Comparative Study of the Surveyors Council of Nigeria Enabling Act and South Africa's Geomatics Profession Act

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SUMMARY

Colonialism in Africa significantly altered governance structures, replacing indigenous systems with externally imposed administrative models. These changes continue to shape the management and administration of professional institutions, including the geomatics profession. Today, geomatics regulation varies across African countries, partly due to differing colonial legacies and post-colonial reforms. This study analyses the Surveyors Council of Nigeria Enabling Act No. S18 LFN, 2004, and South Africa's Geomatics Profession Act No. 19 of 2013, to explore how these legal frameworks impact the practice of geomatics. Adopting a case study research methodology, using secondary data (Legislation, Policies, and official Acts), the paper offers a reflective critique grounded in the authors' professional perspectives in both Nigeria and South Africa. Drawing on the authors' views, the study proposes key recommendations to strengthen Nigeria's legislation and South Africa's regulatory framework. The findings are relevant to policymakers, professional bodies, and academic institutions involved in shaping laws governing geomatics practice and supporting professional mobility across the continent.

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1 Introduction

In Africa, surveying is one of the oldest professions, initially connected to the military forces related to colonial history (Nwilo & Osanwuta, 2004). British military survey schools were where the first cohort of surveyors was trained in countries with ties to British colonialisation (ibid). In African nations with European and colonial relations, the practice of surveying closely mirrors European methods, primarily designed to serve economic exploration and exploitation (Nwilo & Osanwuta, 2004; NIS, 2013). However, the origins of surveying on the continent predate colonialism (NIS, 2013). Historical records from ancient Egypt and Babylon indicate the presence of boundary markers as early as 1400 BC. Moreover, the construction of the Great Pyramid of Khufu at Giza around 2700 BC demonstrates early applications of surveying, as evidenced by the structure's precise squareness and accurate orientation. (Fajemirokun, 1976; Fajemirokun & Nwilo, 1996).

The surveying profession was also highly prominent during the colonial era, occupying a central role in public administration (NIS, 2013). In many Commonwealth African countries, the Surveyor-General was among the highest-ranking technical officers in government, second only to the Governor-General. This status underscored the significance of surveying in attaining colonial objectives, including land demarcation, infrastructure planning, and resource management. However, in the post-colonial era, the institutional stature of the surveying profession has declined. For example, in Nigeria, the Surveyor-General of the Federation now operates under the Minister of Works, within a ministry formerly known as the Federal Ministry of Works and Surveys. The removal of "Surveys" from the ministry's title signals a diminished recognition of the profession. Today, the survey department is just one among several within the ministry. Unlike other professionals, such as those in health, environment, or energy, who have clear career pathways within dedicated ministries, surveyors in Nigeria lack a similarly defined trajectory. Their career development is subsumed under the broader administrative structure of the Ministry of Works.

In contrast, South Africa offers a more structured model: the Chief Surveyor-General, who reports to the Minister, oversees the Department of Land Reform and Rural Development (DLRRD) and is responsible for all cadastral surveying and land information services. This institutional alignment provides a clear mandate and visibility for the profession within national land governance structures. Historically, in South Africa, land-related responsibilities were

divided between the Ministry of Regional and Land Affairs and the Ministry of Agriculture and Fisheries. However, in 1996, President Nelson Mandela merged these portfolios to form a unified Ministry of Agriculture and Land, which later evolved into the current DLRRD (SAHO, 2019). This divergence in administrative and institutional frameworks between Nigeria and South Africa is further reflected in their respective legislative instruments governing the profession. A closer examination of the Surveyors Council of Nigeria Enabling Act No. S18 LFN, 2004, and the Geomatics Profession Act No. 19 of 2013 in South Africa reveal important differences in how each country regulates and supports the geomatics profession.

In land management, surveying is critical, with a surveyor playing a significant role. In discharging their roles, they are governed by laws enacted by the respective countries. In developing countries, the surveying profession remains one of the most prominent land-focused disciplines (Chigbu et al. 2021). The term surveyor is derived from the French phrase *sur voir, which means "overseer".* Although traditionally associated with land boundary demarcation, modern surveying has expanded to include geospatial positioning, land valuation, measurement, and the management of land information systems. While governance structures vary across jurisdictions, the core responsibilities of surveyors remain similar worldwide (Bowie, 1920). The surveying profession has three broad aspects (land, estate/valuation, and quantity surveying) dealing with different aspects of land administration functions (land use, land value, land development, and land tenure). This article focuses on land surveying, particularly in the context of land tenure and land use in developing countries. Other branches of the profession, not covered in this article, also address crucial aspects of land value and land development that improve societal well-being. In land surveying, surveyors conduct a wide range of activities, including cadastral surveying and mapping services, which underpin effective land administration systems (Chigbu et al., 2021).

Based on this introduction, this study aims to conduct a comparative analysis of the Surveyors Council of Nigeria Enabling Act (SURCON) and South Africa's Geomatics Profession Act (SAGPA). This comparative analysis is essential in the context of reforms to Nigeria's surveying practice, to identify strengths and weaknesses in the Acts of both countries, and to make recommendations where necessary. This was achieved by doctrinal and comparative legal analysis of statutory texts and related regulations, supported by reflective critique. To achieve the stated aim, the research formulated the following research questions: 1. How do the SURCON and SAGPA differ in terms of governance, registration, disciplinary processes, and professional accountability? 2. What lessons from South Africa's model are appropriate and feasible for SURCON Act reform?

