



THE SENATE
FEDERAL REPUBLIC OF NIGERIA

**NATIONAL HYDROGRAPHIC AGENCY (ESTABLISHMENT)
BILL, 2021
(HB. 1021)**

A BILL
FOR
AN ACT TO ESTABLISH THE NATIONAL HYDROGRAPHIC AGENCY, TO CARRY OUT
HYDROGRAPHIC AND OCEANOGRAPHIC SURVEYS, INCLUDING OCEAN METEOROLOGY
FOR NATIONAL DEFENCE AND FOR RELATED MATTERS, 2021

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NATIONAL HYDROGRAPHIC AGENCY (ESTABLISHMENT) BILL, 2021



Arrangement of Clauses

PART I — ESTABLISHMENT OF THE AGENCY Establishment of the Agency.

The objectives of the Agency.

PART II — ESTABLISHMENT AND COMPOSITION OF THE GOVERNING COUNCIL

Establishment of the Governing Council.

Composition of the Council.

Functions and powers of the Council.

Tenure of office of members of the Council.

PART III — STRUCTURE OF THE HEADQUARTERS, OFFICES AND DEPARTMENTS OF THE AGENCY Structure of the headquarters, offices and departments of the agency.

PART IV — PRINCIPAL OFFICERS AND OTHER STAFF OF THE AGENCY

Appointment and Functions of the Hydrographer of the Federation.

Appointment and Functions of the Deputy Hydrographer of the Federation.

Functions of the Secretary to the Council.

Posting of Staff to the Agency.

Tour of duty duration.

PART V — FINANCIAL PROVISIONS

Establishment, etc. of the National Hydrographic Development Fund.

Expenditures of the Agency.

Exemption from payment of tax.

Audit and Accounts.

Annual report.

Power to borrow.

Power to accept gifts.

PART VI — TRANSFER OF PROPERTY TO THE AGENCY

Implementation of policies.

Restriction on the disposal of landed property.

PART VII — MISCELLANEOUS

Carriage of nautical publications.

Copy right.

The standards of competence.

National archives.

Establishment of committees.

Interpretation.

Citation.

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[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART I — ESTABLISHMENT OF THE AGENCY

1. (1) There is established a body to be known as the National Hydrographic Agency (in this Bill referred to as "the Agency"). Establishment of the Agency.

(2) The Agency:

(a) shall be a body corporate with perpetual succession and a common seal; and

(b) may sue or be sued in its corporate name.

2. (1) The objectives of the Agency are to carry out: The objectives of the Agency.

(a) hydrographic and oceanographic surveys, including ocean meteorology for national defence;

(b) fulfill all international hydrographic treaties, conventions and protocols acceded to by Nigeria;

(c) carry out commercial hydrography, seismic and other marine surveys for economic diversification and revenue generation for the FGN;

(d) provide maritime safety information, notices to mariners and nautical publications for the safety of seafarers in line with Joint IHO/IMO/WMO manual on maritime safety information;

(e) represent Nigeria in all international hydrographic matters;

(f) provision of official nautical charts and publications, sailing directions, list of lights, notices to mariners, tide tables and other nautical publications, where applicable, satisfying the needs for safe navigation within Nigerian waters and the sub region in general;

(g) planning, acquisition and maintenance of survey platforms, including surface, sub-surface and air survey platforms that form part of the National Hydrographic Survey Fleet;

(h) planning acquisition and maintenance of survey and charting equipment, instruments, software and infrastructure for the NHA;

(i) conduct training and re-training in hydrographic surveying, nautical cartography and related fields for NHA and NN personnel as well as other interested Nigerians and allied countries, using the medium of the National Hydrographic School;

(j) monitor, control, superintend and coordinate all national hydrographic and oceanographic surveys;

(k) be the sole authority for nautical charting, tidal matters and other nautical publications in Nigeria;

(l) be the depository for all hydrographic, oceanographic and seismic data in Nigeria;

(m) collection of hydrographic, oceanographic and other related data from all government and private stakeholders in Nigeria and use same for compilation of nautical charts and publications, including dissemination and updating all nautical information necessary for safe navigation within the Maritime Zones and navigable internal waters of Nigeria;

(n) regulation of all hydrographic surveys conducted within Nigerian waters to ensure that they are in accordance with international standards and consistent with the need to ensure/improve safe navigation within Nigerian waters;

(o) superintendence of all land survey and dredging matters within the NN and assist in the delimitation and demarcation of maritime boundaries of Nigeria in conjunction with National Boundary Commission;

