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NIGERIAN GEOLOGICAL SURVEY AGENCY (ESTABLISHMENT) ACT, 2006

EXPLANATORY MEMORANDUM

This Act establishes Nigerian Geological Survey Agency to promote, among other things, the research for, exploration and exploitation of specialised geo-scientific services to both public and private sectors and to transfer the Geological Survey Department of the Federal Ministry of Solid Minerals Development to the Nigerian Geological Survey Agency.

NIGERIAN GEOLOGICAL SURVEY AGENCY (ESTABLISHMENT) ACT, 2006

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SCHEDULE

(2) The Chairman and the other members of the Board shall be appointed by the President on the recommendation of the Minister.

(3) The supplementary provisions set out in the Schedule to this Act shall have effect with respect to the proceedings of the Board and the other matters contained therein.

Schedule

4. (1) The Chairman and other members of the Board, other than *ex-officio* members –

Tenure of office, etc.

(a) shall hold office for a period of four years on such terms and conditions as may be specified in their letters of appointment; and

(b) may be re-appointed for one further period of four years and no more.

(2) Subject as hereinafter provided, a member of the Board appointed under section 3 of this Act shall hold and vacate office in accordance with the terms of the instrument appointing him to be a member of the Board.

(3) A member of the Board holding office as aforesaid shall vacate that office at the expiration of the period of four years beginning from the date of his appointment.

(4) A person ceasing to hold office as a member of the Board otherwise than by removal for misconduct shall be eligible for re-appointment as member.

(5) Before appointing a person to be a member of the Board under section 3 of this Act, the President shall satisfy himself that the person shall have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Board, and the President shall also satisfy himself from time to time with respect to every member of the Board that the member has no such interest and any person who is or whom the President proposes to appoint to be a member of the Board shall, wherever requested by the President so to do furnish to him such information as the President considers necessary for the performance by the President of his duties under this sub-section.

5. (1) Notwithstanding the provisions of section 4 of this Act, a member may at any time be removed from office by the President –

Removal from office etc.

(a) for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misconduct;

(b) if the President is satisfied that a member of the Board appointed by him –

(i) absents himself from three consecutive meetings of the Board without the permission of the Chairman or if that member is the Chairman without the permission of the Minister;

(ii) holds any other office of profit under the Agency;

- (iii) enters into contract with the Agency or is engaged or participates in the sharing of the profits of any contract with the Agency;
- (iv) becomes bankrupt;
- (v) is incapacitated by physical or mental illness and is unable to perform his duties;
- (vi) is guilty of serious misconduct in relation to his duties ; or
- (vii) is convicted, or has at any time been convicted, in any court of law in Nigeria or elsewhere; and

(c) if he is satisfied that it is in the public interest so to do.

(2) A member of the Board may resign his appointment by a notice in writing under his hand, addressed to the President and that member shall, on the date of the receipt of the notice by the President cease to be a member of the Board.

- 6. A member of the Board holding office pursuant to section 3 of this Act may, at any time resign his membership by notice in writing addressed to the President. Resignation of members from the Board
- 7. The Chairman and members of the Board shall be paid such emoluments, allowances and benefits as the Revenue Mobilisation, Allocation and Fiscal Commission may, from time to time, direct. Emoluments, etc

PART II – FUNCTIONS AND POWERS OF THE AGENCY

- 8. **The functions of the Agency shall be to –** Functions of the Agency
 - (a) carry out detailed geological investigations, including analytical and laboratory works, photo geology and other interpretations, core drilling, well-logging, geo-statistics and other mineral calculations as estimations, and valuation;**
 - (b) produce geological, geophysical and geo-chemical maps of Nigeria on various scales;
 - (c) promote the search for and exploitation of minerals in Nigeria;
 - (d) undertake research in the filed of geo-sciences and mineral resources in Nigeria.
 - (e) compile and develop a comprehensive and integrated collection and dissemination of knowledge of geology, geo-chemistry, geophysics, engineering geology, economic geology, geochronology, marine geology and geomagnetism;

(f) serve as national depository of all geo-science information relating to the earth, the marine environment and geo-magnetic space;

(g) study the use of the surface and sub-surface of the land, and from geo-scientific viewpoint, advise government institutions and the general public on the judicious and safe use thereof;

