CROSS RIVER STATE OF NIGERIA

LAW NO. 2 (2012)

A Law to make provisions for the establishment of the Cross River State Geographic Information Agency, and for matters connected therewith. Long Title.

( ) Commencement.

The Cross River State House of Assembly enacts as follows – Enactment.

PART I

1. (1) There is hereby established the Cross River State Geographic Information Agency (in this Law referred to as the "the Agency"). Establishment of Agency.

(2) The Agency is a body corporate with separate legal personality and a common seal, and may sue and be sued in its corporate name.

2. The Agency shall- Functions of the Agency.

(a) establish and maintain a State Geographic Information System to be known as the Cross River Geographic Information System to enhance land use and management in the State;

(b) compile and collate information about land in the territory of the State, and to provide products and services derived from that and other information to the government and the general public;

(c) establish and regulate the standards to be applied for the compilation of data relating to land in the State;

(d) be responsible for the following aspects of land administration in the State –

(i) creation and compilation of land registry records and registration of land instruments,

(ii) repository and management of survey information and dataset including charges for services;

(iii) processing of grants of rights of occupancy, processing of issuance of Certificates of Occupancy, and processing of grants of consent to land transactions;

(iv) provision of support to the Land Use Allocation Committee;

(v) facilitating the functioning of the Land Allocation Advisory Committee in each Local Government Area and provide administrative support for the processing of grants of customary rights of occupancy; and

(vi) provision of such other services as are incidental to the maintenance of geospatial and land information system, land rights and geographic land records as are provided for in Regulations made under this Law.

Duties of the Agency.

3. The Agency shall –

(a) ensure that the land administration system in the State is efficient and effective;

(b) ensure a system of land administration that supports the development of social and economic rights in the State; and

(c) conform to national standards concerning geospatial data with regard to international, supranational and regional standards.

Powers of the Agency.

4. The Agency shall have power to –

(a) acquire, own, dispose of, charge and otherwise alienate in whole or in part interests in immovable property;

(b) employ staff and to enter into contracts for the performance of its functions;

(c) set standards in relation to the quality and format of geospatial information to be created and maintained by the State Government and Local Government Councils within the State;

(d) charge fees, as may from time to time be prescribed, for its services;

(e) borrow money and to enter into other obligations subject to the approval of the Governor;

(f) grant charges, including charges over immovable property, as security for its obligations; and

(g) perform such other functions as are incidental to the discharge of the responsibilities of the Agency.

Management Board of Agency.

5. The Agency shall have a Management Board to be appointed by the Governor.

Composition of the Board.

6. The Board shall have the following members –

(a) the Commissioner charged with responsibility for lands as Chairman;

(b) the Director-General of the Agency;

(c) the Surveyor-General of the State;

(d) the State Director of Town Planning;

(e) the Special Adviser on Security Matters;

(f) a representative of the Local Government Councils not below the rank of Chairman in the State;

(g) the Chairman of the Land Use and Allocation Committee;

(h) a representative of the Ministry of Agriculture;

(i) a representative of the Ministry of Environment;

(j) a representative of the Forestry Commission;

(k) a representative of the Ministry of Finance; and

(l) four persons from the private sector, at lest one of whom shall be from a non-governmental organization, with relevant experience in land administration to be appointed by the Governor.

Powers of the Board.

7. The Board shall be responsible for –

(a) the formulation of policies for the Agency and setting the strategy for the attainment of an efficient land administration system in the State;

(b) approving the accounts, and annual reports of the Agency prior to submission to the Governor;

(c) approving the business plan and budget of the Agency; and

(d) providing advice and guidance generally to the Chief Executive.

Tenure of Office.

8. A member of the Board who is not an officer in the Public Service of the State shall each hold office for a term of fours years and may be reappointed for another four years only.

Disqualification of Members of the Board.

9. (1) Notwithstanding the provisions of Section 8 of this Law, the Chairman or a member of the Board shall cease to hold office if –

(a) he resigns his appointment as a member of the Board by notice, under his hand, addressed to the Governor;

(b) he becomes of unsound mind;

(c) he becomes bankrupt or makes a compromise with his creditors;

(d) he is convicted of felony or of any offence involving dishonesty or corruption;

(e) he becomes incapable of carrying out the functions of his office either arising from an infirmity of mind or body;

(f) the Governor upon a recommendation of a Panel set up for that purpose, is satisfied that it is not in the interest of the Agency or in the interest of the public for the member to continue in office, and removes him;

(g) he becomes guilty of contravening the Code of Conduct Bureau and Tribunal Act or gross misconduct in relation to his duties;

(h) in the case of a person possessing a professional qualification, he is disqualified by a

competent authority; or

(i) in the case of a person who becomes a member by virtue of the office he occupies, he ceases to hold such office.

(2) 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.

Remuneration.

10. The Chairman and members of the Board shall be paid such emoluments, allowances and benefits as are applicable in the State Public Service.

PART II
Meetings

Meetings.

11. The members of the Board may at such date, time and place as the Chairman may decide, hold any meeting for the transaction of its business: **Provided** that the Board shall meet at least once every three months.

Validity of Proceedings.

12. The proceedings of Board meetings shall not be affected by reason of any defect in the appointment of any member, or the absence of any member or vacancy in the membership of the Board or that a person not so entitled has taken part in such proceedings.

Quorum.