The remainder of the article is structured as follows: Section 2 sets out the study's methodology, which justifies adopting a case study approach to the comparative analysis; Sections 3 and 4 provide comprehensive analyses of the SURCON Act and the SAGPA, respectively. A detailed discussion of governance, registration, disciplinary procedures, and professional accountability is presented in Section 5. Section 6 presents a comparative analysis and explores pathways for

legal reform in Nigeria's geomatics profession, drawing on lessons from South Africa. Section 7 concludes the study by summarising key insights and recommendations.

2 Methodology

A case study methodology is adopted for this study using secondary data alone. The case study areas are Nigeria and South Africa, located in Western and Southern Africa, respectively. This study provides a holistic analysis of the Surveyors Council of Nigeria Enabling Act No. S18 LFN, 2004 (SURCON Act) and the South Africa Geomatics Profession Act, 2013 (SAGPA) as they affect geomatics practitioners. Additionally, associated regulations, codes of conduct, and selected secondary literature were used. The two countries are chosen because they are the largest economies in their respective region. The comparative approach focuses on Nigeria and South Africa, informed by the authors' backgrounds: the first and third authors are Nigerian, while the second author is South African. All three authors currently reside in South Africa and conduct their studies there. Their professional and academic experiences inform their interpretation of how these legal frameworks influence geomatics practice in both contexts.

The dimensions guiding the analysis in this study are: relevant legislation; council composition; branches of practice; registration procedures; institutional accreditation; recognition of experience; recognition of voluntary bodies; disciplinary matters; professional fees; regulations; and rules. These dimensions are extracted from the legislation governing the surveying practice. The study acknowledges the limitations of using secondary data. Still, it draws on its strengths, supported by the reflective critiques of authors who are professionally registered and have practised in the two case study areas. The authors have decided to conduct the research in two phases: the first will draw on secondary data and the authors' experiences in this conference proceedings, and the second will employ primary data, including interviews and questionnaires, to draw on additional expertise in both case study areas. This will be published as a journal article. This approach is appropriate as the research did not intend to generalise the findings.

3 The Surveyors Council of Nigeria Enabling Act

3.1 Relevant Legislation

Surveyors operate within a regulated environment, guided by the Surveyors Council of Nigeria Enabling Act No. S18 LFN, 2004 (SURCON). The SURCON Act aims to protect the public interest and to impose disciplinary measures on surveyors who engage in unethical conduct. It further seeks to regulate the profession's practice. The Survey Act of 1958 and the Survey Act of 1970 established the Surveyors Licensing Board (SLB) as a professional body for the surveying profession. The SLBs established by the two acts were dissolved by the enactment of the SURCON Act No. 44 of 1989, which established the Surveyors Council of Nigeria as a

professional body for surveying. The Council's responsibilities include registering persons who wish to be registered surveyors and accrediting universities, polytechnics, and monotechnics that offer surveying degrees. All persons registered under the Survey Act of 1958 and the Survey Act of 1970 were deemed to have been registered under the SURCON Act as per section 22 of the SURCON Act of 1989. Several other regulations were enacted to control specific aspects of the surveying profession. These regulations comprise the Cadastral Survey Regulation, which governs survey practice in Nigeria and specifies requirements for geodetic, large-scale cadastral, and engineering surveys.

3.3 Composition of Council

The SURCON Act comprises 24 Sections and two Schedules, which contain supplementary provisions concerning the Disciplinary Committee and the Investigation Panel. Section 1 establishes the Surveyors Council of Nigeria. Section 2 establishes a Council comprising 59 members. The council's president shall be a surveyor and must be appointed by the President and Commander-in-Chief of the Federal Republic of Nigeria (FRN) (Subsection 1). Five other persons are to be appointed by the President of FRN, one of whom shall be the Surveyor-General of the Federation. The remaining appointees shall represent various interests in the field of surveying, including the Armed Forces, as deemed necessary by the President (Subsection 1a), as well as the Surveyor-General of each of the 36 states of the Federation (Subsection 1b). The additional members comprise 12 persons from the Nigerian Institution of Surveyors (Subsection 1c) and four persons from universities or other institutions that offer accredited surveying qualifications (Subsection 1d). This broad-based representation ensures that diverse perspectives and interests within the surveying profession are adequately represented, a notable strength of the current structure. However, the Council's size, while inclusive, poses significant financial and administrative challenges. The sustainability of maintaining such a large body is questionable, particularly in terms of operational efficiency and resource allocation. A more streamlined Council, with fewer members, could retain essential stakeholder diversity while enhancing decision-making agility and cost-effectiveness. Such reform would not undermine the Act’s objectives but rather support its long-term viability and functional effectiveness.

