

CHAPTER S13 - SURVEY LAW

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SURVEY LAW

A Law to make provision for the Survey of Lands in Kwara State.

(NN 1963, Cap. 129. No. 34 of 1974, No. 22 of 1977, KWS 10 of 1991, KWS LN 1 of 1982, No. 4 of 2006.)

[Date of commencement: 1th February, 1953]

PART I

Preliminary

1. Short title

This Law may be cited as the Survey Law.

2. Interpretation

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 17, includes such officer;

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

[Cap. 194, (1958).]

"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 Kwara 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 Land and Housing;

[KWS 10 of 1991, No. 4 of 2006.]

"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 17, includes such officer.

PART II

General

3. Plans attached to registrable instruments or tendered in evidence to be signed by surveyor

No map, plan or diagram of land—

[No. 34 of 1974.]

(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. Submission of map, plans and diagrams to State Surveyor-General

(369) 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.

[No. 22 of 1977.]

(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 two hundred naira.

[No. 4 of 2006.]

(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 two thousand naira.

[No. 4 of 2006.]

(4) The Surveyor-General shall keep proper record of any map, plan or diagram 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. Unlicensed persons not to undertake professional surveying

Any person who practices or professes to practice the profession of surveying, not being a surveyor, shall be guilty of an offence and shall be liable to a fine of five thousand naira or imprisonment for a term not exceeding six months 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.

[No. 4 of 2006.]

6. Powers in relation to public surveys

(1) For the purposes of any public survey the Director or 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

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

or 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 authorized 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. Power to surveyor to enter upon land

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. Penalty for removing survey and boundary marks

Any unauthorized 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 ordered by a court shall be liable to fine of two thousand 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.

[No. 4 of 2006.]

10. Duty of owners and occupiers in relation to survey marks

(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.

[KWS 10 of 1991.]

(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 thousand naira.

[No. 4 of 2006.]

11. Duty of chief and local government

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.

[No. 4 of 2006.]

12. Penalty for uncovering or neglecting to re-cover survey beacons or marks

(1) Any person who, unless acting on the authority of the Director or 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 thousand naira or imprisonment for a term not exceeding three months.

[No. 4 of 2006.]

(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 thousand naira or imprisonment for a term not exceeding three months.

[No. 4 of 2006.]

13. Reward to informer

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 one thousand naira out of the public revenues.

[Cap. P4.]

[No. 4 of 2006.]

14. Execution of order at the expense of person disobeying it

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. Penalty for obstructing surveyors

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 thousand naira or imprisonment for six

months or both.

[No. 4 of 2006.]

16. Recovery of monies due

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

17. Delegation of functions of Director or Surveyor-General

(1) The Director or the Surveyor-General may by notice in the State *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.

[No. 4 of 2006.)

19. Power of Governor to make regulations

The Governor may make regulations—

[KWS to of 1991.]

(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 Land and Housing;

(k) prescribing the fees which may be charged for services rendered by the Survey Division of the Ministry of Land and Housing;

(l) prescribing any other matters which this law requires or authorizes 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.

[No. 4 of 2006.]

CHAPTER SI3

SURVEY LAW

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SURVEY REGULATIONS

[Section 18.]

[Regs. 44 of 1953, NR Regs. 1 of 1953, LN 131 of 1954, NR LN 23 of 1958, 67 of 1958, 47 of 1959, 138 of 1960, NN LN 139 of 1961, 11 of 1964, KWS LN 4 of 1974.]

[Dates of commencement: Part VII: 24th September, 1953]

[Remainder: 29th October, 1953]

1. Short title

These Regulations may be cited as the Survey Regulations.

PART 1

Definitions

2. Interpretation

In these regulations—

"**beacon**" means a permanent mark of any kind made of concrete, iron or stone, and includes a pillar or boundary post of such material;

[44 of 1953, NR Regs. 1 of 1953, NR LN 23 of 1958, 47 of 1959.]

"**country lands**" includes all lands which are not town lands;

"**demarcation**" means the marking of lines by beacons or blazed trees;

"**Minister**" means the Minister of Northern Nigeria charged with responsibility for the survey of land;

"**survey**" under these regulations means any survey made in connection with any plan prepared under the Survey Law for any registrable instrument or judgment or order of court;

[Cap. 129(1963).]

"**Survey Division**" means the Survey Division of the Ministry of Land and Survey;

"**Surveyor-General**" means the Surveyor-General of Northern Nigeria;

"**town lands**" means plots not exceeding ten acres in extent lying within a township, urban district, or Government station or within one mile of the boundary of a township, urban district or Government station.

PART II

Field Survey Methods

3. Method of Survey of boundaries

Subject to such modifications as may be authorised by the Surveyor-General for any particular survey, the survey of the boundaries of any parcel of land shall be effected by methods defining the boundary to an accuracy equivalent to that of a surround traverse with a closing error of 1:3,000 controlled in direction by connection to Government Survey framework beacons or by astronomical observations for azimuth.

