

## CHAPTER 147

### SURVEY LAW

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## CHAPTER 147

### SURVEY LAW

**A Law to amend and consolidate the law relating to the survey of lands in the State.**

*[27<sup>th</sup> August 1991]*

## PART 1—PRELIMINARY

1. This Law may be cited as the Survey Law

Short file

2. In this Law—

"licensed surveyor" means surveyor licensed under the Survey Act or under any Act providing for such licensing which was in force at any time before the commencement of the Survey Act; "owner" in relation to any land, means any person receiving rents or profits from any tenant or occupier thereof whether on his own account or as agent or trustee for any other person or who would receive the same if the land were let;

Interpretation

"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 the State or of any part thereof;

"registration of which is required by any written law;

"Registrable instrument" means any document relating to land the registration of which is required by any written law; "State" means Enugu State of Nigeria.

"Survey Division" means the Survey Division of the Ministry responsible for survey

"Surveyor" means a licensed surveyor or an officer of the Survey Department authorized by the Surveyor-General to carry out surveys. "Surveyor-General" means the Surveyor-General of the Survey Division and, in relation to any function delegated to an officer of the Survey Division under the provisions of section 16, includes such officer.

## PART II— REQUIREMENTS OF MAPS, PLANS, DIAGRAMS

3. (1) No map, plan or diagram of land—

(a) if prepared after the 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 20<sup>th</sup> day of October, 1897, shall save for good cause shown to the court, be admitted in evidence in any court, unless the map, plan or diagram—

(i) has been prepared and signed by a surveyor or is a copy of a map, plan or diagram so prepared and signed and is certified by a surveyor as being a true copy;

(ii) has been examined by the Survey Division and bears the countersignature of the Surveyor-General

Plans attached to registrable instruments or tendered in evidence to be signed and counter-signed by Surveyor-General.

(2) The countersignature of the Survey-General shall be conclusive proof that the map, plan or diagram to which it is affixed has been examined by the Survey Division, but shall not for any purpose be deemed to amount to a representation by the Survey-General as to the accuracy of such map, plan or diagram.

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

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

Submission of maps, plans and diagrams to state surveyors-General

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

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

(3) Any licensed surveyor who fails to submit to the State Surveyor-General the documents provided for under subsection (1) above shall be guilty of an offence and shall on conviction be liable to a fine not exceeding N40.

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

5. 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 fifty pounds in respect of each transaction in which he was engaged, and shall not be entitled to sue in any court for court remuneration in respect of a survey, plan, map or diagram made by him.

Unlicensed persons not to undertake professional surveying

6. (1) For the purposes of any public survey the Surveyor-General or any surveyor authorized 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,

Powers in relation to all public surveys

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

7. Compensation shall be payable out of the public revenues to the owner of any crops or trees cut or damaged in the exercise of any of the powers conferred by section 5; 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 Surveyor-General and all persons concerned, be finally determined by a magistrate on application made by the Surveyor-General or any person authorized by him in that behalf, or by any person claiming to be entitled to compensation under the provision of this subsection:

Compensation

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.

### PART III—OFFENCES

8. Any surveyor may, for the purpose of surveying and 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.

Power of surveyor to enter upon land

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

Penalty for removing survey and boundary marks

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

Duty of owners and occupiers in relation to survey marks

(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 often naira.

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

- (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 nearest district officer any such obliteration, removal or injury.

Duty of the chief and local government council

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

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

Penalty for uncovering or neglecting to recover survey beacons or marks

(2) Any person who, having uncovered a survey beacon or mark with the authority of the Survey-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 or forty naira.

13. Any informer on whose information a conviction as secured against any person of tin offence under section 8 or section 11 of this Law or under section 458 of the Criminal Code may, with the approval of the Commissioner, be paid a reward not exceeding ten naira out of the public revenues.

Execution of order at the expense of person disobeying it.

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

Penalty for  
obstructing  
surveyors

15. Any person who willfully 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 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 one hundred naira or imprisonment for six months or both.

#### **PART IV— MISCELLANEOUS**

Recovery of  
money due

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

17. (1) The Survey-General may by notice in the Sate Gazelle delegate any of his functions under this Law to any officer of the Survey Division by name or office, except the function prescribed by this section.