(p) provision, custody and distribution of navigational equipment and publications for the NN, planning and provision of appointments, training and career of personnel (Naval and Civilian) into hydrographic specialization;

(q) liaising with other local and international mapping, hydrographic and oceanographic organization for the purpose of maintaining local and international standards and providing accurate and up-to-date hydrographic data including electronic navigational charts, tide/current information, as well as forecasting and shoreline surveys; and

(r) supporting emergency response, ecosystem approaches to marine management, and coastal resiliency by providing hydrographic data and services, planning, acquisition and maintenance of hydrographic and oceanographic platforms (ships/aircrafts/boats) and equipment and any other duties as may be assigned from time to time by the NHA Board.

(2) For the purpose of carrying out the objects outlined in section 2 (1) (a)-(r) of this Bill, the Agency shall:

(a) establish such centres, facilities, departments and other research units within the Agency as may be necessary from time to time or desirable, subject to the approval of the governing council;

(b) be responsible for the discipline and welfare of personnel of the Agency;

(c) refer matters relating to the discipline of military personnel in the Agency according to the

Armed Forces Act;

(d) conduct and sponsor studies and researches in hydrography and related fields of learning;

(e) engage top quality staff of international standards aimed at creating a centre of excellence in mandated fields of study;

(f) subject to the provisions of the Land Use Act, acquire, hold, grant, charge or otherwise deal with or dispose of moveable and immovable property wherever situate;

(g) accept gifts, legacies and donations, provided that the terms and conditions attached to such gifts, legacies or donations are not inconsistent with the objects and purpose for the establishment of the Agency;

(h) erect, provide, equip and maintain libraries, laboratories, lecture halls, and other buildings as are necessary for the carrying out of the objects of the Agency;

(i) subject to any limitations or conditions imposed by Statute, invest any moneys belonging to the Agency by way of endowment, whether for general or special purposes or such other money as may not be immediately required for current expenditure in any investments or securities in the purchase or improvement of land, with power from time to time to vary any such investments and to deposit any moneys for the time being not invested with any approved bank on deposit or current account;

(j) borrow, whether on interest or not and if need be upon the security of any of the property, moveable or immovable of the Agency, such moneys as the council may from time to time require or expedient to borrow or to guarantee any loan, advances of credit facilities;

(k) do such other things as may be required for the effective and smooth running of the Agency; and

(l) do such acts or things that are incidental to the attainment of the powers listed in this section as are considered necessary to promote the objects of the Agency.

PART II — ESTABLISHMENT AND COMPOSITION OF THE GOVERNING COUNCIL

3. There is established for the Agency a Council to be known as the Governing Council, National Hydrographic Agency (in this Bill referred to as "the Council").

Establishment
of the
Governing
Council.

4. The Council shall consist of the:

Composition of
the Council.

(a) Minister responsible for matters relating to Defence as Chairman;

(b) Minister responsible for matters relating to Transportation;

(c) Attorney-General of the Federation and Minister responsible for matters relating to Justice;

- (d) Minister responsible for matters relating to Finance;
- (e) Chief of Defence Staff;
- (f) Chief of the Naval Staff;
- (g) Surveyor General of the Federation;
- (h) three Ex-Officio members appointed by the President; and
- (i) Hydrographer of the Federation as Secretary.

5. The Council:

Functions and powers of the Council.

- (a) shall initiate or approve the policy of the Agency and may give the Agency directions on general or specific matters;
- (b) shall grant approval for the Agency to enter into research and production partnerships with any Company, Non-Governmental Organization, firm or individual;
- (c) may make regulations generally for the purpose of giving effect to the provisions of this Bill, facilitating the discharge of the Agency's functions or pursuing the Agency's objectives;
- (d) may delegate any of its powers or functions to any person or persons, authority or committee except for its powers to approve statutes of the Agency;
- (e) may make regulations generally for the purpose of giving effect to the provisions of this Bill, facilitating the discharge of the Agency's functions or pursuing the Agency's objectives;
- (f) may delegate any of its powers or functions to any person or persons, authority or committee except for its powers to approve statutes of the Agency;
- (g) shall approve the creation of any office, department or committee as may be considered necessary or expedient for the smooth running of the Agency;
- (h) shall recommend the nomination of Hydrographer of the Federation to the President and Commander-in-Chief of the Armed Forces for approval subject to the provisions of the Armed Forces Act;
- (i) shall exercise control and supervise the policy, finances and property of the Agency;
- (j) shall appoint the provost, professors and other academic and administrative staff, stipulate terms and conditions of their appointment, determine the remuneration of the principal officers and other staff of the Agency that are not military personnel and scope of their responsibilities; and
- (k) shall do such other things as are necessary for the successful performance of the

functions of the Agency;

(l) shall approve the organizational structure, committees and definition of duties established by the hydrographer of the Federation.