A non-Nigerian cannot be appointed as a member of the Council even when such a person satisfies the requirement to be registered as a surveyor under the Act. To be a council member, you must be a Nigerian citizen, fully registered or qualified for registration as a surveyor, and have been practising for at least five years (Section 3(1)). The president of the Council may serve two consecutive three-year terms. Other council members shall hold office for one term (three years) except for the *ex-officio* member. There are six broad outlines of the functions of the Council: determine who surveyors are, determine the standard of knowledge and skill to be attained by who is seeking to be registered as a surveyor and review the standard from time to

time, maintain a register of persons entitled to practise the profession, regulating and controlling the practice of the profession, maintaining discipline within the profession, and performing other functions under this Act (Section 4).

3.4 Branches of Practice

Since 1989, all persons registered under the SURCON Act are eligible to practice in all the branches of surveying without exception. The branches include cadastral, engineering, hydrographic, photogrammetric, geodetic, and topographic surveying, and individuals can register as technicians, technologists, or professional surveyors. However, applicants must meet the requirements set out in the Act, which include knowledge, skills, and practical experience. Knowledge is measured by applicants' academic achievement, while practical skills are assessed through the folio submitted for examination. The educational foundation for the surveying profession is aligned with curricula approved by the National Universities Commission (NUC) and the National Board for Technical Education (NBTE), which regulate universities and technical institutions, respectively. These curricula serve as the baseline for training competent and qualified surveyors in Nigeria.

3.5 Registration steps

To be considered for registration as a professional surveyor in Nigeria, an individual must first register as a pupil surveyor under one of two conditions: (1) they hold a qualification recognised by the Council but have not yet completed the required two years of post-qualification experience, or (2) they have passed a prescribed examination approved by the Council, typically applicable to individuals without a bachelor's degree, but still lack the two years of relevant experience. As part of the registration process, a pupil surveyor must compile and submit a folio comprising five distinct projects, each covering a different branch of surveying. This ensures a broad exposure to the profession.

If the Council refuses the application for registration, the applicant may appeal this decision to the Federal High Court within the prescribed time. However, this prescription is not mentioned in the Act. The Act, which grants jurisdiction to the Federal High Court alone to entertain appeals of refusals for registration, may be problematic. Federal High Courts are busy, which may cause applicants to wait a long time before their cases are heard (See Section 11).

3.6 Accreditation of Institutions of Learning

Section 10 of the Act provides for the approval of institutions, training programmes, and the accreditation of qualifications. The Council is entrusted with the critical responsibility of ensuring that all institutions offering surveying education in Nigeria meet the minimum standards required to provide quality training to future professionals. In accordance with Section 10(2), any qualification approved by the Council must be published periodically in the Federal Gazette.

To be eligible for registration as a surveyor, an individual must have received training from an institution approved and recognised by the Council. Furthermore, Section 12 requires the Council to remain informed about the nature and quality of training offered at these institutions. To this end, the Council may appoint representatives, either from within its own membership or externally, to monitor and oversee the activities of approved institutions.

3.7 Recognition of Experience

A certificate of experience shall be issued to anyone who has completed the prescribed period of service in an approved office (Section 13). An approved office includes the Surveyor-General of the Federation, the Surveyor-General of a State, the Survey Department of the Federal Capital Territory, Abuja, any licensed surveyor in Nigeria, and the department of survey in each university, polytechnic, mono-technic and colleges recognised by the Minister to train persons seeking to become surveyors. It also includes the office of the Head of the Survey Regiment Corps of Engineers of the Nigerian Army, the office of the Hydrographer of the Nigerian Navy, and the office of the Head of the Aerial Photographic Unit of the Nigerian Air Force. Before issuing the certificate of experience, the candidate must have acquired enough practical experience under the supervision and guidance of a surveyor, and the duties must be carried out satisfactorily. The surveyor's duties to provide oversight and guidance are absolute, as they must afford proper opportunities to acquire the said practical experience. If a candidate is denied a certificate of experience after completing training in an approved office, they are entitled to written particulars of the refusal. Furthermore, the candidate is entitled to appeal the refusal to the Council Committee. The Committee of the Council is responsible for determining appeals in accordance with the procedural rules established by the Council, including those governing the timeframe for submitting appeals. However, a notable gap in current provisions is the lack of a clearly defined deadline for lodging such appeals. Upon review, the Committee is empowered to either authorise the issuance of the certificate of experience or reject the appeal, and to issue any further directives it considers appropriate.

3.8 Disciplinary Matters

Section 16 of the Act provides for professional discipline by empowering the Council to establish the Surveyors Disciplinary Committee (SDC). The SDC comprises the President of the Council and ten other members, four of whom must be appointed from the Nigerian Institution of Surveyors. The SDC is responsible for considering and determining any cases referred to it by the Surveyors Investigating Panel (SIP), which is also established under the Act. The SIP comprises seven members appointed by the Council, with the Registrar serving as the SDC Secretary.

The Council thus provides both a panel (SIP) for preliminary investigations and a committee (SDC) for disciplinary adjudication. The SIP is tasked with conducting initial investigations, determining whether a case merits referral to the SDC, and submitting a report of its findings.

Where a registered or provisionally registered person is found guilty of professional misconduct, the SDC may issue a reprimand, suspend the practitioner for a period not exceeding six months, or strike their name from the register (Subsections 2a–c). Additionally, the SDC may require the refund of any fees paid or the return of documents relevant to the matter.