4. Connection of surveys to beacons

(1) Surveys shall be connected to a Government triangulation or control traverse beacon or beacons, or to a local origin which has been previously established as in paragraph (2) of this regulation, if any point in the survey is within a distance of three miles from such a beacon. Connections shall be made by triangulation, traverse, theodolite resection or by a suitable combination of these methods to the accuracy laid down in regulation 3. If a single triangle from a measured base is used the base shall be double chained unless both the base terminals are included in the survey; the angle opposite the base shall be not less than fifteen degrees and when it is deduced from observation of the base angles the base angles shall be observed as in subparagraph (1) of paragraph (A) of regulation 5 and be repeated on a different zero. Connecting traverses shall be made in accordance with regulation 5 and normally shall be closed circuits. Where it is not possible to close the traverse the lengths shall be double chained in opposite directions and a check azimuth shall be observed on the last leg of the traverse. Resections shall be observed as in subparagraph (1) of paragraph (A) of regulation 5 and be repeated on a different zero to at least four favorably situated Government triangulation beacons.

[17 of 1958.]

(2) When no Government triangulation, control traverse or local origin beacons are available within a distance of three miles surveys shall be connected to a new local origin marked by a permanent beacon as in paragraph (a) of regulation 10 which shall be established in the most prominent accessible position within the area defined by lines one mile outside the boundaries of the parcel of land to be surveyed, and shall be sited between two other permanent beacons. Except in the case where three of the boundary beacons of the parcel of land satisfy these conditions and make a connection unnecessary the connection made to the local origin shall incorporate the other two beacons. An azimuth as in paragraph (B) of regulation 5 shall be observed on one of the two lines between the local origin and the other two permanent beacons, and these three beacons shall be described by reference to neighbouring identifiable landmarks.

5. Standard of survey

Subject to such modifications as the Surveyor-General may authorise for any particular survey the following shall be observed for survey measurements, and for their recording and reduction—

[No. 67 of 1958.]

(A) THEODOLITE STATIONS

- | | | |
|------|-----------------------------|-------------------------------|
| (i) | Readings each station | 1 Face Right.
1 Face Left. |
| (ii) | Maximum number of stations | |
| | "N" for closure of bearings | 30. |

- (iii) Maximum misclosure in bearings 30 inches x VN.

(B) AZIMUTHS

- (i) Readings each station

Three separate sun or star observations; unless the latitude

is certain within one minute of ARC it shall be necessary to pair observations East and West of the meridian.

- (ii) Maximum range in the three azimuths 30 inches.

- (iii) Minimum length of line 600 feet.

(C) LINEAR MEASUREMENTS

- (i) *Readings*.— To the nearest hundredth of a foot for theodolite traverse.

- (ii) *Method of Taping*.— Along the ground where the nature of the ground and the required standards of accuracy warrant such procedure, otherwise in catenary.

- (iii) *Corrections to measurements*.— To the nearest 1:100th of a foot for standard, slope, and, where necessary, temperature and sag, in the case of theodolite traverses.

(D) FIELD BOOKS

- (i) All necessary measurements shall be entered in ink as they are made.

- (ii) No erasures shall be made or pages torn out.

- (iii) *The contents shall include*.—Surveyor's name, title of survey, location, identity of instruments used, error of field tape and date of its last standardization, index and dates of observations, explanatory diagrams accompanying the observations wherever necessary, measurements to permanent features shown on or alongside the boundaries.

(E) COMPUTATIONS

- (i) *Bearings*.—Surveys by theodolite traverse shall be computed on True bearings, or on Colony bearings where connected to points of the main framework of Nigeria, reduced to the nearest thirty inches.

- (ii) *Lengths*.—Corrected lengths shall be reduced to the nearest tenth of a foot preparatory to the computation of co-ordinates.
- (iii) *Co-ordinates*.—Co-ordinates shall be computed to the nearest tenth of a foot either by logarithms of not less than five figures or by calculating machine. The Colony co-ordinates of at least one beacon in the survey shall be computed when Colony co-ordinates are available for the beacon to which the survey is connected.
- (iv) *Areas*.—The area of a piece of land bounded by straight lines shall be computed arithmetically from the coordinates of the corners. The area enclosed between any irregular boundary and adjacent traverse line shall be computed as a series of trapezoids.
- (v) *Forms*.—All routine computations shall be made on forms approved by the Surveyor-General or on good quality foolscap paper similarly ruled.

