

CHAPTER 132 - SURVEY

A LAW TO MAKE PROVISION FOR THE SURVEY OF LANDS IN THE STATE

[7 February 1953]

PART I—PRELIMINARY

1. This Law may be cited as the Survey Law.

2. In this Law, unless the context otherwise requires:—

"Director" means the Director of Federal Surveys and, in relation to any function delegated to an officer of the Survey Department under the provisions of section 117, includes such officer;

"licensed surveyor" means a surveyor licensed under the Cap. 194, Survey Act or under any Ordinance providing for such licensing which was in force at any time before the commencement of the Survey Act;

"owner", in relation to any land, means any person receiving rents or profits from any tenant or occupier thereof whether on his own account or as agent or trustee for any other person or who would receive the same if the land were let;

"public survey" means any survey made for the purpose of defining the boundaries of any land which is owned by the state or any public authority, or in which the state or any public authority possesses or disposes of any interest, or any survey which forms part of the general survey of Nigeria or of any part thereof;

"registrable instrument" means any document relating to land the registration of which is required by any written law;

"State" means Gongola State of Nigeria;

"Survey Department" includes the department of the Federation exercising functions relating to survey and, where the context relates to the State, means the Survey Division of the Ministry of Housing and Environment;

"surveyor" means a licensed surveyor or an officer of the Survey Department authorised by the Director or the Surveyor-General to carry out surveys;

"Surveyor-General" means the Surveyor-General of the State and, in relation to any function delegated to an officer of the Survey Department under the provisions of section 117, includes such officer.

Part III—General

3. No map, plan or diagram of land:—

(a) if prepared after the 1st day of June, 1918, shall be accepted for registration with any registrable instrument which is required by any written law to contain a map, plan

or diagram; and

(b) if prepared after the 16th day of May, 1918, shall, save for good cause shown to the court, be admitted in evidence in any court,

unless the map, plan or diagram has been prepared and signed by a surveyor or is a copy of a map, plan or diagram so prepared and signed and certified by a surveyor as being a true copy.

4.—(1) where a licensed surveyor prepares any map, plan or diagram which is to be annexed to, or form part of, any registrable instrument, he shall:—

(a) insert the date of completion of the preparation of the map, plan or diagram at the foot or other conspicuous part thereof; and

(b) within one month of the date of completion, submit a copy of the map, plan or diagram to the State Surveyor-General.

(2) The Surveyor-General shall, on receipt of any of the documents provided for under subsection (1) above, issue a certificate of deposit to the licensed surveyor on payment of a fee of fifty kobo.

(3) Any licensed surveyor who fails to submit to the State Surveyor-General the documents provided for under subsection (1) above shall be guilty of an offence and shall on conviction be liable to a fine not exceeding forty naira.

(4) The Surveyor-General shall keep proper record of any map, plan or diagrams so submitted to him pursuant to this section and shall ensure its safe custody and shall make it available to members of the public for inspection.

5. Any person who practices or profess to practise the profession of surveying, not being a surveyor, shall be guilty of an offence and shall be liable to a fine of one thousand naira in respect of each transaction in which he was engaged, and shall not be entitled to sue in any court for remuneration in respect of a survey, plan, map or diagram made by him.

6. —(1) For the purposes of any public survey the Director of the Surveyor-General or any surveyor authorised by him may enter upon any land with such assistants as may reasonably be required, and may affix or set up or place thereon or therein trigonometrical stations, survey beacons, marks or poles, and do all things necessary for such survey.

(2) The surveyor shall, when practicable, give reasonable notice to the owner or occupier of the land of his intention to enter thereon.

7. Compensation shall be payable out of the public revenues to the owner of any crops or trees cut or damaged in the exercise of any of the powers conferred by section 6; and if any question shall arise as to the amount of compensation to be paid or the right of a claimant to recover compensation, such question shall, in default of agreement between the Director of the Surveyor-General and all persons concerned, be finally determined by a District Judge on

application made by the Director or the Surveyor-General or any person authorised by him in that behalf, or by any person claiming to be entitled to compensation under the provisions of this subsection.

Provided that no such application shall be granted if it is by a person claiming to be entitled to compensation and is made more than thirty days after the date on which the crops or trees in respect of which the claim is brought were cut or damaged.

8. Any surveyor may, for the purpose of surveying any land which he is employed to survey, enter on and pass over any land, whether private or public, causing as little inconvenience to the owner or occupier of such land as is consistent with his duties.

9. Any unauthorised person who shall wilfully obliterate, remove or injure any trigonometrical station, survey beacon, mark or pole or any boundary mark affixed, set up or placed for the purpose of any public survey or any survey ordered by a court shall be liable to fine of forty naira or to imprisonment for three months or to both, and in addition may be ordered to pay the cost of repairing or replacing the thing obliterated, removed or damaged and of making any survey rendered necessary by the act for which the conviction is had.

