

A BILL

FOR

AN ACT TO ESTABLISH THE ABUJA GEOGRAPHIC INFORMATION SYSTEMS AGENCY AND FOR RELATED MATTERS

Sponsored by Hon. Gaza Jonathan Gbefwi

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria

PART I - ESTABLISHMENT, MEMBERSHIP, ETC.

1.-(1) There is hereby established, an agency to be known as Abuja Geographic Information Systems Agency (in this Act referred to as "the Agency") to exercise the functions and powers, and pursue the objectives assigned to it by this Act.

Establishment of the Agency

(2) The Agency shall be a body corporate with perpetual succession and a common seal and may:

(a) sue and be sued in its corporate name; and

(b) hold, acquire and dispose of any property or interest in property, moveable or immovable.

2.-(1) There is hereby established for the Agency, a Governing Board which shall consist of:

Composition and proceedings

(a) a Chairman to be appointed by the President upon recommendation of the Minister;

(b) nine persons who shall be appointed by the Minister as members, each being members of or representing the interests of the following:

(i) each of the six Area Councils in Abuja;

(ii) the Federal Capital Development Authority; and

(iii) the Abuja Metropolitan Management Authority;

(c) the Director-General of the Agency, who shall also be the

1 Registrar of Deeds in the FCT.

2 (2) All Members other than the Director-General shall be part-time
3 members.

4 (3) Members shall hold office for a period of four years renewable
5 once for a further period of four years only, provided however that:

6 (a) any Member may resign his appointment at any time by notice in
7 writing under his hand addressed to the Minister.

8 (b) if a Member dies or resigns or otherwise vacates his office before
9 the expiration of the term for which he is appointed, the Minister shall appoint a
10 fit and proper person for the remainder of the term of office of that Member, and
11 the successor shall represent the same interest as that Member.

12 (c) a Member may be removed from office by the Minister if he is
13 satisfied that it is not in the interest of the Agency or the interest of the public
14 that the Member should continue in office.

15 (4) There shall be paid to every Member, such emoluments,
16 allowances and benefits as the Minister may, from time to time, determine.

17 (5) The provisions of the First Schedule to this Act shall have effect
18 with respect to the proceedings of the Agency and other matters mentioned
19 therein.

20 PART II - FUNCTIONS AND POWERS

Functions

21 3.-(1) The Agency shall have the responsibility for management and
22 administration of land matters in the FCT including all issues relating to title,
23 registration, searches, approvals and other such responsibilities as may from
24 time to time be prescribed by the Minister.

25 (2) In discharging its general responsibility under subsection (1)
26 above, the Agency shall undertake of the following duties:

27 (a) introduce, implement and sustain best practices for land
28 ownership and title certification in the FCT;

29 (b) receive, conduct due diligence on, and verify applications for
30 issuance of Certificates of Occupancy for land or the grant of other rights over

1 land or subsequent transactions in land, within the FCT and forward same to
2 the Minister for approval and or grant of consent in accordance with the
3 Land Use Act;

4 (c) develop and maintain a database of all land within the FCT
5 particularly with respect to title and title history, location, size, use and other
6 related indicators;

7 (d) permit access to existing data on land for the purpose of
8 conducting title searches for members of the public at a fee to be prescribed
9 from time to time; and

10 (e) undertake all such other activities as are required for efficient
11 management and administration of land matters in the FCT.

12 (3) The Agency shall have the power to develop and maintain a
13 geographic information system or such other appropriate system and
14 structures in the FCT for research, land management and development
15 planning.

16 (4) In discharging its responsibilities pursuant to subsection (3) of
17 this section, the Agency may pursue all or any of the following objectives;

18 (a) acquire, provide, deploy and manage software and hardware for
19 storing, assembling, manipulating and displaying geographically
20 referenced material;

21 (b) establish a central geographic information clearinghouse to
22 maintain map inventories, information on current and planned geographic
23 and spatial information systems applications, information on grants
24 available for the acquisition or enhancement of geographic information
25 resources;

26 (c) plan, establish and manage a directory of geographic
27 information and the resources available within the FCT;

28 (d) coordinate geographic information system projects, including
29 overseeing the development and maintenance of base maps and geographic
30 information systems within the FCT;