The SDC may also defer its final decision, provided such postponement does not exceed six months. Section 17 of the Act empowers the SDC to impose sanctions on any registered or provisionally registered individual found guilty of professional misconduct. This includes conduct deemed dishonourable in a professional context, convictions by a court or tribunal within or outside Nigeria, or instances where an individual's name was fraudulently entered into the professional register. The disciplinary measures available to the SDC include issuing a formal reprimand, directing the Registrar to remove the individual's name from the register, or suspending the individual from professional practice for up to six months.

Where disciplinary action is based on a criminal conviction, any penalty imposed by the SDC shall not take effect until all avenues for legal appeal have been exhausted or, if no appeal is pending, until the conclusion of the appeal process. Furthermore, once the SDC issues a decision, the affected party has the right to appeal to a Federal High Court within 28 days of receiving formal notification.

The Act stipulates that the SDC *"may appear"* as the respondent in such appeals and may be subject to court directions regarding costs. However, it also states that whether or not the SDC appears before the court, it shall nonetheless be deemed a party to the proceedings. The discretionary nature of the term *"may"* is problematic. As the body responsible for imposing disciplinary measures, the SDC should be expected to participate in appeal hearings to justify its decisions. The ambiguity in this provision raises a critical question: if the SDC does not appear, who is expected to represent its position in court? Greater legislative clarity is needed to ensure due process, procedural fairness, and institutional accountability in disciplinary matters.

4 The South African Geomatics Council

4.1 Relevant Legislation

Surveyors in South Africa operate within a regulated framework established by the South African Geomatics Council Act No. 19 of 2013 (SAGPA). This Act is designed to protect the public interest by regulating the geomatics profession and providing mechanisms for disciplinary action against unethical conduct. The SAGPA comprehensively governs the profession and repealed several earlier statutes, namely: the Professional and Technical Surveyors' Act No. 40 of 1984; the Professional Land Surveyors and Technical Surveyors' Amendment Act No. 37 of 1986; No. 66 of 1987; and No. 34 of 1993. The Act assigns the South African Geomatics Council (SAGC) the responsibility for registering individuals seeking

recognition as geomatics practitioners and for accrediting higher education institutions that offer geomatics qualifications. Under Section 37 of the SAGPA, all persons previously registered under the repealed Acts are deemed registered under the new legislation. To support the implementation of the Act, several subsidiary regulations have been developed, most notably the Code of Conduct and the Draft Regulations to the SAGPA No. 19 of 2013, which provide further clarity on professional standards, ethics, and governance.

The SAGPA consists of seven chapters and forty sections. It includes two schedules: Schedule One repeals existing laws, and Schedule Two amends them. Chapter 1 defines specific terms used in the Act and sets out the principles of the Geomatics Profession. The definitions indicate that the Act acknowledges the modernisation of the surveying profession by replacing the term "Surveying" with "Geomatics." The term "Geomatics" encompasses practitioners, the profession, and the roles of professionals, technicians, and technologists. Section 2 outlines the work reserved for persons registered under the SAGPA. Geomatics professionals measure, map, and monitor the Earth's surface and subsurface; determine boundaries and land rights; design and manage geographic information systems; and assess land, mineral, and marine resources, while adhering to a code of conduct that upholds public interest, transparency, equity, quality, integrity, environmental responsibility, professional development, and transformation to address past inequalities.

4.2 Composition of Council

Section 3 of Chapter 2 established the South African Geomatics Council as a juristic person. The Council consists of 13 persons and no more than 15 members, appointed by the Minister (Section 4(1)) for a four-year term, except for the Chief Surveyor-General. Throughout this Act, 'the Minister' refers to the Minister of Rural Development and Land Reform. The first category comprises four geomatics practitioners who are fully employed by the State: one serves as the Chief Surveyor-General, as defined by Section 2 of the Land Survey Act, 1997; two are employed full-time by the Department; and the Department of Mineral Resources employs one. These individuals are nominated by the Director-General or the Accounting Officers of these departments (Section 4(2)). The second category comprises at least seven but no more than eight geomatics practitioners, with at least two in full-time employment with the State, and between six and seven representing voluntary associations in an equitable manner. The minister accepts written nominations of persons other than candidate geomatics practitioners (Subsection 4a) through advertisements in the Gazette and other media, direct approaches to the persons, or any other prescribed manner. The nominee must specify the category of the intended nomination. The third category is one person to represent the Council on Higher Education, as defined in Section 4 of the Higher Education Act No. 101 of 1997. The final category comprises one or two individuals to represent the public interest. The last category appears somewhat vague, especially since the Act does not define 'public interest.' The other categories, as stipulated, also serve to represent the public interest. An alternate member is

appointed for each Council member, nominated and appointed in the same manner and for the same term of office as the relevant member (Subsection 7). An alternate member may attend council meetings concurrently with the council member to whom they are an alternate, provided the council member is present; however, the alternate member may not vote on any matter before the Council. The Minister must appoint a chairperson, a deputy chairperson, and an alternate chairperson from among the Council's members.