6. (1) The office of a member of the Council shall be deemed vacant if within 4 years from the date of first appointment:

Tenure of office of members of the Council.

(a) he dies;

(b) he resigns before the expiration of his tenure;

(c) he is adjudged to be medically unfit, a lunatic or of unsound mind;

(d) a case of gross misconduct is established against him;

(e) he is sentenced to death or imprisonment;

(f) he is adjudged or declared bankrupt;

(g) he is discovered to be a member of any secret society;

(h) he is indicted for fraud or embezzlement by a Judicial Commission of Inquiry or indicted for contravention of the Code of Conduct;

(2) For the Hydrographer of the Federation, whose removal from office shall be in accordance with military posting, on the recommendation of the CNS and Council to the President and Commander-in-Chief of the Armed Forces of Federal Republic of Nigeria for approval, his tenure shall be for a minimum of 4 years.

PART III — STRUCTURE OF THE HEADQUARTERS, OFFICES AND DEPARTMENTS OF THE AGENCY

7. (1) The Headquarters of the Agency shall be situated in the Federal Capital Territory Abuja.

Structure of the headquarters, offices and departments of the agency.

(2) There shall be at the headquarters the following offices and Departments:

(a) Office of the Hydrographer of the Federation and Chief Executive Officer (CEO);

(b) Naval Assistant Secretary;

(c) Deputy Hydrographer;

(d) Director Survey Operations;

(e) Director Cartography;

(f) Director Aerial Survey;

- (g) Director Cadastral Survey;
- (h) Director Legal;
- (i) Director Finance;
- (j) Director Photogrammetry and GIS;
- (k) Director Administration;
- (l) Director Nautical Publication; and
- (m) Director Survey Instruments.

(3) Each Department shall be headed by a Director with an establishment rank of Rear Admiral or its equivalent in other Security Agencies or a Civilian with requisite professional experience, for a minimum duration of 2 years.

(4) The Agency shall have powers to establish other Departments as the need arises.

PART IV — PRINCIPAL OFFICERS AND OTHER STAFF OF THE AGENCY

8. (1) There shall be appointed for the Agency, a Hydrographer of the Federation drawn from the Nigerian Navy, not below the rank of a serving Rear Admiral or its equivalent whose appointment and removal from office shall be in accordance with military posting, on the nomination of the Chief of Naval Staff (CNS) and Council recommendation to the President and Commander-in-Chief of the Armed Forces of Federal Republic of Nigeria for approval.

Appointment
and Functions
of the
Hydrographer
of the
Federation.

(2) He must have acquired in hydrographic survey experience in Hydrographic Survey Operations and management or Offshore Survey; and shall be responsible to the Council for:

- (a) giving to the Council such information as to the activities of the Agency as the Chairman of the Council may require;
- (b) authorizing programmes and plans for giving effect to policy approved by the Council or to any direction of the Council subject to all or any of the powers in this section as may be delegated to him by the Council;
- (c) carrying out the day-to-day running of the Agency;
- (d) preparation of programme of work and estimates of the Agency's income and expenditure annually;
- (e) supervision of the activities of the Directors in the Agency;
- (f) co-ordinating the activities of the Centres; and
- (g) establishment of organizational structures, committees and definitions of duties.

(2) The fact that any power has been delegated to the Hydrographer pursuant to sub-section (1) of this

section shall not preclude the Council itself from exercising them in any special case.

(3) For the Hydrographer of the Federation whose removal from office shall be in accordance with military posting, on the recommendation of the CNS and Council to the President and Commander-in-Chief of the Armed Forces of Federal Republic of Nigeria for approval, his tenure shall be for a minimum of 4 years.

9. (1) There shall be appointed for the Agency, a Deputy Hydrographer, drawn from the Navy, not below the rank of a serving Major-General or its equivalent whose appointment and removal from office shall be in accordance with Military posting, on the recommendation of the Chief of Naval Staff (CNS) and Council approval, must be Knowledgeable in hydrographic survey and have demonstrated experience in hydrographic Survey Operations or Offshore Survey.

Appointment and Functions of the Deputy Hydrographer of the Federation.