(h) develop and maintain the National Geosciences Information Centre and other such centres as may be approved by the Board, the National Geological Data Infrastructure, the National Geological Research Laboratory, the National Borehole Core Depository, the National Geo-physical and Geo-chemical test sites and the Geological Museum;

(i) conduct investigations and render specialised geological services to the public and private institutions;

(j) undertake research on behalf of the Federal and State governments, any other government institutions, and support such research financially or otherwise;

(k) undertake joint research project with Ministries, extra-ministerial departments and agencies, universities and other tertiary institutions and other persons;

(l) cooperate with educational authorities and scientific or technical societies for the promotion of the education and training of researchers, technical experts and other supporting personnel in technical institutions and universities;

(m) cooperate with persons and institutions undertaking geological and mineralogical research in other countries by exchange of geo-scientific knowledge and means of international meetings and research projects; and

(n) establish, organise, run, operate, conduct and participate in such training courses, lectures, seminars, conferences, symposia and similar study group as may enhance the activities of the Agency or the efficiency of any of its officers and employees;

(o) promote investment in Nigeria's solid minerals and cooperate with both local and foreign investors and organizations;

(p) maintenance and up-dating of solid minerals statistics and data bank for investment promotion; and.

(q) produce periodic and annual reports of minerals statistics.

9. In pursuance of section 9 of this Act, the Agency shall have power to -

Powers of the Agency

(a) purchase, hire or otherwise acquire movable or immovable property, and alienate, let, pledge or otherwise encumber such property, subject to the approval of the Minister;

(b) award grant, bursaries or loans for research, and make monetary contributions for research programmes in support of its own manpower requirements in areas of geological and mineral investigations;

(c) provide, hire or let services to public and private institutions or any other

persons against payment;

(d) produce and sell reports, maps, computer programmes and such other articles on which intellectual property has been conferred on the Agency and through which the Agency generates income in the course of its research;

(e) institute, manage or cause to be managed a pension fund for employees of the Agency, subject to the approval of the Minister, and

(f) do such other things as are necessary for the successful performance of its functions under this Act.

10. (1) The Agency may, at the request of, or with the prior approval of the President and on the recommendations of the Minister, undertake geoscientific research and perform generic geological functions in any territory outside the country on behalf of any person, institution, government or administration.

Exercise of powers of the Agency outside the country.

(2) Notwithstanding anything to the contrary contained in this Act, geoscientific research and the performance of generic geological functions under subsection (1) of this section shall be undertaken on such terms and conditions as may be agreed upon between the Board and the person, institution, government or administration on whose behalf the research and performance of functions are to be undertaken, and as approved by the Minister.

11. Notwithstanding anything to the contrary contained in this Act, the Agency may not undertake any mining development or undertake prospecting specifically with a view to mining for itself.

General restrictions as to power of the Agency.

PART III – STAFF OF THE AGENCY

12. (1) There shall be for the Agency a Director-General who shall be appointed by the President on the recommendation of the Minister and on such terms and conditions as may be specified in his letter of appointment.

Director-General of the Agency

(2) The Director-General shall –

(a) be the chief executive and accounting officer of the Agency and shall be responsible for the execution of the policies and the day-to-day administration of the Agency;

(b) hold office for a term of five years in the first instance and may be re-appointed for a further term of five years and no more;

(d) be a practicing geologist of not less than twenty-five years post-qualification experience and shall have been actively engaged in the geological and mineral exploration industry in a managerial capacity for a continuous period of not less than ten years.

(3) Whenever the Director-General is unable to carry out his duties or perform his functions for any reason, or there is a vacancy in the office of the Director-General, the Board may designate an employee of the Agency to act as Director-General during such inability until a new Director-General has been appointed in accordance with subsections (1) and (2) of this section, and the employee shall, while so acting, have all the powers and perform all

the functions of the Director-General.

- 13. The other principal officers of the Agency shall be the Director-General and Heads of Departments and Centres which in order to carry out its functions and powers shall be established by the Agency as it may deem necessary and approved by the Board.