6. Accuracy of datum

Where surveys begin or end on marks of old surveys the accuracy of the datum shall be assured by angular and linear measurements. On long lines of framework or primary traverse the linear measurements may be dispensed with, but the accuracy of the position of the marks must be checked by angular measurement. When the old marks are found to be out of position, a full report shall be made to the Surveyor-General so that inquiry may be made and steps taken if necessary and possible to correct their positions. A new datum from unmoved marks shall then be selected or astronomical observations taken to establish a correct bearing.

7. New survey coterminous with old

Where a boundary side of a new survey is coterminous with a longer boundary side of a previously surveyed area, the boundary mark or marks of the new survey shall be placed exactly on line between the boundary marks of the old area so that the old area is not affected by the new survey.

8. Angular points

Boundaries shall be laid out and surveyed with as few angular points as local conditions and the requirements of the survey necessitate.

9. Irregular boundaries

Where a boundary such as that caused by a stream is irregular, traverse lines shall follow approximately the course of the boundary and offsets shall be taken at suitable points along the traverse to determine the position of the boundary.

PART III

Demarcation

10. Construction of survey boundary marks

Save for mining areas and subject to such modifications as the Surveyor-General may authorise in special cases and under regulation 11, survey boundary marks shall be constructed as follows—

(a) *At every change of direction.*—By concrete pillars (Property Beacons) measuring seven inches square in section with three inches above ground and two feet three inches below, and having a metal pin or spike in the center of the surface. The symbol ∇ the letters P.B. and an identification letter and member shall be stamped on pillars emplaced by an officer of the Survey Division. Two identification letters and a member shall be stamped on pillars emplaced by a licensed surveyor, and when such pillars are incorporated in a survey made by an officer of the Survey Division the symbol 4s shall be added.

(b) *At intermediate corners in layouts.*—By concrete pillars Cemetery-type) measuring four inches square in section with three inches above ground and one foot three inches below and having a metal pin or spike in the center of the surface.

(c) *Inside a building.*—An "X" with identification number shall be cut or painted on the outside of the building at points at which it is intersected by the boundary. Officers of the Survey Division will use a double arrow.

(d) *At an obstacle.*—If the beacon cannot be placed in the true position, an iron pin shall be set in concrete in the obstacle and the identification number stamped near the pin; if the obstacle is of such material that a pin cannot be sunk not the number cut or stamped, a dot may be marked thereon along with the identification marks. The position of the pin or dot relative to the true position of the beacon shall be clearly shown in the field book.

11. Method of demarcation of large country surveys

For large country surveys, other than mining surveys which require a large number of

beacons, demarcation may, subject to the agreement of the person for whom the survey is undertaken, be made by hardwood pegs, angle irons, etc., capped with a circular pat of cement of at least six inches diameter bearing the identification marks described in paragraph (a) of regulation 10. Such marks shall, after the necessary measurements have been made, be covered by a mound of earth or stones at least two feet high. Where azimuths are observed, or connections made to Government survey beacons or to another survey, three consecutive stations shall however be marked by concrete pillars as described in paragraph (a) of regulation 10.

12. Demarcation of areas subject to Minerals Act

For areas the subject of applications under the Minerals Act the surveyed boundaries shall be demarcated by mushroom-shaped pillars constructed of concrete. The underground portion shall be undercut and at least six inches in diameter at the base, and be sunk to a depth of eight inches; the upper portion shall have a diameter of ten inches and project six inches above the ground. The upper surface shall be smooth and have a hole about a quarter of an inch in diameter at the center. The relevant letters E.P.L., M.L. or M.R., together with the allotted number shall be marked on the top of the beacon in characters and figures not less than one inch in height on the side adjacent to the land in question, with direction arrows drawn to indicate the course of the boundary.

[Cap. 121 (1958).]

13. Consistency of concrete and supply of materials

(369) Concrete prepared for the purposes of regulations 10 to 12 shall comprise not more than five parts of sand or sand and rubble, to one of cement.

(369) When the survey is to be undertaken by the Survey Division the applicant shall inform the Surveyor-General whether he intends to provide all beacons or material or whether he wishes them to be supplied by the Surveyor-General.

14. Allotment of distinctive letters

The Surveyor-General shall allot the distinctive letters prefixing the consecutive numbers stamped on all property beacons emplaced by licensed surveyors, who shall forward to the Surveyor-General each month a list of all the numbered beacons used by them the previous month; if no beacons have been used a "Nil" return shall be made.

[NN LN 11 of 1964.]

15. Time of demarcation

The demarcation of all boundaries shall be done prior to or simultaneously with the measurements determining their positions.

16. Placing of beacons

Beacons shall be placed at the intersections of a boundary with important roads and streams; on long straight lines intermediate beacons shall be so emplaced that consecutive beacons are intervisible and not more than a quarter-mile apart.

17. Proof of compliance with required conditions

When a beacon is placed in accordance with computed data or in line with two beacons, proof must be shown by actual measurements recorded in the field book and any necessary computations that the beacon has been placed in accordance with the required conditions; except the direct lining-in of cemetery-type beacons in regular layouts.