(2) The Deputy Hydrographer shall assist the Hydrographer of the Federation in the day to day Agency of the Agency and in any other responsibility as may be assigned him.

10. (1) The Hydrographer of the Federation shall be the Secretary to the Council and shall be in charge of the Secretariat of the Council.

Functions of the Secretary to the Council.

(2) The Secretary of the Council shall carry out such functions and duties as the Council may assign including functions specified in Sub-section (3) (a)-(d) of this section.

(3) The Secretary of the Council shall, in addition to such other functions and duties as the Council may assign to him:

(a) prepare the minutes of meetings of the Council and its Committees;

(b) keep and secure the records of the Council;

(c) issue notices of meetings of the Council and other correspondences as may be directed by the Hon. Minister of Defence; and

(d) ensure proper dissemination of the decisions of the Council to the appropriate persons, institutions or authorities.

11. (1) The Nigerian Navy shall post Naval Officers from time to time, to fill administrative, command, and other military vacancies in the Agency.

Posting of Staff to the Agency.

(2) The Council shall appoint such persons as employable highly skilled Retired Officers from the Armed Forces or other Security Agencies or Civilian Members of staff for the Agency for research and general Administration as it considers necessary and shall approve terms and conditions of service including provision for the payment of pensions.

(3) Newly appointed members of staff of the Agency shall, unless exempted by the Minister of Defence, take such oaths as to secrecy and other matters as the Minister of Defence may, from time to time, direct.

12. For continuation in projects, Personnel who are trained hydrographic specialists posted to the Agency should have a minimum of 3 years tour of duty to enable them acquire requisite training, experience transfer knowledge and in hydrographic survey operations.

Tour of duty duration.

PART V — FINANCIAL PROVISIONS

13. (1) There is established a fund, which shall be known as the National Hydrographic Development Fund (in this Bill referred to as "the Fund").

Establishment,
etc. of the
National
Hydrographic
Development
Fund.

(2) There shall be paid and credited into the Fund established under sub-section (1) of this section:

(a) grants-in-aid and assistance from bilateral and multilateral agencies;

(b) all other sums accruing to the Fund by way of gifts, endowments, bequest or other voluntary contributions by persons and organisations:

Provided that the terms and conditions attached to such gifts, endowments, bequest or contributions will not jeopardize the functions of the Agency;

(c) such monies as may be appropriated for the Fund by the National Assembly; and

(d) foreign aids and assistance from bilateral and multilateral agencies.

14. The Agency shall apply the funds to:

Expenditures
of the Agency.

(a) the training of members of staff of the Agency and provision of scholarships and awards for specialized training of personnel;

(b) pay the civilian personnel, overhead allowances, benefits and other administrative costs of the Agency; and

(c) pay all personnel involved in hydrographic survey programmes a special allowance called Hazard Allowance (HA), Special Skill Allowance (SSA), Shift Allowance (SA) and Plain-Clothing Allowance (PCA).

15. All incomes derived by the Agency from the sources specified in this Bill and all contributions to the Fund of the Agency shall be exempted from tax.

Exemption
from payment
of tax.

16. (1) The Accounts of the Agency shall be audited not later than 6 months after the end of the year to which they relate by auditors appointed by the Agency from the list of auditors supplied and in accordance with the guidelines issued by the Auditor-General of the Federation.

Audit and
Accounts.

(2) An auditor appointed under subsection (1) of this section shall have access to all accounts and other records relating to such accounts as are kept by the Agency and shall have the power to request from any staff of the Agency such information and explanation as in the Auditor's opinion are necessary for the purpose of the audit.

17. The Agency shall prepare and submit to the Council not later than 30th June in each year, a report on the activities of the Agency, the audited accounts of the Agency and the Auditors' Report for each year preceding the report.

Annual report.

18. The Council may, with the consent of or in accordance with the general authority given to it by Government, borrow by way of loan or overdraft from any source or money required by the Agency for meeting its obligations in the discharge of its functions under this Bill. Power to borrow. to

19. The Agency may accept gift of land, money, property or loan, upon such terms and conditions if any, as may be specified by the person or organization making the gift provided that the conditions attached by the person making the gifts are not inconsistent with the objects of the Agency and the Federal Government policy. Power to accept gifts.

PART VI — TRANSFER OF PROPERTY TO THE AGENCY

20. (1) The Agency shall ensure the implementation of all policies in the attainment of its goals and objectives. Implementation of policies.

(2) The policies shall be in line with the National Hydrographic Policy and Program as well as Defence Policy of the nation.