- 1 (e) provide consulting services and technical assistance, and
2 education and training, on the application and use of geographic information
3 technologies;
- 4 (f) maintain, update, and interpret geographic information and
5 geographic information systems standards;
- 6 (g) provide geographic information system services, as requested, to
7 persons wishing to augment their geographic information systems capabilities;
- 8 (h) in cooperation with other relevant agencies of government,
9 evaluate, participate in pilot studies, and make recommendations on
10 geographic information systems hardware and software;
- 11 (i) assist with review of agency information resource plans and
12 participate in special studies as are requested or delegated by the Minister;
- 13 (j) provide staff support and technical assistance to the Minister on
14 geographic information systems and policies ;
- 15 (k) provide cost effective and efficient means of assembling and
16 distributing relevant information among interested persons ;
- 17 (l) coordinate and provide overview of geographic information
18 systems activities within the FCT;
- 19 (m) review and submit to the Minister for approval, all proposed
20 geographic information systems projects within the FCT;
- 21 (n) pursue funding strategies to continually develop and maintain up-
22 to-date geographic information systems solutions for the FCT ;
- 23 (o) advise the Minister in respect of trends, developments and
24 solutions in geographic information systems ;
- 25 (p) provide technical support to assist other agencies of the FCT or
26 other persons within the FCT who wish to incorporate geographic information
27 systems capabilities in their activities and systems ; and
- 28 (q) undertake all other steps and initiatives as are required for the
29 proper administration of this Act.
- 30 4.-(1) The Agency shall have the power to:

1 (a) do all things which by this Act or any other enactment or
2 administrative directive are required or permitted to be done by the Agency;

3 (b) monitor any matter that may affect the functions of the Agency;
4 and

5 (c) do such other things as are necessary or expedient for the full
6 discharge of its functions under this Act.

7 (2) Subject to any limitation imposed by law, the Agency may
8 delegate any of its powers to any Member or official of the Agency and
9 authorize any such Member or official to perform any of its functions.

10 5. Subject to the approval of the Minister, the Agency may from
11 time to time, borrow by way of overdraft or otherwise, such sums as it may
12 require for the effective discharge of its functions under this Act.

Power to borrow

13 6.-(1) The Agency may accept any gift, grant or donation of land,
14 money or other property from any person upon such terms and conditions
15 (acceptable to the Agency), if any, as may be specified by the person making
16 the gift or donation.

Power to accept gifts

17 (2) The Agency shall not accept any gift or donation if the
18 conditions attached thereto by the person making the gift or donation are
19 inconsistent with the functions of the Agency.

20 7.-(1) For the purpose of carrying out the functions conferred on
21 the Agency under this Act, the Director-General, or any employee of the
22 Agency duly authorized in that behalf-

Power to obtain information

23 (a) shall have a right of access to all relevant geographic
24 information records of any person within the FCT; and

25 (b) may by notice in writing, served on any person require such
26 person to furnish or cause to be furnished geographic information or other
27 similar information held by or available to such persons, on such matters as
28 may be specified in the notice.

29 (2) It shall be the duty of any person required to furnish information
30 pursuant to subsection (1) of this section to comply with the notice within

1 the period specified in the notice or where no period is specified, within a
2 reasonable period.

3 PART III - DEPARTMENTS OF THE AGENCY

Departments

4 8-(1) Subject to subsection (2) of this section, the Secretariat shall
5 comprise the following departments:

6 (a) Geographical Information Systems;

7 (b) Land Administration;

8 (c) Planning and Research; and

9 (d) Administration and Accounts.

10 (2) For the effective conduct of the functions of the Agency, the
11 Minister may issue regulations prescribing additional departments for the
12 Agency or altering the departments listed in subsection (1) of this section in any
13 manner whatsoever.

14 (3) Notwithstanding the provisions of subsection (2) of this section,
15 the Agency shall have power to set up any technical committees to assist in the
16 performance of its duties and functions under this Act.

Director-General
of the Agency

17 9-(1) The Minister shall appoint a Director-General as the Chief
18 Executive Officer of the Agency.

19 (2) The Director-General shall hold office for the term specified in
20 subsection (3) of section 2 of this Act provided that the said term may be
21 renewed for another term or more as the Minister deems it fit.

22 (3) The Director-General shall be person with professional
23 qualifications and at least 15 years experience in geographic information
24 systems, or land administration matters.

25 (4) The Director-General shall be responsible for the day-to-day
26 administration of the Secretariat, keeping the books and records of the Agency
27 and the execution of the policy and practice of the Agency and shall be subject
28 to the supervision and control of the Board.

29 (5) The Director-General shall hold office on such terms as to
30 emoluments and otherwise as may be specified in his letter of appointment.

1 10.-(1) The Agency may from time to time, appoint such other
2 employees as it may deem necessary, to enable the Agency effectively
3 perform its functions under this Act.

Staff of the
Agency

4 (2) The staff of the Agency appointed under subsection (1) of this
5 section shall be appointed upon such terms and conditions of service as the
6 Agency may, after consultation with the Federal Capital Public Service
7 Commission, determine.

8 (3) The power of the Agency under this section shall include the
9 power to:

10 (a) promote and control the staff of the Agency as may appear to the
11 Agency necessary or expedient; and

12 (b) dismiss, terminate, consider the resignation or withdrawal of
13 appointment and exercise disciplinary control over the staff of the Agency,
14 other than the Director-General.