18. Placing where corner site not possible

Where, owing to interference with traffic or for any other reason, a beacon cannot be placed at a corner, a beacon shall be placed on each of the lines intersecting at the corner and as close to it as possible. No beacon shall be placed where it would interfere with, or be inconvenient to, traffic.

19. Clearance of boundary lines

In forest or scrub country boundary lines shall be cleared of undergrowth and trees of no economic value only, to a width of four feet.

20. Blazing of trees

Trees within two feet of the line, provided their economic value is not impaired thereby, shall be blazed on both sides in the direction of the line, and those through which the line passes shall be double blazed on each side in the direction of the line.

21. Placing of beacons in special cases

(1) When a railway reserve forms a boundary of a property being surveyed, the position of all tangent points shall be beacons as accurately as possible by inspection on the ground, and the radii of the curves and the lengths of the chords shall be recorded.

(2) When a road forms a boundary, beacons shall be placed at all turning points of road, and the boundary will be defined by the chords joining such beacons, which shall be placed to conform with existing regulations and by-laws defining the width of roads.

(3) When a river constitutes a boundary, beacons shall only be placed at points between which such river is the boundary. These beacons must be placed on the river bank above

flood level and the distances from the beacons to the river bank shown on the plan.

22. Curves to be avoided

Wherever possible the adoption of curved boundaries shall be avoided, straight lines from point to point being used as boundaries in lieu of curves.

23. Objection to position of boundary

Where objection is made by the owner of the adjoining land to the position of a boundary as pointed out by the person for whom a survey is being made, or as located by the surveyor from the documents of title under which the land is claimed, the surveyor shall survey the position of this boundary and show the same on his plan, but may decline to demarcate that portion to which objection has been made. In such case the survey and demarcation shall not be regarded as incomplete, so far as the surveyor as concerned.

24. Requirements for areas subject to Minerals Act

For areas the subject of applications under the Minerals Act—

(a) the surveyed boundaries shall conform as closely as possible to the positions indicated by the applicant's beacons;

[Cap. 121 (1958), NN LN 11 of 1964.]

(b) the surveyor's ruling as to the positions of the beacons shall be final;

(c) where the area beaconsed is found on survey to exceed by not more than twenty per cent the limit allowed by the Minerals Act the surveyor shall have entire discretion to alter the position of the beacons so that the area be reduced to conform to the said limit;

(d) where the area applied for cannot be identified on the ground by means of the plan supplied and the beacons erected by the applicant or where the area beaconsed is found on survey to exceed the area applied for by twenty per cent or more the surveyor shall report to the Surveyor-General;

(e) if, in respect of an Exclusive Prospecting Licence granted on a survey made by the applicant or his agent, the area as beaconsed is found to be at variance with the plan furnished by the applicant or his agent the Surveyor-General may require the area to be surveyed by an officer of the Survey Division, and all charges for the survey shall be borne by the holder of the Exclusive Prospecting Licence.

25. Forms of notice

Where practicable, notices in accordance with Form 1 in the First Schedule shall be served upon the owners or occupiers of any land the boundaries of which have been defined by boundary marks under the Law, and notices in accordance with Form 2 in the First Schedule shall be served upon native authorities and chiefs within the local limits of whose jurisdiction any trigonometrical station, survey beacon, mark or pole or boundary mark is situated.

[Forms 1 and 2, First Schedule.]

26. Reporting of removal, etc., of survey mark

The removal, obliteration or defacement of any survey mark which comes to the notice of a surveyor shall be reported by him in writing to the Surveyor-General.

27. Principle of survey

In the resurvey of land unless the original beacons have obviously been disturbed the principle shall be observed that those beacons on the ground indicate the true boundary, even though the data obtained on resurvey disagrees with the data recorded on the original plan.

28. Report as to disagreement in data or damage etc., to beacons

When the surveyor discovers any such disagreement in data or any damage to or loss or displacement of Government beacons he shall make careful search and inquiry and shall forward a full report thereon to the Surveyor-General accompanied by—

- (a) a record of the accurate positions of the beacons as determined by the surveyor, accompanied by explanatory diagrams;
- (b) descriptions of the beacons; and
- (c) particulars of development in the neighbourhood of the beacons and of any other evidence bearing on the matter.

29. Amendment of survey

A Government survey shall only be amended, and Government beacons removed or re-sited, on the Surveyor-General's instructions, and the surveyor shall report in writing when such instructions have been carried out.

PART IV

Survey Plans, Records and Information

30. Method of drawing of original plan

The original plan of a survey shall be drawn in waterproof ink on mounted drawing paper or on other material approved by the Surveyor-General. The size of the plan shall not be less than twelve inches by eight inches.

