



BORNO STATE GOVERNMENT OF NIGERIA

GAZETTE, 2019

**A LAW TO ESTABLISH BORNO GEOGRAPHIC
INFORMATION SERVICE AND OTHER MATTERS CONNECTED
THEREWITH, LAW 2019 (HA 2)**



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I Assent 29th Day of November, 2019

(L.S)

ENGR. PROF. BABAGANA UMARA ZULUM MNI, FNSE
GOVERNOR
BORNO STATE OF NIGERIA



Borno State of Nigeria

Law No: 1 of 2019

**BORNO STATE GEOGRAPHIC INFORMATION SERVICE AND OTHER
MATTERS CONNECTED THEREWITH LAW, 2019.**

**A LAW TO ESTABLISH BORNO GEOGRAPHIC
INFORMATION SERVICE AND OTHER MATTERS CONNECTED
THEREWITH LAW, 2019 (HA 2)**

BE IT ENACTED by the Borno State House of Assembly as follows:-

**PART I
PRELIMINARY**

1. This Law may be cited as the Borno State Geographic information Service (BOGIS) Law, 2019. Short Title
2. This Law shall come into operation on the ^{29TH} Day of ~~November~~ ^{November} 2019. Citation and Commencement
3. In this Law unless the context otherwise requires:- Interpretation
 - “Board” means the Governing Board of the Service;
 - “Executive Secretary” means the Executive Secretary of the Service;
 - “Governor” means the Governor of Borno State;
 - “Member” means a 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;
 - “Service” or “BOGIS” means Borno Geographic Information Service established under section 4 of this Law;
 - “State” means the Borno State of Nigeria and;

“The Fund” means the fund established for the Service pursuant to Section 27 hereof.

“Legal” adviser”

“House” Borno State House of Assembly

**PART 11
ESTABLISHMENT, FUNCTIONS AND POWERS OF
THE SERVICE**

- 4(1). There is hereby established, a body to be known as Borno State Geographic Information Service in this Law referred to as “the Service” **Establishment OF BOGIS**

(2). The Service 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 disposed of any property moveable or immovable
- (c) Grant charges or interest on any movable or immovable property.

(3). The Service shall be domiciled under the office of the Governor.

- 5(1). The Service shall have the responsibility for administration and management of land matters in the State including all issues relating to title, registration, searches and such other responsibilities as may be determined by the Governor. **Functions of the Service**

(2) The service shall 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 tenure ship 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 form time by the Service.
- (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 land matters 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.
6. The Service shall subject to the approval of the governor have the following powers:
- Powers of
the Service**
- (a) Acquire, provide, deploy and manage 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 geospatial information and geospatial information System 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 System 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 System 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 bill throughout the state.
 - (p) Exercise such other powers as are incidental to the discharge of its responsibilities .

PART 111
GOVERNING BOARD OF THE STATE

- 7(1). There is hereby established for the service a Governing Board which shall consist of:
- Establishment and composition of the Governing Board
- (a) A Chairman who shall be a person with cognate experience in Public Service or Private Sector, who shall be appointed by the Governor, subject to the conforming by the House.
 - (b) Three Members, one each from the three senatorial districts in the State at least one whom shall be a woman;
 - (c) One representatives not below the rank of a Director from Ministries responsible for:
 - (i) Finance
 - (ii) Justice
 - (iii) Environment
 - (iv) Local Government and Emirate Affairs
 - (v) Agriculture
 - (d) A representative of the Borno State Board of Internal Revenue not below the rank of a Director;
 - (e) A representative of Borno Chamber of Commerce, Industry, Mines and Agriculture (BOCCIMA);
 - (f) The Executive Secretary of the Service;
 - (g) The Legal Adviser of the Service.
 - (h) Survey- General.
 - (i) A representative of urban development Board of the State
 - (j) A representative of Traditional Rulers of the State
- (2). All Members shall be part-time Members except the Executive Secretary and Legal Adviser.
8. The governing Board shall have power to:
- Powers of the Board
- (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 Service, subject to any limitation imposed by the Law.
 - (3). From time to time, borrow by way of overdraft or otherwise, such sums as it may require for the effective discharge of its functions under this Bill.

