

I ASSENT THIS DAY OF 2020

**Hon. Mai Mala Buni
Executive Governor
Yobe State**

**A BILL FOR A LAW
TO PROVIDE FOR THE ESTABLISHMENT OF YOBE GEOGRAPHIC
INFORMATION SYSTEM AND MATTERS CONNECTED THEREWITH**

ENACTED by the Yobe State House of Assembly as follows:-

Date of
commencement

[December, 2020]

**PART I
PRELIMINARY**

Citation and
Commencement.

- 1.** This Law may be cited as the Yobe Geographic Information System (YOGIS) Law, 2020 shall come into operation on the ... day of Day of 2020

Interpretation

- 2.** In this Law unless the context otherwise requires:
“Board” means the Governing Board of the Service;
“Director General” means the Director General of the System;
“Governor” means the Executive Governor of the State;
“Member” means Member of the Governing Board and includes the chairman;
“Person” includes any individual, partnership, firm, company, corporation (statutory or otherwise), joint venture, trust, association, organization or other entity, in each case whether or not it has a separate legal personality;
“System” or “Service” or “YOGIS” means the Yobe Geographic Information System established under section 3 this Law;
“State” means Yobe State of Nigeria; and
“The Fund” means the fund established for the System pursuant to the section 26 hereof.

**PART II
ESTABLISHMENT, FUNCTIONS AND POWERS OF THE
SERVICE**

Establishment of
the System

- 3.** (1) There is hereby established, a Service to be known as Yobe Geographic Information System in this Law referred to as “the System”.
(2) The System shall be a body corporate with perpetual succession and a common seal and may:

Functions of the
System

4.

- (a) sue and be sued in its corporate name; and
- (b) hold and acquire any property moveable or immovable.
- (c) grant changes on any immovable property or interest in immovable property

(3) The System shall be a parastatal in the Office of the Secretary to the State Government.

(1) The System shall have the responsibility for administration and management of land matters in the State including all issues relating to title, registration, use, searches, charting, cadastral and planning, and such other responsibilities as may be determined by the Governor

(2) the System shall also undertake the following duties:

(a) ensure that efficient and reliable Services and secured products are made available to all stake holders and to advance good governance and transparency of land management in the State

(b) introduce, implement and sustain best practices for land ownership and title certification in the State

(c) receive, conduct due diligence on, and verify applications for issuance of Right of Occupancy for land or the grant of other rights over land or subsequent transactions in lands within the State

(d) develop and maintain a database of all land within the State particularly with respect to history, location, size, use and other related issues;

(e) permit access to existing data on land for the purpose of conducting title searches for Members of the public at a fee to be prescribed from time to time by the System

(f) ensure conformity with the national Standard concerning geospatial data; and

(g) undertake such other activities as may be required for the efficient management and administration of the land matter in the State

(3) to develop and maintain a geospatial information System or such appropriate System and structures in the State for research and land management

Powers of the
System

5.

The System shall subject to the approval of the Governor have the following powers:

(a) acquire, provide, deploy and management software and hardware for storing, assembling, manipulating and displaying geospatial reference material

(b) establish a central geospatial information clearing house and set standards in relation to the quality and format of geospatial information

- (c) plan, establish and manage a directory of geospatial information and the resources available within the State
- (d) coordinate geospatial information System projects, including overseeing the development and maintenance of base maps and geospatial information System throughout the State
- (e) provide consultancy services and technical assistance, education and training on the application and use of geospatial information technologies;
- (f) maintain, update and interpret geographic information and geospatial information Systems standards;
- (g) provide geospatial information Services, as requested, to persons wishing to augment their geospatial information Systems capacities upon payment of the prescribed fees;
- (h) in cooperation with other relevant agencies of the government, evaluate, participate in pilot studies, make recommendation on geospatial information Systems hardware and software;
- (i) provide staff support and technical assistance to all level of government on Geospatial Information System and policies;
- (j) coordinate and provide overview of geospatial information Systems activities throughout the State
- (k) review and submit to the Governor for approval, all proposed geospatial information Systems projects in the State
- (l) pursue funding strategies to continually develop and maintain up to date geospatial 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 geospatial information Systems capabilities in their activities and Systems;
- (n) to charge such fees as are appropriate for its Services and;
- (o) undertake all other steps and initiatives as required for the proper administration of this law throughout the State.