15 (4) The Board may specifically delegate to the Director-General,
16 the power to appoint such categories of staff of the
17 Agency as the Board may from time to time specify.

18 (5) The staff of the Agency shall be Public Officers of the FCT, as
19 defined in the Public Service Commission Act.

20 (6) The Agency may engage such consultants and advisers as it
21 may require for the effective discharge of its functions.

22 11.-(1) The Agency may, subject to the provisions of this Act and in
23 consultation with FCF Public Service Commission, make staff regulations
24 relating generally to the conditions of service of its employees and without
25 prejudice to the generality of the foregoing, such regulations may provide
26 for:

Staff Regulations

27 (a) the appointment, promotion and disciplinary control (including
28 dismissal) of the employees of the Agency; and

29 (b) appeals by employees against dismissal on other disciplinary
30 measures.

1 (2) Pending the release of the regulations described in subsection (1)
 2 of this section, the employment of the staff of the Agency shall be governed by
 3 the terms and conditions generally applicable to officers in the public service of
 4 the FCT.

5 (3) Staff regulations issued by the Agency under subsection (1) of this
 6 section shall not have effect until approved by the Minister and published in the
 7 Gazette.

8 PART IV - FINANCIAL PROVISIONS

Fund of the
 Agency

9 12.-(1) The Agency shall establish and maintain a fund ("the Fund")
 10 which shall consist of:

11 (a) the initial take-off grant from the FCT Administration;

12 (b) such sums as may be provided by the FCT Administration by way
 13 of annual subvention or otherwise;

14 (c) fees and other charges received by the Agency pursuant to this Act;

15 (d) subject to section 11 of this Act, all other sums accruing to the
 16 Agency by way of grants, gifts, testamentary dispositions, endowments,
 17 bequests and donations made to the Agency;

18 (e) income from any investment or other property acquired by or
 19 vested in the Agency; and

20 (f) such other sum as may accrue from time to time to the Agency.

21 (2) The Fund shall be managed in accordance with rules prescribed by
 22 the Minister, provided the rules shall contain provisions-

23 (a) specifying the manner in which the assets of the Fund are to be
 24 held;

25 (b) regulating payments into the Fund and the matters to which the
 26 assets of the Fund may be applied; and

27 (c) requiring the keeping of proper accounts and records for the
 28 purpose of the Fund in such form as may be prescribed.

Annual estimates,
 accounts and audits

29 13.-(1) The Agency shall, not later than 30 September in each year,
 30 submit to the Minister an estimate of its expenditure and income (including

1 estimates of expected payments into the Fund) during the next succeeding
2 year.

3 (2) The Agency shall keep proper accounts in a form which
4 conforms to accepted accounting standards, and proper records in relation
5 thereto and the accounts shall be audited as provided in subsection (3) of this
6 section.

7 (3) The accounts of the Agency shall be audited at the end of each
8 calendar year by auditors appointed by the FCT Administration from the list
9 and in accordance with the Financial Guidelines and the fees of the auditors
10 and the expenses for the audit generally shall be paid from the Fund.

11 14. The Agency shall, not later than 30 June in each year, submit to
12 the Minister, a report on the activities of the Agency and its administration
13 during the immediately preceding year and shall include in the report the
14 audited accounts of the Agency and the auditors' report thereon. Annual reports

15 PART V - REGULATIONS AND SUPPLEMENTARY PROVISIONS

16 15. The Minister may make regulations for the effective operation
17 of this Act and the due administration thereof. Regulations

18 16. Any person who:

19 (a) wilfully obstructs the Agency or any authorised officer of the
20 Agency in the exercise of any of the powers conferred on the Agency by this
21 Act; or Obstruction of
the Agency or
its authorized
officers

22 (b) fails to comply with any lawful enquiry or requirements made
23 by an authorised officer in accordance with the provisions of this Act, shall
24 be guilty of an offence and shall be liable upon conviction to a fine of Two
25 Hundred and Fifty Thousand Naira, or imprisonment for a term not
26 exceeding six months or to both such fine and imprisonment.

27 17.-(1) No suit shall be commenced against the Agency before the
28 expiration of a period of one month after written notice of intention to
29 commence the suit shall have been served upon the Agency by the intending
30 plaintiff or his agent and the notice shall clearly and explicitly state: Preaction notice

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

4 (2) The notice referred to in subsection (1) of this section and any
5 summons, notice or other documents required or authorized to be served upon
6 the Agency in connection with any suit by or against the Agency shall be served
7 by delivery of same to the Director-General.