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

18. The Commissioner may make regulations for-

Power of  
ministry to  
make  
regulation

- (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 connexion with surveys.
- (c) with regard to plans of survey and their preparation and the matters to be shown thereon.
- (d) with regard to the publication, issues, 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 Surveyor-General;
- (f) requiring surveyors to report to 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 name;
- (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,
- (k) prescribing the fees which may be charged for services rendered by the Survey Division;
- (l) prescribing any other matters which this Law requires or authorizes to be prescribed;
- (m) generally for giving effect to the purposes of this Law.

**SUBSIDIARY LEGISLATION**

Survey Law

**THE SURVEY REGULATIONS**

*Arrangement of regulations*

*Regulation*

Part I . . . . .	Preliminary
Part II . . . . .	Filed Survey Method
Part III . . . . .	Demarcation
Part IV . . . . .	Survey Plans, Records and information
Part V . . . . .	Private Application for Survey to the Surveyor General
Part VI . . . . .	Miscellaneous

**SURVEY REGULATIONS**

*(made under section 17)*

**PART 1— PRELIMINARY**

1. These regulations may be cited as the Survey Regulations.
2. In these regulations—

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

"country lands" means all lands other than plots of less than 10 acres inside or within one mile of the boundaries of a Municipality, urban, country, Government station, town or country planning area, or Local Government Council settlement area;

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

"Law" means the Survey Law;

"survey" means any survey made in connexion with any plan prepared under the Law for any registrable instrument or judgment or order of court;

"Survey Division" means the Survey Division of the Ministry of Town Planning;

"town lands" include all lands other than country lands

## **PART II. —FIELD SURVEY METHODS**

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

**4.** (1) Surveys shall wherever possible be connected by close travers or triangulation to a Government survey beacon or beacons. Connexions shall be made to the accuracy laid down under regulation 3, and need not be by traverse if the length of the connexion exceeds a mile. Where it is not possible to close the traverse, the lengths shall be double chained and, if exceeding twenty station, a check azimuth shall be observed to control the bearings.

(2) When there are no available Government survey beacons, a local origin shall be established by a permanent beacon described by reference to neighbouring identifiable landmarks, to which local origin the survey of the parcel of land shall be connected.

**5.** Subject to such modifications as the Survey-General may authorize for any particular survey the following shall be observed for survey measurements and for their recording and reduction—

(a) Theodolite Stations.

(i) Readings each station: I face rigid, I face left.

(ii) Maximum number of station "N" for closure of bearing: 30,

(iii) Maximum misclosure in bearing  $30 \times /N$

(b) Azimuth

(i) Readings each station: three separate sun or star observation; 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 3 azimuth: 30

(c) Linear Measurements

(i) Reading: to the nearest hundredth of a foot for theodolite travers.

(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 measurement; to the nearest 1/100th of a foot for standard, slope and, where necessary, temperature and sag, in the case of theodolite traverse,

(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: surveyors name, title of survey, location, identity of instruments used, error of filed tape and date of its 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 30".

(ii) Lengths: corrected lengths shall be reduced to the nearest tenth of a foot preparatory to the computation of co-ordinates.

(iii) Coordinates: they shall be computed to the nearest tenth of a foot either by logarithms of not less than five figures or by calculating machine.

(iv) Area: the area of a piece of land bounded by straight lines shall be computed arithmetically from the co-ordinates 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.** 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 measurement 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.** Where a boundary side of a new survey is conterminous 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. Boundaries shall be laid out and surveyed with as few angular points all local conditions and the requirements of the survey necessitate

9. Where a boundary such as they caused by a stream is irregular, traverse lines shall follow approximately the cause 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. (1) Subject to the provisions of regulation 11 and subject to such modifications as the Surveyor-General may authorize in special cases, survey boundary marks shall be constructed as follows—

- (a) at every change of direction: by concrete pillars (proper 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 centre of the surface. The broad arrow symbol, the letters **P.B.** and an identification letter and number shall be stamped on pillars emplaced by an officer of the Survey Division, Tow identification letters and a number 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 Divisions; the broad arrow symbol shall be added.
- (b) at intermediate corners in layouts: by concrete pillars (cementary- type) measuring four inches square in section with three inches above ground and one foot three inches below; and and having a metal pin or spike in the centre 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 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 materials that a pin cannot be sunk nor 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.

(2) The regulation shall not apply to areas subject to applications under the Minerals Act.

11. For large country surveys, other than surveys of areas the subject of applications under the Minerals Act, 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 6" diameter bearing the identification marks described in regulation 10 (I) (a). Such marks shall after the necessary measurements have been made; be covered by a mound of earth or stones at least 2 feet high. Where azimuths are observed, or connexions made to Government survey beacons or to another survey, three consecutive stations shall however be marked by concrete pillars as described in regulations 10 (I) (a)

**12.** 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 diameter often 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 centre,. The relevant letters E.P.L..M L..., or M.R., together with the allocated number shall be marked on the top of he 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.