Principal officers of the Agency
- 14. (1) The Board shall appoint for the Agency a Secretary who shall be a legal practitioner and shall have been so qualified for a period of not less than 10 years;

(2) they shall keep records of the Board and conduct the correspondence of the Agency; and

(3) The Secretary shall perform such other functions as the Board or the Director-General, may from time to time, assign to him.

Appointment of Secretary
- 15. (1) The Board shall appoint for the Agency such officers and other employees as it may, from time to time, deem necessary for the purposes of the Agency.

(2) The terms and conditions of service (including remuneration, allowances, benefits and pensions) of officers and employees of the Agency shall be as determined by the Board with the approval of the Minister.

(3) Without prejudice to the generality of subsection (1) of this section, the Board may appoint persons as employees of the Agency, including by way of transfer or secondment from any of the public services in the Federation or otherwise however as it considers necessary.

Other employees of the Agency.
- 16. Officers and servants of a body to whom this Act applies who, on the vesting date, are on the established staff of such body shall be deemed to be seconded for such period as may be specified by the Board by an instrument addressed to the said officer or servant from the services of the body in question to the service of the Agency subject to such limitation as regards periods of service as may be provided by their existing terms of service in that body.

Officers and servants of previous body
- 17. The Board shall within the period specified in such instrument offer to each such officer or servant who is then in the service of the body, employment by the Agency on such terms and conditions as the Agency shall determine.

Offer of employment to such officers and servants
- 18. Where a member of any of the public services of the Federation is seconded under this Schedule, he shall be notified of the terms and conditions of the secondment and the secondment shall be without prejudice to any pension rights which, but for the secondment, would accrue to him.

Pensions rights unaffected
- 19. A person seconded under this Schedule may elect to be transferred to the staff of the Agency, in which case any previous service in any of the public services as aforesaid shall count as service for the purpose of any pension subsequently payable by the Agency.

Choice of a seconded staff
- 20. Where a person who is a member of any of the public services of the Federation is transferred to the services of the Agency, then, if the Minister responsible for pension so directs –

Transfer of Record of Service

- (a) that the person's former service in that civil service shall be taken into account in applying the provisions of the Pensions Act, and
- (b) that Act shall have effect as if that person's subsequent service with the Agency were service in that public service.

21. Section 2 of the Statutory Authorities, etc. (Special Provisions) Act shall apply in relation to the Agency as if the Agency were a Board affected by that Act, so however, that in the application of that section –

Application of Statutory Agency etc. (Special Provisions) Act, Cap. 417

- (a) references to the Board of an affected Agency shall be construed as references to the Agency; and
- (b) references to appointments shall be construed as excluding references to the appointment of ex-officio members of the Agency.

22. Subject to the provisions of this Act the Board may with the approval of the Minister make bye-laws for matters connected with the foregoing and also in relation to the appointment, promotion and discipline of the officers and servants of the Agency.

Bye-laws

23. (1) Service in the Agency shall be approved service for the purpose of the Pensions Act.

Pension Act No 2, 2004.

(2) Notwithstanding the provisions of subsection (1) of this section, nothing in this Act shall prevent the appointment of a person to any office on terms which preclude the grant of a pension, gratuity or other retirement benefits in respect of that office.

(3) For the purpose of the application of the provisions of the Pensions Act, any power exercisable by a Minister or authority of the Federal Government, other than the power to make regulations under the Pensions Act, is hereby vested in the Board.

PART IV – FINANCIAL PROVISIONS

24. The Agency shall establish and maintain a fund to which shall be paid:

Funds of the Agency

- (a) all subventions and budgetary allocations from the Federal Government;
- (b) gifts, loans, grants-in-aid from national, bilateral and multilateral agencies;
- (c) royalties paid to the Agency;
- (d) rents, fees and other internally generated revenue from services provided by the Agency; and
- (e) all other sums howsoever accruing to the Agency from time to time.

25. (1) Without prejudice to the power of the Agency to set aside from its revenue, appropriate amounts for replacement, contingencies or other purpose, the Agency shall establish and maintain a general reserve fund and such other reserve fund as the Minister may, from time to time, approve.

General Reserve Fund

(2) The management of the general reserve fund, amount to be credited and charges to be made against the general reserve fund and any other application of the moneys comprised in the general reserve fund shall be as the Board may, with the approval of the Minister, determine.