A non-South African can be appointed as a member of the Council when such a person has become a permanent resident holder (Section 5) and must be a geomatics practitioner. The Chief Surveyor-General can hold office for more than two consecutive four-year tenures (Subsection 10). Other council members shall hold office for up to two four-year terms each. There are six broad outlines of the functions of the Council: regulate the geomatics profession, register persons in terms of the Act, institute and enforce disciplinary actions, support the functioning of the disciplinary and appeal structures, ensure and promote a high standard of education and training, and advise the Minister on any matter referred to it by the Minister (Section 7).

4.3 Branches of Practice

With the enactment of the Geomatics Act of 2013, individuals who wish to register in any of the following categories—candidate geomatics practitioner, geomatics technician, geomatics technologist, or geomatics professional—must apply in a prescribed manner (Section 13(1)). Geomatics practitioners may not undertake work in any category in which they are not registered except if they perform such work under the direct supervision of a registered person in that category who will assume responsibility for any job so performed (Subsection 2). For instance, any person not registered as a professional land surveyor may not practice or perform in any survey to prepare a diagram or general plan to be filed or registered in terms of any law governing the registration of any land or rights in land or mentioned in any manner whatsoever in any other documents the following functions, and any survey affecting the delimitation of the boundaries or the location of the beacons of any land so registered.

4.4 Registration steps

Applicants must meet the requirements prescribed in the Act before qualifying for registration (Subsection 4a-d). A combination of knowledge, skills and practical experience is required for professional registration. Knowledge is measured by applicants' academic achievement, while practical skills are assessed through the Articles submitted for examination. Conditions for registering as a candidate geomatics practitioner, geomatics technician, geomatics technologist, and geomatics professional in training include being enrolled in an approved and suitable geomatics education programme on the National Qualification Framework (NQF), completing the required practical training as specified in the rules, and passing a competency assessment set by the SAGC. The academic model of the geomatics institutions is primarily influenced by the graduate outcomes prescribed by the SAGC. The council regularly reviews the academic

content of institutions before accrediting graduates. The curriculum serves as the baseline for the education of professionals practising geomatics in South Africa.

The conditions for cancelling the registration of a registered person are set out in Section 14. The registered person must be notified in writing by the Council and given a reasonable time to provide written representation as to why their registration should not be cancelled. The Act, however, does not specify the timeframe required for the written representation by registered persons. Suppose the Council finds evidence of any wrongdoing by a registered person and concludes that there are grounds to suspend or cancel their registration. In that case, the registration must be revoked and the registered person notified accordingly (Subsection 3). A registered person may apply for re-registration if their registration was cancelled due to incorrect information, if they have resigned, or if they wish to register in a different category (Subsection 5a-c). Once the person whose registration was cancelled has paid the application, registration, and arrears fees for the subscriptions, recovery expenses, and penalties, the Council must re-register the individual in the appropriate category and branch. A person whose registration has been cancelled has 30 days to return the certificate of registration to the Council Registrar. If the registered person cannot return within the specified time, an affidavit stating the reasons for the inability to return must be submitted (Section 15). Notably, the case regarding the return of a certificate specified a maximum of 30 days, whereas creating a written representation did not require a specific timeframe.

4.5 Reservation of Work

Section 16 addresses the reservation of work for the geomatics profession. The Council must consult with voluntary associations and relevant stakeholders to identify areas of geomatics work reserved for registered persons, even where such work overlaps with other professions. Based on the Council's advice and these consultations, the Minister may prescribe the reserved geomatics work for each category and branch of registered persons. A person not registered in a category or branch of geomatics may be prohibited from working in such category unless such work is performed under the direct supervision of a person entitled to perform that reserved work. Accordingly, the responsibility for any work performed rests with the registered person.

Section 17 states that a geomatics company may practise or perform the work of a geomatics professional if the company is incorporated with personal liability in terms of the Companies Act No. 71, 2008. In its memorandum of incorporation, the company's primary purpose must be to engage in the practice of a geomatics professional. Only natural persons who are geomatics professionals or other natural persons approved by the Council in writing may be shareholders. Of concern is the requirement that other natural persons approved in writing by the Council can be shareholders. Can non-geomatics professionals serve as shareholders in a geomatics company? It further states that shareholders may also serve as directors, and only shareholders may serve as directors of such a company. Should a company entrust work

reserved under Section 16 to an unregistered person, it will be guilty of an offence and liable, on conviction, to a fine of up to R10 000.

4.6 Recognition of Voluntary Bodies

Any association, organisation, institute or other body that seeks to promote and protect the interests of the Geomatics Profession may apply to the Council to be recognised as a voluntary association. To recognise voluntary associations, the Council must, within 90 days of its first meeting, promulgate rules concerning the requirements and procedures for their recognition and make rules in respect of the requirements and procedures for the recognition of a voluntary association (Section 18). A certificate of recognition is issued to the association, organisation, institute, institution, or other body of registered persons that complies with the rules set out for voluntary organisations. The certificate of recognition is valid for five years from the date of issue, provided that the laws governing voluntary associations are adhered to, and a renewal application is submitted. The association must apply for renewal at least three months before expiration. A voluntary association whose certificate of recognition has expired must, within 30 days, return the certificate upon the registrar's written request. The certificate of recognition must be returned within 30 days, unless an affidavit is provided with satisfactory reasons for non-return.