- (4). Appoint, promote and discipline the staff of the Service as may appear to it necessary or expedient.
- (5). Consider the resignation or withdrawal of appointment of staff of the Service.
- (6). Periodically review BOGIS 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 Executive Secretary.

9. Subject to the provisions of this law, the Governor may give to the Service and governing Board such directives of a general or specific nature relating to particular functions and it shall be the duty of the Service and the governing Board to comply with such directive. Directive by Governor

10. Subject to the approval of the Governor, the Service shall comprise of such number of departments as may be required to exercise its powers and discharge its duties and functions under this law. Departments

11. Members shall hold office for a period of four years renewable for further period of four years. Tenure of office of Members

12. The office of a member shall become vacant if;
 (a) his tenure of office elapses;
 (b) he resigns by notice in writing to the Governor;
 (c) he dies; Cessation from office

13(1) A member may at any time be removed from office by the governor on the occurrence of any of the following; Removal from office
 (a) he becomes bankrupt;
 (b) he is convicted for a felony or any offence involving dishonesty or fraud;
 (c) he becomes of unsound mind or incapable of carrying out his duties;
 (d) he is found 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 of the Service and the public 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 reminder of the term of the office and the successor shall represent same interest.

- | | | |
|--------|---|---|
| 14. | There shall be paid to every member such remuneration, allowances and benefits as may be determined by the Governor. | Remuneration
of Member of
the Board |
| 15. | <p>(a) The Board shall meet quarterly or as may be considered expedient for the effective discharge of its functions.</p> <p>(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 them to preside.</p> | Meeting of the
Board |
| 16(1). | The Board may appoint such number of standing or ad-hoc committees as it deems fit to consider and report on any matter with which the Service is concerned. | Ad-hoc
Committees |
| (2). | Every committee appointed under sub-section (1) of this section shall be presided over by a member of the Board and shall be made up of a number of persons, not necessary members of the Board as the Board may determine in each case. | |
| 17. | 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 the right and privileges of a member, save that he shall not be entitled to vote on any question or be counted towards a quorum. | Power to
co-opt |
| 18. | <p>The validity of any proceedings of the Board or committee thereof, shall not be adversely affected by:</p> <p>(a) any vacancy in the membership of the Board;</p> <p>(b) by reason that a person not entitled to do so, took part in the proceedings;</p> <p style="text-align: center;">or</p> <p>(c) by any defect in the appointment of a member of the Board or committee thereof.</p> | Validity of
proceedin |
| 19. | The quorum at meeting of the Board shall be simple majority of the members. | Quorum |
| 20(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. | Disclosure
of interest
by Members
of the Board |
| (2) | For the purpose of sub-section (1) of this section, a general notice given at a 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 interest in any transaction of 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.
21. (a) All questions at meeting of the Board shall be determined by a **Voting** 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

- 22(1). The Governor shall appoint an Executive Secretary as the chief Executive and Accounting Officer of the Service, who shall be responsible for the day to day administration of the Service. **Executive Secretary**
- (2) The Executive Secretary shall hold office for a term of five (5) years and may be renewed for another term only.
- (3) The Executive secretary shall be a person with not less than 10 years cognate experience in geospatial information system, information Technology or land administration.
- (4) The Executive Secretary shall be paid such remuneration and allowances as may be determined by the governor.
- 23(1). Without limits to the generality of the foregoing, the Executive Secretary shall perform and exercise the powers and all the functions of the commissioner responsible for land matters in the Land Use Act and the following.
- (a) Annually prepare the draft business plan of the Service for the ensuing financial years 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 personnel of the service and their conditions of service based on the approved organizational plan;