(3) No part of the money credited to the general reserve fund of the Agency shall be applied otherwise than for the purpose of the Agency.

26. (1) The Agency may, from time to time, apply the proceeds of the fund established pursuant to section 16 of this Act -

Expenditure of the Agency

- (a) to the cost of administration of the Agency;
- (b) to the payment of the emoluments, allowances and benefits of members and committees of the Board and such other expenses authorised by the Board;
- (c) to the payment of the salaries, fees or other remuneration or allowances, gratuities and pensions, and other benefits payable to the officers and other employees of the Agency, so however that no payment of any kind under this paragraph (except such as may be expressly authorised by the Board) shall be made to any person who is in receipt of emoluments from the Federal or State Government;
- (d) for the development and maintenance of any property vested in or owned by the Agency;
- (e) for geological and mineral investigation and research work carried by or on behalf of the Agency; and
- (f) for and in connection with all or any of its functions under this Act.

27. The Agency shall each year submit to the Minister an estimate of its expenditure and income (including payments of the Agency fund) for the next succeeding year.

Annual Estimates and Accounts

28. (1) The Agency shall prepare and submit to the Minister not later than 30th June in each year a report in such form as the Minister may direct on the activities of the Agency during the immediately preceding year, and shall include in the report a copy of the audited accounts of the Agency for that year and of the auditor's report thereon.

Annual reports.

(2) The Minister shall cause a copy of the report and the auditor's report thereon to be laid before the Federal Executive Council so soon after the receipt thereof.

29. (1) The Agency may accept any gift of land, money or other property on such terms and conditions, if any, as may be specified by the person or organization making the gift.

Power to accept gifts.

(2) The Agency shall not accept any gift if the conditions attached by the person or organization making the gift are inconsistent with the functions of the Agency under this Act.

30. (1) The Agency may, from time to time, and with the approval of the Minister borrow on such terms and conditions as the Minister may determine and such sums as it may require for the performance of its functions under this

Power to borrow

Act.

(2) The Agency shall not, without the approval of the Minister, borrow money which exceeds, at any time, the amount set by the Minister.

(3) Notwithstanding the provisions of subsection (1) of this section, where the sum to be borrowed is in foreign currency, the Agency shall not borrow the sum without the prior approval of the Minister.

31. The Agency may, subject to the provisions of this Act and the conditions of any trust created in respect of any property, invest all or any of its funds in any security prescribed by the Trustee Investments Act or in such other securities as may, from time to time, be approved by the Minister.

Investment, Cap. 449 LFN.

PART V – DISCOVERIES, INVENTIONS AND IMPROVEMENTS BY EMPLOYEES OF THE AGENCY AND OTHER PERSONS, ETC

32. (1) Subject to the provisions of this Act, the rights in all discoveries and inventions and all improvements in respect of processes, apparatus and machines made by

Discoveries, investments and improvements by employees of the Agency and other persons.

(a) employees of the Agency which have been placed at the disposal of the Agency; and

(b) persons assisting the Agency with any investigation or research shall vest in the Agency.

(2) The Board may make discoveries, inventions and improvements referred to in subsection (1) of this section and the rights which are vested in the Agency available for use to the public subject to such conditions and the payment of such fees or royalties as the Board may determine.

(3) If the rights in any discovery, invention or improvement are vested in the agency by virtue of subsection (1) of this section, the Board may award to the person responsible for the discovery, invention or improvement such bonus as it deems fit and make provision for financial participation by him in the profits derived from such discovery, invention or improvement to such an extent as the Minister may determine.

(4) The provisions of this section shall not apply in respect of a discovery or an invention or improvement contemplated in subsection (1) of this section if, in the opinion of the Board, such discovery, invention or improvement was made by the person concerned otherwise than-

(a) in the course of his employment as an employee of the Agency;

(b) during the performance of functions in respect of which he has been placed at the disposal of the Agency;

(c) in the course of any investigation or research with which he assisted the Agency; or

(d) in the course of any research in respect of which he receives a bursary or grant-in-aid from the Agency.