4.7 Disciplinary Matters

Section 19 of the Act prescribes that a code of conduct for registered persons must be prepared by the Council and published in the Gazette after consultation with the Minister, within 90 days of its first meeting. The code of conduct must include separate provisions for each category of registered persons and be publicly announced. Non-compliance with the code of conduct constitutes misconduct, and all instances of misconduct are outlined in Subsections 6 and 7. When there is an allegation of improper conduct, the Council must appoint one or more investigating officers to examine the matter and gather evidence (Section 20). The evidence assists the investigating officer in determining whether the registered person should be charged, and in making a recommendation to the Council. The investigating officer may not question the registered person involved unless the person is informed of their right to be represented by another registered person or a legal representative. A comprehensive report, including the officer’s recommendations, must be submitted to the Council. After reviewing the report, the Council shall decide if there are sufficient grounds to charge the registered person. The charge sheet, detailing the nature of the charge, along with a copy of the investigation report, must be delivered to the registered person either by hand or by registered mail (Sections 21(2-3)). It is noteworthy that the acquittal or conviction of a registered person by a court on a criminal charge does not prevent proceedings for improper conduct under this Act (Section 21(5)).

The Council is also required to establish a disciplinary tribunal to hear charges of improper conduct (Section 22(1)). The tribunal must be composed of at least two registered persons or

Council members; one must be qualified in law with at least five years' experience, and two must be knowledgeable about matters concerning the charge (Subsection 2a-c). The chairperson of the tribunal is chosen by the members (Subsection 3), and the registrar provides administrative support for the tribunal's functions (Section 23). The tribunal has the power to summon the charged individual or subpoena any person to appear before it. Subpoenas may be served on a person to provide material evidence or to produce books, documents, or objects relevant to the hearing. It must be served in person or by registered mail. The chairperson administers the oath to witnesses before they give evidence. Witnesses cannot refuse the oath, must attend hearings, answer lawful questions, and produce any relevant books, documents, or objects in their possession (Subsection 5). The law of privilege concerning evidence in civil proceedings in a court remains applicable in tribunal proceedings. Evidence from a prior hearing related to a current charge is admissible if fully certified by the earlier chairperson, and the previous proceedings were lawful and procedurally fair. Suppose a court of law has convicted a registered person for the same offence before a tribunal. In that case, a certified copy of the trial and conviction is sufficient proof, unless the sentence has been overturned by a competent court (Subsection 9). The Minister may also prescribe other procedures for the functioning of the disciplinary tribunal, in consultation with the Minister of Justice and Constitutional Development, provided that they are not inconsistent with the SAGPA.

Section 24 provides for proceedings following a hearing, under which the disciplinary tribunal must, within 30 days, determine whether the charged person is guilty of improper conduct and, within 14 days of that decision, inform the Council of its findings, together with the reasons for its conclusion. The Council must notify the registered person of the tribunal's findings and their right to appeal within 30 days of receiving the disciplinary tribunal's decision. To determine an appropriate sanction, the Council or a registered person found guilty of improper conduct under this Act may present evidence, including calling witnesses, to establish any aggravating or mitigating circumstances. (Subsection 3). Suppose a finding of improper conduct is upheld. In that case, the disciplinary tribunal may recommend to the Council: to caution or reprimand the registered person, a fine not exceeding an amount prescribed by the Minister in consultation with the Minister of Justice and Constitutional Development, suspension of registration for a period not exceeding one year or cancellation of the registration of the registered person (Subsection 4). Furthermore, the registered person may be required to cover the costs of the investigation or disciplinary hearing. The Council may enforce the disciplinary tribunal's recommendation, publish the outcome of the disciplinary hearing, instruct the Registrar to record the charge, the finding of guilt, and the sanction, and, if applicable, remove the registered person's name from the register. Suppose a registered person fails to pay a sanction imposed on them. In that case, the disciplinary tribunal or the Council may approach a court with civil jurisdiction to recover the outstanding amount, including accrued interest, if the person fails to pay the sanction. The registrar keeps a record of every tribunal hearing.