31. Information to be shown on original plan

The original plan of a survey shall show the following information—

- (a) title of survey, description of land, locality, the name of the person or body for whom the survey is made, the signature and designation of the surveyor and the date;
- (b) a grid in blue based on and defining either true north or colony north for the local origin of the survey; all coordinated points of the survey shall be plotted by rectangular co-ordinates on this grid system. True North or Colony North, as the case may be, shall be written along a north and south line of the grid;
- (c) the magnetic variation from true north, when the survey is made on magnetic north;
- (d) a description of the origin of co-ordinates;
- (e)
 - (i) demarcated boundaries.—firm red lines where they do not follow lines of existing detail, and all round pink verge internal of the enclosed area, Different colours may be used for verges where it is necessary to distinguish conflicting claims or overlapping areas on the same plan;
 - (ii) *other traverse connections (insetted, if necessary)*.—blue lines;
 - (iii) *offsets*.—black figures between arrows, bearings to the nearest minute and distances to the nearest tenth of a foot in appropriate colours for the above; the initial bearing adopted for the survey to be marked "LB."; bearings and distances deduced from the computations, not from direct measurements, to be marked "CAL"; bearings and distances adopted from a previous survey to be marked "P.O." (per original), astronomical determinations to be marked "AZ" (azimuth);
 - (iv) *building lines*.—firm blue lines marked "Building Line".
- (f) topographical and other detail occurring on any line run by the surveyor; also any detail required by the Surveyor-General or the person for whom the survey is made, along

or within the boundaries of the parcel of land;

(g) the position and nature of all beacons and boundary marks whether permanent or temporary, including all Government survey beacons to which connection has been made or the co-ordinates and description of some point shown on the plan which is tied to such beacons, also any measurements to permanent features which will assist in locating the marks on the ground;

(h) adjacent lot names or numbers, if available;

(i) the scale of the plan with a graphic representation in feet; subject to such modifications as the Surveyor-General may authorise in particular cases, scales of plans showing property boundaries shall ordinarily be as follows—

- | | | |
|-------|--------------------------------------|--|
| (i) | exclusive prospecting licences | 1:25,000 |
| (ii) | mining leases and rights | 1:5,000 |
| (iii) | other plans | 1:240, 1:480, 1:1,200,
1:2,400, 1:4,800 1:6,250,
1:12,500, 1:25,000; |

(j) the area of each plot, to the following accuracy—

- | | | |
|-------|---|-------------------------------------|
| (i) | building lots, and plots under two acres | in square yards to the 2nd decimal; |
| (ii) | plots from two to ten acres | in acres, to the 3rd decimal; |
| (iii) | over ten acres to one hundred acres | in acres, to the 2nd decimal; |
| (iv) | over one hundred acres, to one thousand acres | in acres, to the 1st decimal; |
| (v) | over one thousand acres | to the nearest acre. |

(k) conventional signs and symbols published by the Survey Division shall be used for the representation of detail and beacons unless otherwise directed.

32. Copies of plan for registrable Instrument to be sent to Surveyor-General

(1) A licensed surveyor making a survey of the boundaries of land for any registrable instrument or grant under section 3 of the Law shall send two complete copies, on tracing cloth, of the original plan of his survey to the Surveyor-General for counter-signature by the latter. The Surveyor-General shall retain one copy and return the other to the licensed surveyor.

(2) A licensed surveyor preparing a plan which implements any judgment or order of court shall send two copies on tracing cloth to the Surveyor-General together with a certified copy of the judgment or order of court.

(3) The cost of the plans and documents supplied under this regulation shall be borne by the persons for whom the surveys are made.

33. Information to be shown on plans prepared from originals

Plans prepared from the original for attachment to any registrable instrument or grant under section 3 of the Law are required to show only the following information taken from the original, save as the Surveyor-General may otherwise require in particular cases—title of survey, the name of the person or body for whom it is made, connection to Government survey beacon or co-ordinates of a point referred to the local origin, the linear dimensions, area, location and lot number (if any) of the parcel of land, the scale of the plan and the indication of the North point, the signature and counter-signature required under the above section.

34. Inspection of licensed surveyor's records

A licensed surveyor may be required by the Surveyor-General to submit for inspection the field books, computations and any other records or information in connection with a survey undertaken by the licensed surveyor. The Surveyor-General may make any investigation or check he deems desirable on any survey.

35. Inspection of plans by public

Copies of survey plans kept in the Survey Division may, at the discretion of the Surveyor-General, be inspected by the public on payment of the prescribed fee, but no information shall be copied without the Surveyor-General's permission.

36. Purchase of copies of department's plans

Copies of plans of surveys made by the Survey Division may, at the discretion of the Surveyor-General, be purchased by the public on payment of the prescribed charges.

37. Purchase of copies of licensed surveyor's plans

Copies of plans submitted by licensed surveyors under regulation 32 shall be available for purchase only to the surveyors who lodge the particular plans and to the persons for whom the surveys were made or their legal representatives, at the prescribed rates.