PART III

GOVERNING BOARD OF THE SYSTEM

Establishment
and
Composition of
the Governing
Board

- 6.** (1) There is hereby established for the System a Governing Board which shall consist of:
- (a) A Chairman with cognate experience in Public Service or Private Sector
 - (b) Three Members, one each from the three senatorial districts in the State at least one of whom shall be a woman;
 - (c) One representative not below the rank of a Director from Ministries responsible for:
 - (i) Finance
 - (ii) Justice

- (iii) Land and Survey
- (iv) Local Government and Chieftaincy Affairs
- (v) Budget and Economic Planning
- (d) A representative of the Yobe State Board of internal Revenue not below the rank of a Director
- (e) a representative of Yobe Chamber of Commerce, Industry, Mines and Agriculture (YOCCIMA).
- (f) The Director General of the System
- (g) The Legal Adviser of the System, who shall serve as Secretary.

(2) all Members shall be part-time Members except the ex officio and the Director General and Legal Adviser of the System.

Powers of the Board

7. The Governing Board shall have power to;

- (1) Do all things which by this Law or any other enactment or administrative directive are or permitted to be done by the Board;
- (2) Delegate its power to any Member or Official and authorize any such Member or official to perform any of its functions of the System, subject to any limitation imposed by law.
- (3) From time to time, borrow by way of overdraft or Otherwise, such as sums as it may require for the effective discharge of its function under this law.
- (4) Appoint, promote and discipline the staff of the System as may appear to it necessary or expedient;
- (5) Consider the resignation or withdrawal of appointment of staff of the System.
- (6) Periodically review YOGIS policies and strategies for the attainment of an efficient geospatial data, infrastructure and land administrative System in the State and provide direction and general guidance to the Director General.

Directives by the Governor

8. Subject to the provisions of this law, the Governor may give to the System and governing Board such directives of a general or specific nature relating to particular functions and its shall be the duty of the System and the Governing Board to comply with such directive.

Departments

9. Subject to the approval of the governor, the System shall comprise of such number of departments as may be required to exercise its powers and discharge its duties and functions under this law.

Tenure of Office of Members

10. Members shall hold Office for a period of four years renewable for a further period of four years only.

Cessation from Office

11. The Office of a Member shall become vacant if;

- (a) His tenure of Office elapse;
- (b) He resigns by notice in writing to the Governor;
- (c) He dies;
- (d) He is removed from Office by the Governor on Public interest

Removal from
Office

12. (1) A Member may at any time removed from Office by the Governor on the occurrence of any of the following if:

- (a) He becomes bankrupt;
- (b) He is convicted for a felony or any offences involving dishonesty or fraud;
- (c) He becomes of unsound mind or incapable of carrying out his duties;
- (d) He is guilty of serious misconduct in relation to his duties;
- (e) In the case of a person possessed of professional qualification, he is disqualified from practicing his profession;
- (f) In the opinion of the Governor, it is in the interest of the Service that the Member be relieved of his Membership.

(2) where an Office becomes vacant, the Governor shall appoint a fit and proper person for the remainder of the term of the Office and the successor shall represent same interest.

Remuneration of
Member of the
Board

13. There shall be paid to every Member such Remuneration, allowances and benefits as may be determined by the Governor.

Meeting of the
Board

14. (a) the Board shall meet quarterly or as may be considered expedient for the effective discharge of its functions.

(b) the chairman shall preside over the meetings of the Board and where the chairman is unable to attend a particular meeting, the Members present at the meeting shall select one of their Members to preside.

Ad-hoc
Committees

15. (1) the Board may appoint such number of standing or ad-hoc committees as it thinks fit to consider and report on any matter with which the Service is concerned

(2) Every committee appointed under sub-section (1) of this section, shall presided over by a Member of the Board and shall be made up of a number of persons, not necessarily Members of the Board as the Board may determine in each case.