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

**14.** The Survey-General shall allot the distinctive letters prefixing the consecutive numbers stamped on all property beacons emplace by licensed surveyors, who shall forward to the Survey-General each moth 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.

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

**16.** 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.** When 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 by 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.** Where, owing to interference with traffic or for any other reason, a beacon cannot be placed at 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.** In forest or scrub country, lines shall be cleared of undergrowth and trees of no economic value only, to a width of four feet,

**20.** 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.** (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 of the ground, and the radii of the curves and lengths of the chords shall be recorded.

(2) When a road forms a boundary, beacons shall be placed at all turning points of the road, and the boundary will be defined by the chords joining such beacons, which shall be placed to conform with existing regulations and bye-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.** Whenever possible the adoption of curved boundaries shall be avoided, straight lines from point to point being used as boundaries in lieu of curves.

**23.** 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 survey 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 is concerned.

**24.** 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;
- b) the surveyor's ruling as to the positions of the beacons shall be final,
- c) the surveyor shall have entire discretion to alter the positions of the beacons to bring the area within the limit allowed under the Minerals Act if the area on survey is found to exceed the said limit by not more than 20 per cent;
- d) the surveyor shall report to the Surveyor-General if the area on survey is found to exceed by 20 per cent, the maximum allowed under the Minerals Act, or if the area cannot be identified on the ground from the applicant's plan and beacons;
- e) if, in respect of an exclusive prospecting licence granted on a Survey made by the applicant or his agent, the area as beacons is found to be at variance with the plan furnished by the applicant or his agent, 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.** Where practicable, notices in accordance with Form 1 in the 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 Schedule shall be served upon local government councils, and chiefs within the local limits of whose jurisdiction any trigonometrical station, survey beacon, mark or pole or boundary mark is situated.

**26.** 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.** 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.** 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 enquiry 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;

- c) particulars of development in the neighbourhood of the beacons and of any other evidence bearing on the matter

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

#### **PART IV. —SURVEY PLANS, RECORDS AND INFORMATION**

**30.** 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 be less than 12 inches by 8 inches.

**31.** The original plan of a survey shall shew 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 co-ordinated 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 lines, connexions (inset, if necessary).  
(iii) offsets: black figures between arrows: bearings to the nearest minute and distances to the nearest tenth of a foot in appropriate colour for the above; the initial bearing adopted for the survey to be marked "L.B.;" bearing and distances deduced from the computations, not from direct measurements, to be marked "CaL" bearing 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 connexion 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 authorize in particular cases, scales of plans shewing property boundaries shall ordinarily be as follows—
  - (ii) exclusive prospecting licences ... 1/25,000
  - (iii) mining leases and rights... 1/5.000
  - (iv) order plans ...
    - 1/240, 1/2480
    - 1/1200. 1/2400
    - 1/4.800, 1/6250
    - 1/12,500
    - 1/25,000;
- (b) the area of each plot, to the following accuracy—
  - (i) building lots, and plots under  
2 one hectare .... .. in square metres to the 2<sup>nd</sup> decimal
  - (ii) plots from 1 to 5 hectare in hectare to the 3<sup>rd</sup> decimal
  - (iii) over 10 hectare, to 100 hectare ... in hectare to the 2<sup>nd</sup> decimal
  - (iv) over 50 hectare, to 500 hectare . . . in hectare to the 1<sup>st</sup> decimal
  - (v) over 500 hectare to the nearest hectare

Conventional signs and symbols published by the Survey Division shall be used for the representation of details and beacons unless otherwise directed

**32.** (1) A licensed surveyor making a survey of the boundaries of land for any registrable instrument or grant under section 23 of the Law shall send two complete copies on tracing cloth, of the original plan of his survey to the Surveyor-General for countersignature by the later. The Surveyor-General shall return 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 judgement 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.** Plans prepared from the original for attachment to any registrable instrument or grant under section 23 of the Law are required to shew 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, connexion 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 countersignature required under section 23.

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

**35.** Copies of survey plans kept in the Survey Division may, at the discretion of the Surveyor-General be inspected by the public on payment on the fee prescribed by regulations made by the Ministry from time to time, but no information shall be copied without the permission of the Surveyor -General.

**36.** 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 charges prescribed by regulations made by the Commissioner from time to time.