38. Certificates on copy plans

(1) When certified true copies of plans made by officers of the Survey Division or licensed surveyors are supplied by the Surveyor-General or by a licensed surveyor they shall bear the following certificate—

Certified true copy of plan made byof the Survey Division/Licensed Surveyor on Signed Surveyor-General/Licensed Surveyor.

Signed Surveyor-General/Licensed Surveyor.
Date

(2) Copies of plans of surveys made by officers of the Survey Division shall not be certified as true copies by licensed surveyors, and shall only be prepared and sold to the public by the Surveyor-General.

39. Licensed surveyor may demand information

Any licensed surveyor may demand from the Surveyor-General and shall be given without payment any information filed in the office of the Surveyor-General which he may reasonably require to enable him to connect a survey to Government survey beacons where such beacons exist in the neighbourhood of the land about to be surveyed.

40. Surveyor-General may decline information

The Surveyor-General may decline to give such information as he considers unnecessary for the survey, and his decision shall be final.

PART V

Private Applications for Survey to the Surveyor-General

41. Information required on applications to Surveyor-General

(1) Applications to the Surveyor-General for the survey of a parcel of land shall be in accordance with Form 3 in the First Schedule and shall include particulars of the locality,

ownership and area of the parcel, together with the nature of the work required and shall be accompanied by a sketch plan of the parcel.

[Form 3, First Schedule.]

(2) For applications to the Surveyor-General to investigate alleged inconsistencies in an existing survey, the complainant shall, in addition to the above information, supply full details of the alleged inconsistencies and such other information as the Surveyor-General may require.

42. Surveyor-General's discretion to investigate or refuse

(1) The Surveyor-General may in his discretion refuse to undertake any survey or investigations.

(2) The Surveyor-General may investigate or undertake any survey when he considers it in the public interest to do so, whether or not any application has been made to him to carry out the investigation or survey.

43. Assessment etc. of charges for survey

(1) If the Surveyor-General accepts an application for survey he shall assess the charges for the work and call on the applicant to deposit the amount in the nearest Treasury.

(2) If the application is withdrawn after the survey has been arranged, but prior to its completion, the Surveyor-General may in his discretion arrange for the preliminary fee, together with other charges incurred, to be paid to revenue.

44. Attendance of applicant

In any case in which the Surveyor-General accepts application or directs that the survey shall be undertaken by the Survey Division, the applicant may be required in accordance with Form 4 in the First Schedule to attend personally or by agent for the purpose of indicating the boundaries of the land, and shall state his intention regarding supply of beacons or the materials (see regulation 13).

[Form 4, First Schedule.]

45. Assessment of charges for surveys involving services of Survey Division

For surveys by licensed surveyors which involve services by the Survey Division such as checking the work or supplying title deed plans, the Surveyor-General shall assess the necessary charges, which shall be paid to revenue by the applicant except in respect of checking carried out under regulation 34 which shall be paid for by the licensed surveyor.

46. Cost of investigation under regulation 41 (2)

For investigations undertaken under regulation 41 (2) the complainant shall bear the cost of any investigations undertaken if the complaint is proved to be unfounded. If the original survey is found to be at fault the charges for the investigations shall be paid by the person for whom the original survey was made, or by the licensed surveyor in the case of checking carried out under regulation 34.

PART VI
Miscellaneous

47. Notice of intention to enter to be given

Notice of a surveyor's intention to enter upon occupied land shall, where practicable, be given. Such notice shall be in accordance with Form 5 in the First Schedule.

[Form 5, First Schedule.]

48. Uncovering of buried government beacon

If for the purpose of any survey it is necessary or desirable for the surveyor to uncover a buried Government beacon, the surveyor shall apply to the Surveyor-General for authority, which shall be issued in accordance with Form 6 in the First Schedule. Full directions for the restoration of the covering shall also be issued to the surveyor on the form, a copy of which shall be filed in the office of the Surveyor-General.

[Form 6, First Schedule.]

49. Conditions for making excavations on street

No excavations to bury or uncover a beacon, shall be made in any street or road unless a red flag by day and a red lamp by night is provided and displayed to warn approaching traffic.

50. Standardization of steel tapes

Licensed surveyors shall arrange for their steel tapes to be standardised by the Survey Division at least once a year, and shall pay the prescribed fee and obtain a certificate signed by the Surveyor-General in respect of such standardisations. Tapes shall also be standardised afresh each time they have been repaired, and the prescribed fee paid by the surveyor if the restandardisation is done by the Survey Division.

51. Modification of forms

The forms set out in the First Schedule to these regulations may be modified at the discretion of the Surveyor-General as special circumstances require.

[First Schedule.]