Power to co-opt

16. Whenever in the opinion of the Board it is expedient or desirable to obtain the Service or advice of any person on any matter under consideration by the Board, the Board may co-opt such person at such meeting of the Board as may be requested and such person shall have right and privileges of a Member. Save that he shall not be entitled to vote on any question or be counted towards a quorum.

Validity of
proceedings

17. The validity of any proceedings of the Board or committee thereof, shall not be adversely affected by;

- (a) Any vacancy in the Membership of the Board; or
- (b) Any research that a person not entitled to do so, took part in the proceedings.

Quorum

18. The quorum at meeting of the Board shall be simple majority of the Members.

Disclosure of
Interest by
Members of the
Board

19. (1) a Member of the Board who is in any way directly or indirectly interested in a transaction or project of the Service shall disclose the nature of his interest at a meeting of the Board, and such disclosure shall be recorded in the minutes books of the Service, and the Member shall not take part in any deliberations or decision of the Board with respect to that transaction or project.

(2) for the purpose of sub-section (1) of this section, a general notice given at meeting of the Board by a Member to the effect that he is associated with any trade or business or he is a member of a specified company or firm and is to be regarded as interested in any transaction or project of the Service concerning the trade, business, company or firm shall be regarded as sufficient disclosure of his interest in relation to that transaction or project.

(3) A Member of the Board may not attend in person a meeting of the Board in order to make a disclosure which he is required to make under this section if he takes reasonable steps to ensure that the disclosure is made by a notice which is brought up and read at the meeting.

Voting

20. (a) All questions at a meeting of the Board shall be determined by a majority of votes of Members present
(b) At any meeting of the Board, each Member shall have a vote and if there is equality of votes, the presiding chairman shall have a second or casting vote.

PART IV

MANAGEMENT AND STAFF OF THE SERVICE

Director General

21. (1) The Governor shall appoint a Director General as the Chief Executive and Accounting Officer of the Service, who shall be responsible for the day to day administration of the Service

(2) The Director General shall hold Office for a term of four (4) years and may be renewed for another term of four years only.

(3) The Director General shall be a person with not less than 10 years cognate experience in geospatial information System, Information Technology, land administration or Environmental management or any other related field.

(4) The Director General shall be paid such remuneration and allowances as may be determined by the governor

22. (1) without limits to the generality of the foregoing, the Director General shall perform and exercise the power and all the functions conferred to him under this law and any other related functions that may be directed by the Governor and the following:

(a) Annually prepare the draft business plan of the Service for the ensuing financial year and submit the plan to the Board for approval;

(b) Submit within three (3) months of his appointment the proposed personnel requirement, remuneration of the

		<p>personnel of the Service and their conditions of Service based on the approved organizational plan;</p> <p>(c) Recruit and appoint the personnel needed in accordance with the terms of the scheme submitted and approved in line with the provisions of paragraphs (c) and (d)</p> <p>(d) Attend meetings of the Board and keep the Board informed on a regular basis of the performance of the Services;</p> <p>(e) Ensure compliance with measures approved by the Board with respect to good governance</p> <p>(2) in preparing the organizational plan of the Service, the Director General shall ensure that the Service is structured into divisions, departments or sections to comprehensively cover all its functions following sound organizational practice</p>
Secretary/Legal Adviser	23.	<p>(1) There shall be appointed by the Governor on the recommendation of Attorney General a Secretary/Legal Adviser to the Board who shall be a Legal practitioner with not less than ten (10) years post-call experience</p> <p>(2) the legal adviser shall be Secretary of the Board and shall be responsible for;</p> <p>(i) the performance of the legal functions of the System and administration of the secretariat</p> <p>(ii) keeping the books and proper records of the proceedings of the Board</p> <p>(iii) conveying decisions of the Board to its Members</p>
Staff of the Service	24.	<p>(1) The Board may subject to the approval of the Governor from time to time appoint such other employees as it may deem necessary, to enable it effectively to perform its functions under this Law</p> <p>(2) The Board may specifically delegate to the Director General, the power to appoint such categories of staff of the Service as the Board may from time to time specify.</p> <p>(3) The staff of the Service shall be Public Servants in the Service of Yobe State.</p> <p>(4) The Service shall grant pension and gratuities in accordance with the Pension Law of the State.</p> <p>(5) The Service may engage such Consultants and Advisers in such areas where they have technical deficiency</p>
Staff regulation	25.	<p>(1) The Service may make staff regulations relating generally to the conditions of Service of its employees.</p> <p>(2) Pending the publication of the regulations described in subsection (1) of this section; the employment of the Staff of the Service shall be governed by the terms and conditions generally applicable to Officers in the Public Service of the State.</p> <p>(3) Staff Regulations issued by the Service under Subsection (1) of this section shall not have effect until approved by the Board and published in the Gazette.</p>
Fund of the Service	26.	<p>(1) the Service shall establish and maintain a fund which shall consist of:</p>