**37.** Copies of plans submitted by licensed surveyors under regulation 32 shall be available for purchase only to the surveyors who lodged the particular plans and to the person for whom the surveys were made or their legal representatives at the rates prescribed by regulations made by the Commissioner from time to time.

**38.** (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 by..... of the Survey Division/Licensed Surveyor on ..... 20 .....

.....  
*Surveyor-General /Licensed Surveyor*

Date....., 20.....

(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.** 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 neighborhood of the land about to be surveyed.

**40.** 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**

Form 1. **41.** (1) Applications to the Surveyor-General for the survey or a parcel of land shall be accompanied by particulars of the locality, ownership, area and a sketch plan of the parcels together with the nature of the work required.

Form 2. (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.** (1) The Surveyor-General may in his discretion refuse to undertake any surveyor investigations.

Form 3

(2) The Surveyor-General may investigate or undertake and 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** (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 prescribed by regulations made by the Minister from time to time, together with other charges incurred, to be paid to revenue.

**44.** In any case in which the Surveyor-General accepts an application or directs that the survey shall be undertaken by the Survey Division, the applicant may be required in accordance with Form I 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.

Form 4.

**45.** 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 the provisions of any regulations made by the Commissioner from time to time which shall be paid for by the licensed surveyor.

**46.** For investigations undertaken under regulation 41 (2), the complainant shall bear the cost of any investigations undertaken if the complaint if 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 the provisions of regulation 34.

**PART VI. —MISCELLANEOUS**

Form 5. **47.** Notice of a surveyor's intention to enter upon occupied land shall, where practicable, be given. Such notice may be in accordance with Form 5 in the Schedule.

**48.** 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 of the 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.

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

51. Forms set out in the Schedule to the Survey Regulations may be modified at the discretion of the Surveyor-General as special circumstances require.

**SCHEDULE**

**FORM I**

*The Survey Regulation*

**NOTICE TO AN OWNER OR OCCUPIER**

Take notice that you are hereby required to maintain in position and repair all boundary marks erected to defined the boundaries of the land situated at....., and described as follows.....

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

SCHEDULE—*continued*

Reg.25.

FORM I—*continued*

Date this .....day of..... 20.....

.....

*Surveyor/Divisional Officer*

.....Division.....province

To.....  
.....



.....

**SCHEDULE**

Reg. 25.

**FORM 2**

*The Survey Regulations*

**NOTICE TO A LOCAL GOVERNMENT COUNCIL OR A CHIEF**

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

.....  
.....

You are also required to report to the Surveyor-General or to the Divisional 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/Divisional Officer*

.....Division.....Province

To.....  
.....  
.....

Reg 41

**FORM 3**

*The Survey Regulations*

**APPLICATION FOR SURVEY OR DEMARCATION TO BE UNDERTAKEN BY THE SURVEY DIVISION**

1. Name of Applicant.....
2. Address.....
3. Situation and description of land to be surveyed or demarcated

.....  
4. Name of owner.....

5. Approximate area.....

**SCHEDULE** \_\_\_*continued*

**FORM 3**—*continued*

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 this.....day of ..... 20.....

.....

*Applicant*

To: THE SURVEYOR-GENERAL

EASTERN NIGERIA

*N.B—A sketch plan of the land must accompany this Form.*

**FORM 4**

***The Survey Regulations***

**NOTICE TO APPLICANT**

You are hereby required to attend personally or by agent duly authorized 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—

- (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 beacons 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 his report to the Surveyor-General.

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.....

Officer.....

Eastern Nigeria

Date.....,20.....

SCHEDULE—continued

FORM 4.—continued

FORM OF AUTHORIZATION

(If attending by Agent)

On behalf of (a).....

I hereby authorize (b).....to accompany the officer of the Survey Division during the survey of (c) .....

(a)Name of company or individual  
(b)Name of person authorized  
(c)Description of area.

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 materials for same,

For and on behalf of (d).....

DATED this.....day of ..... 20.....

Signature

FORM 5

The Survey Regulations

NOTICE TO OCCUPIER BEFORE ENTRY FOR SURVEY PURPOSES

Take notice that I shall attend on ..... the ..... 20 ..... between the hours of 6 pm 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 .....

(d)Name of company or individual.

.....  
*Survey, Eastern Nigeria*

To.....  
.....  
.....

**FORM 5**

**The 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 31 of the Survey Law, it will be necessary for you to observe the following directions in restoring the covering—

DATED this.....day of ....., 20 .....