- (c) Recommend to the Board for Recruitment and appointment the personnel needed in accordance with the terms of the scheme submitted and approved in line with the provisions of this Law.
 - (d) Attend meetings of the Board and keep the Board informed on a regular bases of the performance of the Services.
 - (e) Ensure compliance with measure approved by the Board with respect to good governance.
- (2) In preparing the organizational plan of the service, the executive secretary shall ensure that the service is structured into divisions, departments or sections to comprehensively cover all its functions following sound organizational practice.
- 24(1). There shall be appointed by the Governor a secretary/Legal Adviser to the Board who shall be a Legal practitioner with not less than ten (10) years post call experience. Secretary/Legal Adviser
- (2) The legal adviser shall be secretary of the Board and shall be responsible for;
- (i) The performance of the legal functions of the service and administration of the secretariat.
 - (ii) Keeping the books and proper records of the proceedings of the Board.
 - (iii) Conveying decisions of the Board to its members.
- 25(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 perform its functions under this Law. Staff of the Service
- (2) The Board may specifically delegate to the Executive Secretary the power to appoint such categories of staff of the service as the Board may from time to time specify.
- (3) The staff of the Service shall be public servants in the service of Borno State.
- (4) The service shall grant pension and gratuities in accordance with the pension Law of the State.
- (5) The Service may engage such consultants and Advisers in such areas where they have technical deficiency.
- 26(1). The service may make staff Regulations relating generally to the conditions of service of its employees. Staff regulation
- (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.

- (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.

PART V FINANCIAL PROVISIONS

- 27(1). The service shall establish and maintain a fund which shall consist of: **Fund of the Service**
- (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 service.
 - (c) Income from any investment or other property acquired 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 more 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 expenditure of the service.
 - (e) such other sums as may accrue from time to time to the service.
- 28(1). The service shall, not later than 30th June in each year, submit to the Governor, an estimate of its expenditure and income (including estimate expected payments into the Fund) during the next succeeding year. **Annual Estimates and Accounts**
- (2) The service shall keep proper accounts in a form which conforms to accept accounting standards and proper records in relation thereto and the account shall be audited as provided in subsection (3) 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.
29. The service shall, not later than 30th June in each year, submit to the Governor a report on its activities and administration during the immediate preceding year and shall include in the report the audited accounts of the service. **Annual Report**

PART VI GENERAL PROVISIONS

30. 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. **Gifts and Donation to the Service**

31(1). For purpose of carrying out the functions conferred on the service under this Law, the Executive Secretary or any employee of the service duly authorizes in that behalf;

Right of
Access to
information

(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 person 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.

32(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.

Regulations

(2). The Service shall have power to review charges for Services rendered from time which shall be published in the Gazette.

33. Any person who;

Offences

(a) Interferes or obstructs the Service of any authorized officer of the Service in the exercise of any 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.

34. No suit shall be commenced against the Service before the expiration 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;

Legal
Proceedings

(a) the cause of action;
(b) the particulars of claims; and
(c) the relief which he claims.

35(1). The fixing of the Seal of the Service shall be authenticated by the signature of the Executive Secretary or such other member authorized generally or specifically by the Board.

Common
Seal

- (2). Any contract or instrument, which if made by 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 Executive Secretary 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 received in evidence and, unless the contrary is provided, be presumed, without further proof to have so signed or sealed.
36. 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. Indemnity
- 37(1) At the coming into operation of this Law, the service herein created shall replace the Ministry of Land and Survey which shall cease to exist. Savings
- (2). All staff of the defunct Ministry who has the requisite qualification, skills and experience as the Service may determine shall be absorbed into the Service while those that cannot be absorbed shall be posted to other relevant government ministries, boards, departments or agencies as may be appropriate.
- (3). The rights, interest, assets and liabilities of the Ministry of Land and Survey before the commencement of this law are hereby vested in or transferred to the Service.

EXPLANATORY NOTE

This note does not form part of this law but intend to explain its purpose.

The purpose of this law is to establish the Borno Geographic Information Service (BOGIS) to replace the defunct Ministry of Land Survey with objective of computerizing all land transactions, records and information for a robust and effective land administration system throughout the state

EXPLANATORY NOTE

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

IBRAHIM AUDU NGULDE
CLERK OF THE BORNO STATE
HOUSE OF ASSEMBLY