PART V

FINANCIAL PROVISIONS

- (a) Such sums as may be appropriated by the State House of Assembly by way of annual subvention;
- (b) All other sums accruing to the Service by way of grants, gifts, testamentary dispositions, endowments, bequests and donations made to the Services;
- (c) Income from any investment or other property acquire by or vested in the Service; and
- (d) A percentage as stipulated by the Governor and appropriated by the State house of assembly of not less than five (5%) of all related revenues collected in the preceding financial year, which sum shall be deployed to pay part or all the capital and recurrent expenditures of the Service;
- (e) Such other sums as may accrue from time to time to the Service.

Annual
Estimates and
Accounts

- 27.** (1) The Service shall, not later than 31st December of each year, submit to the Governor, an estimate of its expenditure and income (including estimates of expected payments into the Fund) during the next succeeding year
- (2) The Service shall keep proper accounts in a form which conforms to accepted accounting standards and proper records in relation thereto and the account shall be audited as provided in subsection (30 of this section
- (3) The accounts of the Service shall be audited at the end of each calendar year by auditors appointed by the Auditor-General of the State in accordance with Financial Regulation and the fees of the auditors and the expenses for the audit shall be paid from the Fund

Annual Report

- 28.** The Service shall, not later than 1st December in each year, submit to the Governor, a report on the activities of the Service and its administration during the immediate preceding year and shall include in the report the audited accounts of the Service.

PART VI GENERAL PROVISIONS

Gifts and
Donations to the
Service

- 29.** The Service may accept any gift, technical assistance, grant or donation of land, money or other property from any person upon such terms and conditions acceptable to the Service.

Right of Access
to Information

- 30.** (1) for purpose of carrying out the functions conferred on the Service under this law, the Director General, or any employee of the Service duly authorized in that behalf:
- (a) Shall have a right of access to all relevant geospatial records, data and information of any person in the State
 - (b) May, by notice in writing, served on any person require such person to furnish or cause to be furnished geospatial 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 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.

Regulations	31.	(1) The Service may subject to the approval of the governor by an order published in the Gazette make regulations for the effective operation of this law and the due administration thereof (2) the Service shall have power to review charges for Services rendered from time to time which shall be published in the Gazette
Offences	32.	Any person who: (a) Interfere Obstructs the Service or any authorized Officer of the Service 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 authorized 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	33.	No suit shall be commenced against the Service before the explanation 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 claims; and (c) the relief which he claims
Common Seal	34.	(1) The fixing of the Seal of the Service shall be authenticated by the signature of the Director General or such other Member authorized 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 Service by the Director General or by any other person generally or specially authorized by the Board. (3) Any document purporting to be a contract, instrument or other document signed or sealed on behalf of the Service shall be receive in evidence and, unless the contrary is provided, be presumed, without further proof to have been so signed or sealed.
Indemnity	35.	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
Savings	36.	The rights, interest, obligations, assets and liabilities of the Yobe Geographic Information System before the commencement of this law under any contract or instruments are hereby vested in the Service.

EXPLANATORY NOTE

The purpose of this Law is to establish the Yobe Geographic Information Service (YOGIS) to replace the defunct Ministry of Lands and Survey with the object of computerizing all land records and Information throughout Yobe State.

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

**Mohammed A. Haruna
Clerk of the House
Yobe State House of Assembly**

YOBE STATE NIGERIA

A BILL

FOR

**A LAW TO PROVIDE FOR THE
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2020