(3) The implementation of such policies shall be under the direct responsibility of the Hydrographer of the Nation NHA.

21. All landed property of the Agency shall not be disposed of or charged except with the resolution of the Council. Restriction on the disposal of landed property.

PART VII — MISCELLANEOUS

22. All Nigerian flagged ships shall carry nautical charts and publications produced by the Agency while navigating within Nigerian maritime zones and internal waters. Where such publications are not available at the Agency, a producer nation from where such publications can be obtained shall be designated by the Agency. Carriage of nautical publications.

23. (1) Copyright shall exist in all official nautical charts, nautical publications or hydrographic data produced by the Agency. Copy right.

(2) The Hydrographer of the Federation shall be the sole agent for the application and management of the copyright, under Nigeria's Copyright laws on nautical charts, nautical publications and hydrographic data.

24. The standards of competence of hydrographic surveyors and nautical cartography shall be as promulgated by the IHO/FIG. The standards of competence.

25. The Agency shall be responsible for keeping and management of all hydrographic information, source documentation, original surveys, nautical charts and nautical publications in the official hydrographic archives, as part of the National Archives of Nigeria. National archives.

26. Bodies established under this Bill, shall have power to constitute Committees consisting members of such bodies and, subject to the provisions of sections 5 and 10 of this Bill, authorize a Committee established by it to exercise on its behalf, such functions as may be delegated to the Committee. Establishment of committees.

27. In this Bill, the following expressions shall have the following meanings:

"AFN" means Armed Forces of Nigeria;

"CDS" means Chief of Defence Staff;

"CNS" means Chief of the Naval Staff;

"HF" means Hydrographer of the Federation;

"CEO" means Chief Executive Officer;

"DH" means Deputy Hydrographer;

"Facility" means any place, premises, structure or installation designed, adapted or equipped for the performance of any hydrographic Survey or hydrographic-related process or activity;

"Fund" means the Fund of the Agency or National Hydrographic Development Fund established under section 23 (1) of this Bill;

"Government institutions" means any:

(a) body or company established by or under any law; or

(b) other institution or body recognized by the Minister by notice in the Gazette;

"Launching" means the placing or attempted placing of any ship into a trajectory or into water, or the testing of a launch vehicle or ship in which it is foreseen that the launch ship will lift from the water surface;

"Launch vehicle" means any device manufactured or adapted to launch a ship;

"Licence" means a licence issued by the National Hydrographic Agency the regulatory hydrographic Agency or proprietary in Nigeria body;

"Licensee" means any person who is the holder of a licence;

"Member" means a member of the Council;

"Misconduct" means immoral, unethical or unprofessional behavior;

"MOD" means Ministry of Defence;

"Other Security Agencies" means the Nigeria Police Force, the Department of State Security Services, the National Intelligence Agency, Nigerian Customs Service, Nigerian Immigration Service, Nigeria Security and Civil Defence Corps;

"Prescribed" means prescribed by regulation;

"Regulation" means any regulation made under this Bill;

"Secretary" means the Secretary of the Council appointed under Section 10 (1) of this Bill;

"Technical officer" includes scientists, engineers and lawyers working in the Agency; and

"Technological assets" means any capital assets, patents, designs, data, equipment and computer software specifically related to hydrographic survey.

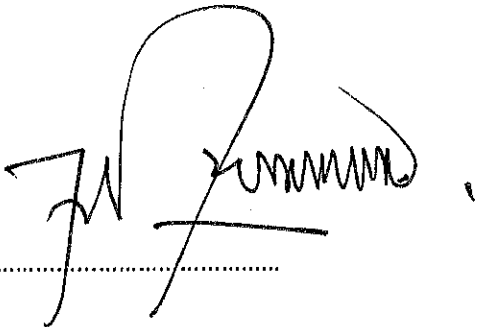
28. This Bill may be cited as the National Hydrographic Agency (Establishment) Bill, 2021.

Citation.

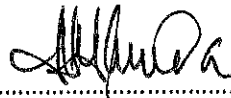
EXPLANATORY MEMORANDUM

This Bill seeks to establish the National Hydrographic Agency, and to provide a legal framework to carry out hydrographic and oceanographic surveys, including ocean meteorology for national defence and fulfil all international hydrographic treaties, conventions and protocols acceded to by Nigeria.

THIS BILL WAS PASSED BY THE SENATE ON WEDNESDAY, 1ST DECEMBER, 2021



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President,
Senate of the Federal Republic of Nigeria



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Clerk,
Senate of the Federal Republic of Nigeria