8 Liability for
9 employees of
10 the Agency

8 18. Every Member, agent or staff of the Agency shall be indemnified
9 out of the assets of the Agency against any liability incurred by him in
10 defending any proceedings, whether civil or criminal, in which judgment is
11 given in his favour or in which he is acquitted if any such proceeding is brought
12 against him in his capacity as such Member, agent or staff as aforesaid.

13 Interpretation

13 19. In this Act, unless the context otherwise requires:
14 "Agency" means the Abuja Geographic Information Systems Agency;
15 "Board" means the Governing Board of the Agency;
16 "Director-General" means the Director-General of the Agency;
17 "FCT" means the Federal Capital Territory, Abuja;
18 "FCT Administration" means the Federal Capital Territory Administration;
19 "Financial Guidelines" means the guidelines issued from time to time for the
20 accounting and financial reporting functions of the FCT by the Auditor General
21 of the Federation or the Department of Audit in the FCT;
22 "the Fund" means the fund established for the Agency pursuant to section 12;
23 "Member" means member of the Governing Board of the Agency;
24 "Minister" means the Minister for the time being charged with responsibility
25 for the FCT;
26 "Person" includes any individual, partnership, firm, company, corporation
27 (statutory or otherwise), joint venture, trust, association, organisation or other
28 entity, in each case whether or not having separate legal personality;
29 "Prescribe" means prescribe by regulations.

1 20. This Bill may be cited as the Abuja Geographic Information Citation
2 Systems Agency Bill, 2019.

3 SCHEDULE

4 Section 2 (5)

5 SUPPLEMENTARY PROVISIONS RELATING TO THE AGENCY

6 Proceedings of the Agency

7 1. Subject to this Act and section 27 of the Interpretation Act
8 (which provides for decisions of a statutory body to be taken by a majority of
9 its members and for the Chairman to have a second or casting vote), the
10 Board may make standing orders regulating the proceedings of the Agency
11 and any committee thereof.

12 2. If at any time, the office of the Chairman is vacant or the
13 Chairman is in the opinion of the Board permanently or temporarily unable
14 to perform the function of his office, the Board may appoint one of its
15 members to perform such functions for the period of the vacancy in the
16 office of the Chairman and references in this schedule to the Chairman shall
17 be construed accordingly.

18 3. Every meeting of the Board shall be presided over by the
19 Chairman and if the Chairman is unable to attend a particular meeting, the
20 Members present at the meeting shall elect one of their Members to preside
21 at the meeting.

22 4. The quorum at a meeting of the Board shall consist of a
23 Chairman (or in the appropriate case, the person presiding at the meeting
24 pursuant to paragraph 2 of this Schedule) and three other members.

25 5. Where upon any specific issue or occasion, the Board desires to
26 obtain the advice of any person on any particular matter, the Board may co-
27 opt that person to be a member for as many meetings as may be necessary,
28 and that person while so co-opted shall have all the rights and privileges of a
29 member, except that he shall not be entitled to vote or count towards a
30 quorum.

1 *Committees*

2 6.-(1) Subject to its standing orders, the Board may appoint such
3 number of standing ad hoc committees as it thinks fit to consider and report on
4 any matter with which the Agency is concerned.

5 (2) Every committee appointed under the provisions of sub paragraph
6 (1) of this paragraph, shall be presided over by a Member of the Board and shall
7 be made up of a number of persons, not necessarily members of the Board, as
8 the Board may determine in each case.

9 7. The decision of the Committee shall have no effect until it is
10 confirmed by the Board.

11 *Miscellaneous*

12 8. The fixing of the seal of the Agency shall be authenticated by the
13 signature of the Chairman and of the Executive Secretary of the Board or such
14 other member authorised generally or specifically by the Board to act for that
15 purpose.

16 9. Any contract or instrument, which if made by a person not being a
17 body corporate, would not be required to be made under seal, may be made or
18 executed on behalf of the Agency by the executive secretary or by any other
19 person generally or specifically authorised by the Board to act for that purpose.

20 10. Any document purporting to be a contract, instrument or other
21 document signed or sealed on behalf of the Agency shall be received in
22 evidence and, unless the contrary is proved, be presumed, without further proof
23 to have been so signed or sealed.

24 11. The validity of any proceedings of the Board or a committee
25 thereof, shall not be adversely affected by:

26 (a) any vacancy in the membership of the Board; or

27 (b) any defect in the appointment of a Member of the Board or
28 committee; or

29 (c) reason that a person not entitled to do so, took part in the
30 proceedings.

1 12. Any Member of the Board or a committee thereof, who has a
2 personal interest in any contract or arrangement entered into or proposed to
3 be considered by the Board or committee, shall forthwith disclose his
4 interest to the Board or committee and shall not vote on any question relating
5 to the contract or arrangement.

EXPLANATORY MEMORANDUM

This Bill seeks to Establish the Abuja Geographic Information Systems
Agency and for Related Matters