10.—(1) It shall be the duty of the owner and the occupier of any land on or in, or on the boundaries of which any trigonometrical station, survey beacon, mark or pole has been affixed, set up or placed, to preserve such trigonometrical station, survey beacon, mark or pole, and forthwith to report to the Survey Department if the same shall be obliterated, removed or injured or shall require repair.

(2) Any owner or occupier failing to comply with the provisions of this section shall be guilty of an offence and shall be liable to a fine of one hundred naira.

11.—(1) It shall be the duty of every chief or local government:—

(a) to prevent the obliteration, removal or injury of any trigonometrical station, survey beacon, mark or pole or boundary mark within the local limits of his or its jurisdiction; and

(b) forthwith to report to the Survey Department any such obliteration, removal or injury.

(2) Any chief or local government failing to comply with the provisions of this section shall be guilty of an offence and shall be liable to a fine of one hundred naira.

12. —(1) Any person who, unless acting on the authority of the Director of the Surveyor-General shall uncover any survey beacon or mark buried below the surface of the ground, or covered with earth, stone or other material, shall be guilty of an offence and shall be liable to a fine of two hundred naira.

(2) Any person who, having uncovered a survey beacon or mark with the authority of the

Director or the Surveyor-General shall neglect:—

(a) in the case of a covered beacon or mark to cover the same in the prescribed manner;
or

(b) in the case of a buried beacon or mark properly to fill up the hole with the same material as the ground or road under which the beacon or mark is buried,

shall be guilty of an offence and shall be liable to a fine of two hundred naira.

13. Any informer on whose information a conviction is secured against any person of an offence under section 9 or section 12 of this Law or under section 335 of the Penal Code may, with the approval of the Commissioner be paid a reward not exceeding ten naira out of the public revenues.

14. If any owner or occupier of any land, or any other person, being ordered in accordance with the provisions of this Law to perform any act, fails to perform such act within a reasonable time, the officer who gave the order may, after giving notice to such owner, occupier or other person of his intention so to do, cause the act to be performed, and the expenses incurred in such performance shall be payable by such owner, occupier or other person.

15. Any person who wilfully obstructs, hinders, resists or threatens any surveyor in the execution of his duty in or about the conduct of any public survey or any survey ordered by a court, or any workman or other person acting in aid of any such surveyor, shall be guilty of an offence and shall be liable to a fine of five hundred naira or imprisonment for six months or both.

16. Any sum due under the provisions of this Law may be sued for and recovered by the Director of the Surveyor-General or any person authorised by him by action in any court of competent jurisdiction.

17. —(1) The Director or the Surveyor-General may by notice in the Gazette or the State Gazette as the case may be delegate any of his functions under this Law to any officer of the Survey Department by name or office, except in the function prescribed by this section.

(2) Any such delegation shall be revocable at will and no delegation shall prevent the exercise by the Director or the Surveyor-General of any function.

18. The President may make regulations:—

(a) prescribing the fees which may be charged for services rendered by the Survey Department;

(b) prescribing any other matters which this Law requires or authorises to be prescribed;

(c) generally for giving effect to the purposes of this Law.

19. The Governor may make regulations:—

- (a)* prescribing the manner in which surveys are to be made, the records to be kept by licensed surveyors and the manner of keeping the same;
 - (b)* prescribing the manner of the demarcation of boundaries in connection with surveys;
 - (c)* with regard to plans of surveys and their preparation and the matters to be shown thereon;
 - (d)* with regard to the publication, issue, service and form of notices to be published, issued or served under this Law or regulations made thereunder;
 - (e)* prescribing the returns to be made by licensed surveyors to the Director or the Surveyor-General;
 - (f)* requiring surveyors to report to the Director or the Surveyor-General matters connected with surveys on which they are engaged or with previous surveys, ascertained by them during the course of their work;
 - (g)* for securing the maintenance of boundary marks in their correct position and the preservation of the same;
 - (h)* providing for the checking of surveys alleged to be erroneous and for the incidence of the expenses of such checking;
 - (i)* providing for the checking and correction of tapes and instruments used by surveyors;
 - (j)* providing for and regulating the inspection and the taking of copies of plans of surveys in any office of the Survey Division of the Ministry of Housing and Environment;
 - (k)* prescribing the fees which may be charged for services rendered by the Survey Division of the Ministry of Housing and Environment;
 - (l)* prescribing any other matters which this Law requires or authorises to be prescribed by him; and
 - (m)* generally for giving effect to the purposes of this Law so far as the Surveyor-General and the Governor are the appropriate authorities therefor.
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