33. (1) For the purpose of obtaining required information for the proper

Power to obtain

discharge of the functions conferred upon it, the Agency shall have the right to inspect and obtain any information from any organisation engaged in solid minerals development which the Ministry, or officer of the Ministry designated by the Minister, may approve on such conditions as the Minister or the said officer may determine.

information.

(2) The Agency may take into its custody any information contemplated in subsection (1) of this section provided that any provision of any law whereby any restriction is placed on such information shall apply to any information which is in the custody of the Agency obtained under this section

PART VI – PROVISIONS RELATING TO LANDS

34. The Agency may subject to the Land Use Act acquire any land and deal with such land for the purposes of discharging its functions under this Act.

Power to acquire lands, Cap. 202 LFN.

35. (1) Subject to this section, the Agency may by its officers, employees, workmen or agents enter, from time to time, upon any land for the discharge of any of the functions of the Agency under this Act and, in particular, may enter upon any such land for the purpose of -

Power to enter land and make survey, etc.

(a) surveying the land in connection with any geological or mineral exploration;

(b) carrying on drilling and excavation activities thereon;

(c) constructing any structure or placing, maintaining, repairing, altering or removing any installation for the purpose of geological, geo-physical or mineral exploration;

(e) cutting down or removing a tree or under wood that may interfere with any geological, geo-physical or mineral exploration.

(2) The Agency shall, when practicable, serve on the occupier of any land on which it intends to enter pursuant to subsection (1) of this section, a notice in writing giving description of the nature of the work intended to be carried out on the land.

(3) In the discharge of its functions pursuant to subsection (1) of this section, the officers, employees, workmen or agents of the Agency may remain on any land for such reasonable time as may enable them to execute and do all such work and things as may be necessary.

36. (1) In the exercise of the power conferred upon it by section 27 of this Act, the Agency, its officers, employees, workmen or agents shall restore the environment as may be necessary and the Agency shall pay compensation for any damage done to any building, crops, and economic trees.

Compensation for damages etc.

(2) In the case of dispute as to the amount of compensation payable, the procedure shall be as prescribed by the Land Use Act.

PART VII – LEGAL PROCEEDINGS

37. The provisions of the Public Officers Protection Act shall apply.

Cap. 379 LFN.

PART VIII – OFFENCES AND PENALTIES

38. (1) Any person who fails to give information as to any of the matters in respect of which information is to be given under this Act or the regulations made there under commits of an offence under this Act. Refusal to give information wilfully or recklessly giving of false information.
- (2) A person who commits an offence under this section is liable on conviction to a fine of up to ₦50,000.00 (fifty thousand naira) or imprisonment for six (6) months or both such fine and imprisonment.
- (3) A person who wilfully or recklessly gives false information as to any of the matters in respect of which information is to be given under this Act or the regulations made under it commits an offence which penalty shall be as in subsection (2).
39. A person who, without lawful excuse – Offences as to interference with rights conferred.
- (a) interferes with any operation authorised under this Chapter of this Act; or
- (b) obstructs any person in the exercise of any right conferred under this Chapter of this Act commits an offence under this Act.
40. A person who, without lawful authority, wilfully breaks, defaces or removes, or in any other way, interferes with any boundary mark, beacon, pillar or post erected pursuant to the sections of this Act or the regulations made under this Act commits an offence under this Act. Offences as to injury to boundary marks, etc.
41. (a) A person who commits an offence under sections 31 and 32 of this Act shall be liable on conviction to a fine of up to ₦100,000.00 (one hundred thousand naira) or imprisonment for a term not exceeding twelve (12) months or both such fine and imprisonment. Penalties as to offence on boundary marks
- (b) If the offence is a continuing one, a person who continues to commit the offence is liable for each day in respect for which the offence continues to a fine not exceeding ₦3,000.00 (three thousand Naira).
42. (a) Where an offence under this Act has been committed by a body corporate or firm or other association of individuals, a person who at the time of the commission of the offence was an officer or was purporting to so act, shall be guilty jointly or severally and shall be prosecuted and punished for the offence in like manner unless he proves that the act or omission constituting the offence took place without his knowledge, consent or authority. Offences by body corporate
- (b) In this section and other provisions of this Act, "officer" -
- (i) in relation to a body corporate, includes a Director, Chief Executive, Manager and Secretary;
- (ii) in relation to the firm includes a partner and other officers thereof; and
- (iii) in relation to any other association of individuals includes a person engaged in the management of the affairs of such association.