.....  
*Survey, General Eastern Nigeria*

To .....  
.....  
.....

**The Survey (Fees) Regulations**

*made under section 17*

**PART I. PRELIMINARY**

1. These regulations may be cited as the Survey (Fees) Regulations and shall come into Force on 27<sup>th</sup> August 1991

Short title

2. 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 materials;

Interpretation

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

“demarcation” means the marking of Lines by beacons or blazed trees;

"Survey Division" means the Survey Division of the Ministry of Town Planning;

"town lands" includes plots not exceeding ten acres in extent lying within a Municipality, or Government station or within one mile of the boundary of a Municipality, or Government station.

## PART II. —SURVEY FEES

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

Fees for survey of  
parcels of land  
First Schedule

4. The fees for survey services rendered by Survey Division other than those referred to in regulation 3 shall be in accordance with the provisions of the Second Schedule to these regulations.

Fees for other  
survey services  
Second Schedule

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

Alteration of  
rates of  
charge

6. (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.

Layout  
surveys

(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.

Power to  
impose  
surcharge

7. The Minister may, when it is deemed necessary owing to a general increase in the level of costs, add a surcharge to the fees chargeable in accordance with the provisions of the First and Second Schedules to these regulations.

Power to  
waive or  
reduce fees  
in particular  
cases

8. The Minister may, when it is in the public interest to do so, waive or reduce the survey fees payable in particular cases.

### FIRST SCHEDULE

#### REGULATION 3

Fees chargeable by Survey Division for surveys of parcels of land—

#### 1. *Preliminary Fees*

	N	K
Town surveys	10	00
Country Surveys	16	00
Mining Surveys	16	00
Renewals and Re-issues including Part-surrenders and Part-renewals	10	00

#### 2. *Beacon Fees:*

Standing property Beacons and Mining Beacons each	16	00
Cemetery Beacons, other Beacons each	8	00

If all materials are supplied by applicant the charge shall be 50k and 30k each respectively.

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

3. *Travers Fees* shall be at the following rates per 100 feet.

	<i>Broken or</i>					
	Level Country		Swampy country		Rugged country	
	N	K	N	K	N	K
Open, or lines properly cleared by applicant	5	0	6	0	7	6
Thick grass, orchard bush light forest, or built-up areas	8	0	8	3	10	0
Medium Forest	10	0	6	0	14	0
Heavy forest or dense secondary growth or mangrove swamp	14	0	17	6	20	0
Minimum fee	20	0	25	6	30	0

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 traveling, 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

**FIRST SCHEDULE—continued**

7. *Dead plan Fees:*

For deed plans not exceeding 13” x 8½” a standard charge of N30 0d shall be made for plans exceeding the above size, charges shall be in accordance with the rates prescribed in paragraph 4 of the Second Schedule.

8. *Time Rates* shall be at the rate of N20 an hour

**SECOND SCHEDULE**

**REGULATION 4**

Fees charged by Survey Division for other survey' services—

1. *Officer Checking Fees*

For checking the field books, computations and plan of every mining survey there shall be charged a checking fee of N6.6k plus for each astronomical determination.

2. *Countersignature Fees*

(1) A fee of 1.50k shall be charged for the countersignature by the Surveyor-General of a set of two copies of the original plan submitted by a licensed surveyor under regulations 3 of the principal Regulations.

(2) An additional fee of 50k shall be charged upon the re-submission for the Surveyor-General's countersignature of each set of two copies of a plan submitted under paragraph (1) and referred back to licensed surveyor for amendment.

3. *Tape Standardization Fees:*

N2.50k shall be charged for the first 100 feet and 75k for each additional 100 feet or less. The cost of return postage shall be added to the above charges.

4. *Drawing and Tracings Fees* other than those specified in paragraph 7 of the first Schedule shall be charged as follows—

- (a) Finished Drawings;  
Time Rates  
*Minimum fee N6*
- (b) Tracing of single plots;  
£10s 0d per square foot.  
*Minimum fee: N2*
- (C) Other Tracings  
Time Rates  
*Minimum fee: N2*
- (d) Lithoprints and Sunprints;  
Ninepence per square foot  
*Minimum fee: 25k*

**SECOND SCHEDULE—continued**

5. Certification Fee in respect of true copies of diagrams and plans

- (a) Area up to 10 hectare
- (b) Over 10 hectare
- (c) Over 100 hectare

6. 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, 6k.

7. All survey services other than those specified above shall be charged at time rates

8. Time rates shall be at of 20k an hour.