Subject to this Bill the Board may regulate its proceedings including the proceedings of its committees and sub-committees.

2. The quorum of the Board shall be the Chairman and six other members and the quorum of any committee of the Board shall be determined by the Board.

3. The Board shall meet not less than four 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 four other members, he shall summon a meeting of the Board to be held within fourteen days from the date on which the notice is given.

4. At any meeting of the Board, the Chairman shall preside, but if he is absent, the Vice-Chairman shall preside, in the absence of the Chairman and Vice-Chairman, the members present at the meeting shall appoint one of their numbers to preside at that meeting.

5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt such a person to the Board for such period as it thinks fit; but a person who is in attendance by this subparagraph shall not be entitled to vote at any meeting of the Board and shall not count towards a quorum.

Committees

6. The Board may appoint one or more committees to carry out, on behalf of the Board, such of its functions as the Board may determine.

7. A committee appointed under 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 in the committee under the terms of his appointment.

1 8. A decision of a committee of the Board shall be of no effect until it
2 is confirmed by the Board.

3 ** Miscellaneous*

4 9. The fixing of the Seal of the OSGOF shall be authenticated by the
5 signature of the Chairman and the Secretary to the Board.

6 10. Any contract or instrument which, if made or executed by a person
7 not being a body corporate, would not be required to be under seal may be made
8 or executed on behalf of the OSGOF by any person generally or specially
9 authorised by the OSGOF for that purpose.

10 11. A document purporting to be a document duly executed under the
11 seal of the OSGOF shall be received in evidence and shall unless the contrary is
12 proved, be presumed to be so executed.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Office of the Surveyor General of the Federation to be saddled with the responsibilities of enhancing the existing national geodetic reference system for all surveying and mapping projects in Nigeria and delineating, demarcating, and surveying, all international and interstate boundaries of Nigeria; it also seeks to restrict all the Federal Government institutions from making maps and direct the institutions to submit their map needs to the Office of the Surveyor-General of the Federation for the services and related actions.