Section 25 provides for the establishment of an Appeal Board consisting of three registered persons practising and teaching geomatics for a period not less than five years and two members of the public, one of whom must be qualified in law and have five years' experience in the legal profession. The Minister is required to appoint a chairperson, a deputy chairperson, and an alternate chairperson from the members of the Appeal Board. When the chairperson is unable to perform their functions, the deputy chairperson assumes responsibility; if the deputy chairperson is unable to do so, the alternate assumes the chairperson's role. The Act sets out the principles of transparency and representativeness in the appointment of members of the Appeal Board. This section of the Act provided sufficient alternatives to address unforeseen circumstances, thereby ensuring there was no vacuum in the execution of the Appeal Board's activities. The chairperson or deputy chairperson may vacate their office but retain their membership of the board (Section 26). A quorum of three members is sufficient for the Appeal Board to entertain an appeal. The decision of the majority of the members of the Appeal Board constitutes the decision of the Appeal Board. If a hearing ends in a deadlock, the chairperson has a casting vote to break it. The Appeal Board conducts appeals in accordance with procedures prescribed by the Minister, in consultation with the Minister of Justice and Constitutional Development. It must decide appeals within 60 days of lodgement, inform the appellant and Council of its decision within a further 60 days, and keep records of all proceedings. Notably, the board is supported administratively by the Registrar. The chairperson, deputy chairperson, and other members of the Appeal Board, except those in full-time state service, are entitled to remuneration and allowances from the Council’s funds, as determined by the Minister with the concurrence of the Minister of Finance (Section 27). The Appeal Board may dismiss an appeal and confirm the finding, sanction, decision, or rule of the disciplinary tribunal or Council; uphold an appeal by setting aside or varying the finding, sanction, decision, or rule, in whole or in part, with written reasons provided to the appellant and the Council; or award such costs as it considers just. An appellant can request the Appeal Board’s written reasons for a decision through the Registrar within 30 days of the request. After receiving the decision or reasons, whichever is later, the appellant can appeal to the High Court within 30 days. The Council can also appeal to the High Court against certain Appeal Board decisions within 30 days, and the High Court’s rules on appeals apply unless they conflict with this section (Section 29).

4.8 Professional Fees

Section 30 states that the Council must, at least every three years and in consultation with the Minister and the Minister of Finance, determine guidelines for professional fees and publish them in the Gazette. Before finalising the fees, it must publish a draft and invite written comments for at least 30 days, and any changes in response to comments do not require republishing before the fees are finalised.

4.9 Regulations and rules

The final section discusses the creation of regulations under the Act. The Minister may make regulations, not inconsistent with the Act, on matters prescribed by the Act, the Council's functions, and related administrative or procedural issues, after publishing a draft in the Gazette and allowing at least 30 days for written comments; changes based on comments do not require republishing. Similarly, the Council may make rules on matters it is required or permitted to determine, including disciplinary or Appeal Board procedures and party representation, following the same draft-and-comment process. If urgent, the Council may publish rules immediately, but affected persons may still comment or appeal to the Appeal Board.

5 Discussion

The SURCON Act is divided into Sections, while the SAGPA is divided into Chapters, and each Chapter is further divided into Sections. A distinguishing feature between the SAGPA and the SURCON Act is the Chapter 1 provision, which defines the terms used in the Act and their application to the Geomatics Profession. It is essential to clarify the meaning of these legal terms, which may be ambiguous, for the broader professional audience. The failure of an Act to define key terms may lead to arbitrary interpretation, which may affect the legal framework governing the administration of geomatics. Section 2 of Chapter 1 further states that the descriptions of the terms in the previous section correspond to their intended meanings throughout the Act. The SURCON Act failed to define key terms and did not establish principles on which the profession is based. Consequently, portions of the SURCON Act may be prone to ambiguous interpretation by professionals in Nigeria, yet the act seeks to bring coherent application and guidance.

The SURCON consists of 59 members, some of whom are appointed by the President and Commander-in-Chief of the Armed Forces of Nigeria, and the Nigeria Institution of Surveyors (NIS), as well as the 36 Surveyor-Generals of each state of the Federation. The South African Geomatics Council (SAGC) comprises 13 to 15 members, appointed by the Minister. Considering the total number of council members, SURCON has four times as many members as the SAGC Council. Nigeria's population is also four times that of South Africa, but that does not justify having SURCON members four times the size of the SAGC, especially given that South Africa has a larger landmass than Nigeria. SURCON could reduce the number of council members in the following ways:

- The 36-state Surveyor-General may be removed from the Council since the Surveyor-General of the Federation is already a member of the Council. This is comparable to the SAGC, in which the Chief Surveyor-General is the sole member of the Council. Alternatively, Nigeria has six regions, and one Surveyor-General can represent each region, with this arrangement implemented on a rotational basis.

- The number of members representing the NIS is almost the total number of council members in SAGC. The NIS membership may be reduced to the same number as that assigned to voluntary organisations in SAGC. The voluntary organisation is not limited to the South African Geomatics Institute (SAGI) alone, as stipulated in the SURCON Act.
- The ten persons appointed by the President could be reduced to six persons because, after the president of the council, the remaining five appointees can represent the allied professions in surveying, and the president does not need to appoint them. The president plays a significant role. The Minister is sufficient to perform this task, as the appointment and constitution of the Council are usually delayed when all work on the President's table comes to a halt.

The appointment responsibility should remain with the Minister of Works, as done in the SAGPA. This will help reduce the number of representatives from higher learning institutions and allied professions. There are several advantages to reducing the number of Council members, including improved coherence and administration, and lower running costs borne by taxpayers. Additionally, some SURCON members should be appointed as alternate members. An alternate member is appointed for each SAGC member to cover any eventuality, but this is not addressed in the appointment of SURCON members. This implies that when a member is unable to attend a council meeting, there is no provision for a replacement. To effectively discharge the functions of the SURCON as stipulated in Section 4, it is essential to note that only half of the current members are sufficient to perform these duties. This highlights the importance of maintaining a suitable yet manageable membership to ensure efficient operations.