52. Application of regulations

Parts I to VI of these regulations shall be observed by all surveyors save where their application is specially limited either to the Survey Division or to licensed surveyors.

PART VII

Survey Fees

[No. 44 of 1953.]

53. Fees for survey of parcels of land

The fees for surveys of parcels of land undertaken by the Survey Division shall be in accordance with the provisions of the Second Schedule to these regulations.

[Second Schedule.]

54. Fees for other survey services

The fees for survey services other than those referred to in regulation 53 shall be in accordance with the provisions of the Third Schedule to these regulations.

[Third Schedule.]

55. Alteration of rates of charge

In any case where fees are specified in the Second or Third Schedule to these regulations as being chargeable at rates other than time-rates the Surveyor-General or any officer of the Survey Division authorised by him may, if he thinks it desirable so to do, substitute time-rates for such other rates.

[No. 131 of 1954, 47 of 1959.]

56. Layout surveys

(1) Traverse fees for the survey of a common boundary between contiguous plots of land shall be paid in full by each of the owners or occupiers of such plots.

[No. 131 of 1954, 47 of 1959.]

(2) The Surveyor-General may waive a separate preliminary fee for each plot of land where two or more such plots are included in a single layout survey.

Provided that a single preliminary fee only shall be charged for an entire survey undertaken at the instance of a single owner or occupier.

57. Minister's power to waive fees

The Minister, acting in his discretion, may waive in whole or in part any of the fees set out in the Second and Third Schedules which may be chargeable for services rendered in

Northern Nigeria by the Survey Division.

[No. 47 of 1959.]

FIRST SCHEDULE

FORM 1

SURVEY REGULATIONS

[Reg. 25.]

Notice to an Owner or Occupier

Take notice that you are hereby required to maintain in position and repair all boundary marks

erected to define the boundaries of the land situate at
and

described as follows—

.....

...

You are also required to give notice to the Surveyor-General or to the District Officer of your District if any of the said marks are injured, destroyed or removed.

Dated this day of , 20

.....

.....

Surveyor District Officer

To

.....

FORM 2

SURVEY REGULATIONS

[Reg. 25.]

Notice to a Native Authority or Chief

Take notice that you are required to prevent the obliteration, removal or injury of the trigono-
metrical stations, survey beacons, marks, poles or boundary marks on, or on the boundaries
of, the land situated at and
described
as follows—

.....
.....

You are also required to report to the Surveyor-General or to the District Officer of your
District if any of the said stations, beacons, marks, poles or boundary marks are obliterated,
removed or injured.

Dated this day of , 20
.....

.....

Surveyor District Officer

To
.....

FORM 3

SURVEY REGULATIONS

[Reg. 41.]

*Application for Survey or Demarcation to be undertaken by the Survey Division of the
Ministry of Land and Survey*

1. Name of Applicant

.....

2. Address

.....

3. Situation and description of land to be surveyed or demarcated

.....

.....
4. Name of owner

.....
5. Approximate area

.....
6. Position of applicant in regard to land, whether owner or his representative, lessee,
tenant or mortgagee

.....
7. Nature of work required

.....
8. Number of plans required

.....
Dated thisday of ,20

.....
Applicant.

To THE SURVEYOR-GENERAL.

Note.—A sketch plan of the land must accompany this form.

FORM 4

[Reg. 44.]

Survey Regulations

You are hereby required to attend personally or by agent duly authorised by you in writing
in the

form set out below at on the day of

.....
20, for the purpose of indicating to the officer of the Survey Division of the Ministry of
Land

and Survey—

(a) The boundaries of the parcel of land on your application for survey;

(b) your corner and direction beacons upon your application for a Mining Lease/a
Mining

Right/an Exclusive Prospecting Licence

Acres/Square

miles near

You or your agent may be required to remain with the surveyor until the area is finally

beaconed and marked.

Should the position of any boundary beacon as determined by the surveyor be in dispute, a written protest should be made to the surveyor who will forward it together with its report to the Surveyor-General.

FORM 4—*continued*

You are requested to state whether it is your intention to supply all boundary beacons or materials, or that the Survey Division should provide beacons.

Signed

Office

Date

Form of Authorisation (if attending by agent)

On behalf of (A) I hereby
authorise

(B) to accompany the officer of the
Survey

Division during the survey of (C) and,
unless

written protest is made by him to the surveyor at the time of survey, hereby accept the
position of all boundary marks as determined by the surveyor.

I will/will not supply boundary beacons or material for same.

For and on behalf of (D)

.....

Dated this day of, 20

.....

.....

Signature.

(A) Name of company or individual.

(B) Name of person Authorised.

(C) Description of area.

(D) Name of company or individual.

[Reg. 47.]

SURVEY REGULATIONS

Notice to Occupier before Entry for Survey Purposes

Take notice that I shall attend on The, 20

between the hours of 6 a.m. and 6 p.m. upon your land situate at for
survey

purposes connected with—

The property occupied by you.

adjoining property:

a public survey.