- 43. An offence under this Act, or the regulations made under it shall be tried by Federal High Court, High Court of Federal Capital Territory Abuja and State High Courts. Trial of offences.

PART IX – MISCELLANEOUS

- 44. The Minister may give to the Board or the Director-General in writing such directives of a general nature or relating to matters of policy with regard to the exercise of its or his functions as he may consider necessary. Directives by the Minister, etc.

- 45. The Board may, with the approval of the Minister, make such regulations as in its opinion are necessary or expedient for giving full effect to the provisions of this Act and for the administration of its provisions. Regulations

- 46. In this Act, unless the context otherwise requires - Interpretation

"Agency" means Nigerian Geological Survey Agency established under section 1 of this Act;

"Chairman" means the Chairnan of the Board;

"Director-General" means the Director-General of the Agency appointed under Section 11 of this Act;

"Member" means a member of the Board and includes the Chairman;

"Minister" means the Minister charged with responsibility for Solid Minerals Development;

"President" means the President of the Federal Republic of Nigeria.

- 47. This Act may be cited as Nigerian Geological Survey Agency (Establishment) Act, 2006. Short title.

SCHEDULE Section 3(3)

SUPPLEMENTARY PROVISIONS AS TO THE BOARD AND STAFF OF THE AGENCY.

POWERS OF THE BOARD

1. The Board shall be responsible for the determination of the overall policy of the Agency and in particular for the financial, economic, operations and programmes of the Agency, and for ensuring the implementation of such policies and programmes. Powers of the Board

PROCEEDINGS OF THE BOARD

2. (1) The Board shall ordinarily meet for the dispatch of business at such times and places as the Chairman may from time to time appoint, but not less than three times in any financial year. Meetings of the Board.
- (2) At any meeting of the Board, the Chairman shall preside but if he is absent, the members present shall appoint one of their members to preside at that meeting.
- (3) Subject to subparagraphs (1) and (2) of this paragraph, the quorum at any meeting of the Board shall be six.
- (4) The Board may create sub-committees for the purpose of executing specific functions under this Act.
- (5) Where not less than five members of the Board request the Chairman, by notice in writing signed by them, to convene an extraordinary meeting of the Board for the purposes specified in the notice, the Chairman shall upon receipt of the notice convene an extraordinary meeting of the Board for those purposes at the earliest convenient date.
- (6) Notwithstanding anything in the foregoing provisions of this paragraph, the first ordinary meeting of the Board shall be summoned by the Minister, who may give such directions as he thinks fit as to procedure which shall be followed at the meeting.
- (7) The Board may appoint one or more committees to carry out on behalf of the Board, such of its functions as the Board may determine.
- (8) A committee appointed under sub-paragraph (7) shall consist of such number of persons as may be determined by the Board, and a person shall hold office on such terms as may be prescribed by the Board.
- (9) A decision of a committee of the Board shall be of no legal effect until it is confirmed by the Board.
2. (1) All questions at a meeting of the Board shall be determined by a majority of votes of the members of the Board present and voting, being members Voting at meetings

who under this paragraph are entitled to vote at such meeting.

(2) At any meeting of the Board each member thereof other than the Director-General shall be entitled to vote, and if there is equality of votes, the Chairman of the meeting, if entitled to a vote, shall have a casting vote.

3. (1) Subject to the provisions of this Act, the Board may make standing orders with respect to the holding of meetings of the Board, the notices to be given of such meetings, the proceedings, the keeping of minutes of such proceedings or the production for inspection of such minutes.

Standing orders, etc

(2) Subject as aforesaid and to any standing order made under subparagraph (1) of this paragraph, the procedure of the Board with respect to holding of meetings shall be such as the Board may from time to time determine.

DISCLOSURE OF INTERESTS BY MEMBERS OF THE BOARD

4. (1) A member of the Board who is in any way directly or indirectly interested in a Board transaction or project of the Agency shall disclose the nature of his interest at a meeting of the Board, and the disclosure shall be recorded in the minutes book of the Agency, and the member shall not take any part in any deliberation or decision of the Board with respect to that transaction or project.