13. No meeting of the Board shall proceed to business unless there is a quorum present and seven members present at any meeting shall be the quorum.

PART III
Staff of the Agency

Director-General.

14.(1) There shall be a Director-General for the Agency who shall be the Chief Executive of the Agency, and who shall –

(a) be the Accounting Officer for the Agency;

(b) be responsible for implementation of the decisions of the Board and the day to day administration of the Agency; and

(c) perform such other duties as are assigned by the Board.

(2) The Director-General shall be appointed by the Governor.

(3) The Director-General shall have a degree or equivalent qualification in the physical or social sciences or Law, and at least ten years relevant post qualification experience five of which must be in a management position.

(4) The terms and conditions of service of the Director-General and other staff of the Agency shall be as approved by the Governor, upon the recommendation of the Board.

Secretary.

15. (1) There shall be a Secretary for the Agency who shall be responsible for organization of meetings of the Board and shall keep the minutes of Board meetings.

(2) The Secretary shall also be the head of the legal department of the Agency and shall carry out such other functions as may be assigned to him by the Director General or the Board.

(3) The Secretary shall be a Lawyer with at least ten years post qualification experience.

16.(1) Subject to the approval of the Governor, the Board may appoint such other category of professional and non-professional staff as may from time to time be required for the attainment of the objectives of the Agency. Other Staff of the Agency.

(2) The staff of the Agency shall function outside the State Civil Service structure and the recruitment, retention and discipline of staff of the Agency shall be conducted in accordance with the terms and conditions of service of the Agency as approved by the Governor or contained in the Regulations made pursuant to this Law.

PART IV
Funds and Accounts

17. (1) The Agency shall be funded from the following sources – Funds.

(a) State budget; and

(b) grants or contributions from other sources which shall be accounted for within the State Budget.

(2) 5% of the revenue generated by the Agency from its operations shall be retained by the Agency and applied towards the funding of its operations, provided that any funds that may accrue above the actual budgetary allocation to the Agency for the year shall be transferred to the State Treasury.

18. (1) The Agency's financial year runs from January to December of each year. Estimates.

(2) Not later than the 30th September in each year, the Board shall present to the Governor the Agency's budget for the next fiscal year.

19. (1) The Agency is to keep proper books of accounts and records of income and expenditure and shall prepare annual accounts including a profit and loss account and balance sheet. Accounts, Annual Report and Audit.

(2) Not later than six months after the end of the financial year to which they relate, the accounts shall be audited by the State Auditor-General or Auditors appointed by the Auditor-General.

(3) The Auditor-General may carry out or cause to be carried out any investigation into the Agency's financial transactions.

(4) Not later than three months after the end of each financial year, the Agency shall prepare an annual report and statement of account on the operations of the Agency during the preceding year.

(5) Copies of the Accounts, Auditor's report and Annual Report shall be submitted by the Board to the Governor, and to the State House of Assembly.

20. (1) The Commissioner may by regulations made under Section 21 of this Law set fees, charges and means of calculating fees and charges to be paid in respect of the performance by the Agency of any of its functions and for the provision of any services by the Agency. Fees.

(2) Such regulations may stipulate the means by which any fee or charge is to be paid, and may require pre-payment as a condition for carrying out a function, or the provision of a service.

Regulations.

21.(1) The Commissioner may by Regulations approved by the Governor, and laid before the House of Assembly -

(a) provide for payment of fees and charges to the Agency in accordance with Section 20 of this Law;

(b) prescribe forms and formats of documents to be issued by the Agency and to be used in dealings with the Agency, and the means by which these are to be procured or authenticated; and

(c) make such further provisions as are necessary for the effective operations of the Agency and performance of its functions.

(2) Notwithstanding the provision of Subsection (1) of this Section, the Commissioner may by Regulations made pursuant to this Law confer further functions on the Agency.

PART V
Miscellaneous Provisions

Authentication of Documents.

22.(1) The common seal of the Agency shall not be used or affixed to any document except in pursuance of a resolution duly passed at a meeting of the Board and recorded in the minutes of such meeting.

(2) The fixing of the common seal of the Agency shall be authenticated by the signature of the Chairman and the Secretary or of such other members as may be generally or specifically authorized in that behalf by the Board.

(3) Any contract or instrument which would not be required to be under seal if entered into or executed by a person, may be entered into or executed as the case may be on behalf of the Agency by any person generally or specifically authorized in that behalf by the Agency.

Representation in Court.

23. In any civil action or proceeding, the Agency may at any time be represented in court by a State Counsel or a Legal Practitioner approved by the Attorney-General of the State.

Directions by Governor.

24. The Governor may give to the Agency directives of a general or specific nature with respect to the performance by the Agency of its functions under this Law.

Interpretation.

25. In this Law –

"Agency" means the Agency established under Section 1 of this Law;

"Commissioner" means the Commissioner with responsibility for land administration in the State;

"governor" means the Governor of Cross River State;

"Ministry" means the Ministry of Lands and Housing;

"State" means the Cross River State of Nigeria.

Short Title and Commencement.

26. This Law may be cited as the Cross River State Geographic Information Agency Law, 2012 and shall come into force on the .....day of .....2012.

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

ELDER (BARR) BASSEY EKPENYONG
CLERK OF THE HOUSE

I assent

SENATOR LIYEL IMOKE
GOVERNOR
CROSS RIVER STATE

MADE AT Calabar this 18th day of July 2012