Dated this day of, 20

.....

Surveyor

To

.....

FORM 6

[Reg. 48.]

SURVEY REGULATIONS

Permission to Uncover Beacon

You are hereby given permission to uncover Government Survey Beacon No.

.....

at

In order to comply with subsection (2) of section 11 of the Survey Law, it will be
necessary for you to observe the following directions in restoring the covering.

Dated this day of, 20

.....

.....
Surveyor-General

To
.....

SECOND SCHEDULE

[NN LN 139 of 1961]

[Reg. 53.]

Fees Chargeable by Survey Division for Survey of Parcels of Land

1. Preliminary Fees—	N
Town Surveys	200
Country Surveys	300
Mining Surveys	300
Renewal and re-issues including part-surrenders and part-renewals	200

2. Beacon Fees—

Standard Property Beacons and Mining Beacons, each	100
"Cemetery" Beacons, other Beacons, each	100

If all the materials are supplied by the applicant the charges shall be N=2.00; N1.00 respectively.

If a beacon is established in accordance with computed data the above rates shall be increased by 50%.

Recap of Beacons, each	100
------------------------------	-----

3. Traverse Fees shall be at the following rates per 10 metres.

	<i>Level Country</i>	<i>Broken or swampy Country</i>	<i>Rugged Country</i>
	N	N	N
Open, or lines property cleared by applicant	100	100	
100			

SECOND SCHEDULE—*continued*

	<i>Level</i> <i>Country</i>	<i>Broken</i> <i>or</i> <i>swampy</i> <i>Country</i>	<i>Rugged</i> <i>Country</i>
	N	N	N
Thick grass, orchard bush, light forest of built-up areas	100	100	100
Medium forest	100	100	150
Heavy forest or dense secondary growth	100	150	150
Heavy forest with dense secondary growth or mangrove swamp	100	150	200
Minimum fees	100		

4. Astronomical Determination Fees shall be charged at time rates.

5. Trigonometrical Connection Fees shall be charged at time rates.

6. Survey Party Fees

The cost—

(a) of the transport of the survey party and stores to and from the survey; and

(b) the salaries, wages and allowances of the party for the time necessarily spent in travelling, shall be paid by the applicant.

Delays to the survey party caused by default of the applicant shall be paid by him at time rates.

7. Deed Plan Fees.—For deed plans not exceeding 33cm x 20cm a standard charge of N60.00 shall be made. For plans exceeding the above size charges shall be in accordance with the rates prescribed in paragraph 3 of the Third Schedule.

8. Time Rates shall be at the rate of N150.00 an hour.

THIRD SCHEDULE

[NN LN 139 of 1961, Reg. 54.]

Fees Chargeable by Survey Division for other Survey Services

1. Office Checking Fees.—For checking the field books, computations and plan of every mining survey there shall be charged checking fees of N100.00 plus ten per cent of the traverse charged for open level country plus N15.00 for each astronomical determination.

(a) The first ten stations including connections N100.00, N100.00 for each additional station. Minimum charge N50.00;

(b) If the number of copies of the plan submitted for counter-signature is more than two, N10.00 is chargeable for each additional copy;

(c) If after field checking, the plan is found to be inaccurate, rejected and later re-submitted, then N10.00 is charged per station including connections. Minimum charge N100.00.

For the counter-signature by the Surveyor-General of each set of two copies of original plans sent to him by Licensed Surveyors under regulation 32 a fee of N300.00 per square metre or part thereof shall be charged. In the case of layout or subdivision of plots, the fees shall be N300.00 per plot or part thereof. Minimum charge N300.00.

2. Tape Standardization Fees.—N60.00 shall be charged for the first 30 metres and N15.00 for each additional 30 metres or less.

For tapes graduated all through N20.00 shall be charged for each ten metres, section or part thereof.

The cost of return postage shall be added to the above charges.

3. Drawings and Tracing Fees—other than those specified in paragraph 7 of the Second Schedule shall be charged as follows—

(a) Finished Drawings—Time rates Minimum fee N100.00.

(b) Tracing of single plots—N600.00 per square metre. Minimum fee N60.

(c) Other Tracings—Time rates Minimum fee N40.00

(d) Lithoprints and Sunprints—N15.00 per square metre. Minimum charge N0.50

4. Certification Fees in respect of true copies of diagrams and plans—

(a) area up to 5 hectares N15.00

(b) area over 5 hectares N20.00

(c) area over 50 hectares N25.00

5. Public Inspection Fees in respect of plans and prints deposited in the Survey Division. For each inspection period on search of half an hour or less N5.00.

6. All Survey Services over than those specified above shall be charged at time rates.

7. Time Rates shall be at the rate of N50.00 an hour.