Disclosure of interest by members of the Board.

(2) A member of the Board who has any interest in any company or concern with which the Board proposes to make any contract or arrangement shall disclose to the Board the fact of such interest and the nature thereof, and such disclosure shall be recorded in the minutes of the Board and such member shall take no part in any deliberation or decision of the Board relating to such contract or arrangement.

(3) For the purpose of this paragraph, a general notice given at a meeting of the Board by a member of the Board to the effect that he is associated with any trade or business, is a member of a specified company or firm and is to be regarded as interest in any transaction or project of the Agency concerning that trade, business, company or firm shall be regarded as sufficient disclosure of his interest in relation to that transaction or project.

(4) A member of the Board need not attend in person at a meeting of the Board in order to make a disclosure if he takes reasonable steps to ensure that the disclosure is made by a notice which is brought up and read at the meeting.

THE COMMON SEAL

5. (1) The seal of the Agency shall be such as may be determined by the Board, and affixing of the seal shall be authenticated by the signatures of the Chairman and of the Director-General, or of some other members authorized generally or specifically by the agency to act for that purpose.

Common seal.

(2) The Agency may have for use in any territory or place situated in Nigeria, an official seal which shall be a facsimile of the seal of the Agency, and -

(a) such official seal may be affixed manually or may be engraved, lithographed, printed or mechanically reproduced upon any contract,

instrument or other documents requiring the same;

(b) the provisions of this Schedule shall apply in respect of such official seal as they apply in respect of the seal of the Agency.

EXECUTION OF CONTRACTS, DOCUMENTS AND INSTRUMENTS OF THE AGENCY

Execution of instruments.

6.

Any contract or instrument, which, if made, or executed by a person not being a body corporate, would not be required to be under seal, may be made or executed on behalf of the Agency by the Director-General, or any other person generally or specially authorized by the Board to act for that purpose.

7.

Any document purporting to be a document executed under the seal of the Agency authenticated as mentioned in paragraph 5(1) of this Schedule, shall be received in evidence and shall unless the contrary is proved be deemed to be so executed.

Presumption as to execution of documents.

VALIDITY OF PROCEEDINGS

Validity of proceedings.

8.

The validity of any proceeding of the Board shall not be affected by any vacancy in the membership of the Board or by any defect in the appointment of a member or the participation of a person not being a member.

EMOLUMENT

A member of the Board not to be treated as holding an office of emolument

9.

A person shall not by reason only of his membership of the Board be treated as holding an office of emolument under the Government of the Federation or the Government of any State therein.

I CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT, CAP. 4, LAWS OF THE FEDERATION OF NIGERIA 1990, THAT THIS IS A TRUE COPY OF THE BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.



**NASIRU IBRAHIM ARAB,
CLERK TO THE NATIONAL ASSEMBLY**

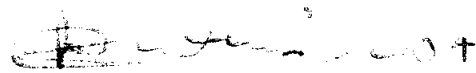
) / th Day of May, 2006.

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Schedule to Nigerian Geological Survey Agency (Establishment) Bill, 2006

(1) SHORT TITLE OF THE BILL	(2) LONG TITLE OF THE BILL	(3) SUMMARY OF THE CONTENTS OF THE BILL	(4) DATE PASSED BY THE SENATE	(5) DATE PASSED BY THE HOUSE OF REPRESENTATIVES
Nigerian Geological Survey Agency (Establishment) Bill, 2006	An Act to establish Nigerian Geological Survey Agency; and for related matters	This Bill seeks to establish Nigerian Geological Survey Agency to promote, among other things, the research for exploration and exploitation of specialized geo-scientific services to both public and private sectors and to transfer the Geological Survey Department of the Federal Ministry of Solid Minerals Development to the Nigerian Geological Survey Agency.	28 th March, 2006	29 th March, 2006

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. 4, the Laws of the Federation of Nigeria, 1990.



NASIRU IBRAHIM ARAB,
Clerk to the National Assembly
17th Day of May, 2006

I ASSENT.



CHIEF OLUSEGUN OBASANJO GCFR
President of the Federal Republic of Nigeria
17th Day of May, 2006