Regarding the appointment of Council members, non-Nigerians are ineligible to serve on SURCON. In contrast, a non-South African may be appointed to the SAGC if they hold a permanent residence permit. Additionally, candidates must be fully registered and must have practised as such for at least five years. Though both the SURCON Act and the SAGPA stipulate that a person who is registered or qualified to be registered can be appointed as a member of the Council, the SURCON Act should consider allowing a non-Nigerian who holds a permanent residence permit to be appointed as a Council member to promote diversity within the Council's composition. Mainly because Nigerian institutions offering Geomatics qualifications attract several non-Nigerian students who subsequently take up employment in Nigeria, if such members also practice in other countries, this diversity will enable the profession to understand how geomatics is practised internationally and facilitate cross-border professional recognition.

The tenure of the President of SURCON is three years, with the possibility of two terms, while other members shall hold office for four years. In South Africa, the Chief Surveyor-General may serve more than two consecutive four-year terms, whereas the tenure of other members is

limited to two four-year terms. Both Acts encourage timely changes to the team's composition whilst retaining the Chief Surveyor General's expertise. Notably, the Surveyor-Generals of the states remain a permanent member if they maintain their office as Surveyor-General.

A large council can enable broader representation, diverse expertise, and enhanced legitimacy, but may be slow to decide and incur higher governance costs. Efficiency is achieved by forming smaller committees to perform the Council's functions. Forming a smaller committee also increases governance costs. Given that both council formation under the SURCON Act and the SAGPA have advantages and disadvantages with respect to efficiency and cost, but that governance costs are lower and efficiency is higher, the SAGPA is strongly recommended.

Registration structures in Nigeria and South Africa differ significantly. In Nigeria, categories include technician, technologist, pupil surveyor, and registered surveyor. In contrast, in South Africa, they comprise candidate geomatics practitioners, geomatics technicians, geomatics technologists, and geomatics professionals, reflecting the SAGPA recognition of technological advances. A candidate geomatics practitioner is equivalent to a pupil surveyor, with the requisite skills but not yet professionally registered. Unlike Nigeria, where registration covers all branches of surveying, South Africa restricts registration to a specific branch, and only registered professional land surveyors are permitted to undertake cadastral work. This branch-based system provides a model for Nigeria to broaden recognition of emerging fields within geomatics and will also encourage niche growth through Continuing Professional Development (CPD). Additionally, permitting branch-based registration would be in the public interest and would clarify specialisation. Compared to an aligned profession, where specialisation is compulsory when providing services. Public interest would signal that the policy strikes a just balance among all relevant interests and is consistent with the fundamental principles of

our economic, political, legal, and administrative systems. Principles such as efficiency, accountability, fairness, and practicality (Wolfson et al., 1980). Two key elements of public policy are interest and principles, with the former having three parties and the latter four phases (ibid). Three parties are the service providers, the clients or consumers of those services, and those affected by the interaction between the service providers and the consumers, including users of public buildings and citizens at large (Wolfson et al., 1980).

Professional registration in both Nigeria and South Africa follows a structured, multi-stage process, though with notable differences in emphasis and requirements. In Nigeria, registration involves five stages: completion of an academic qualification; registration as a pupil surveyor with SURCON; a two-year prescribed practical training period; submission of a folio and logbook; law examinations; and, finally, a professional interview. Similarly, South Africa requires completion of an academic qualification, registration as a candidate with the SAGC, a period of supervised practical training, submission of training records, a law examination, and assessment before professional registration is granted. However, while Nigeria requires a strict

two-year pupillage under a single registered surveyor, South Africa allows candidates to undertake different training components with multiple employers or mentors, provided each engagement lasts at least 2 months. This approach enables candidates to benefit from the niche expertise of various companies. Additionally, the compulsory training at the Surveyor General's office helps candidates understand how to structure cadastral submissions to the Surveyor-General. Another key distinction is in project work: Nigerian pupil surveyors must complete five projects across different branches of surveying (one major and four minors), which are documented in detail in a folio. In contrast, South African candidates may be required to complete a trial survey and submit training reports for assessment by SAGC. Examinations also differ. In Nigeria, law and essay examinations are conducted annually, whereas in South Africa, law examinations are offered twice annually and are complemented by a compulsory essay on professionalism and ethics. Additionally, Nigeria emphasises a professional interview as the final stage of assessment, whereas in South Africa, interviews are conducted only in exceptional circumstances. The Nigerian approach, therefore, provides a more holistic evaluation of candidates, testing not only their technical knowledge but also their ability to communicate and defend their professional judgment. Given that geomatics professionals are often required to advise clients and stakeholders orally, incorporating a structured interview into the South African system would strengthen the SAGC's assessment process, ensuring that professional registration captures both technical competence and essential interpersonal skills. To be considered by the SURCON for induction after passing all prescribed examinations, you must be an active member of the NIS, while this is not so in South Africa. In South Africa, you can be registered by SAGC when you are not a member of the South African Geomatics Institute (SAGI). The summary of the comparison and relevant recommendations is shown in Table 1

Table 1. Summary of Discussion and Recommendations.

	Nigeria	South Africa	Recommendation for SURCON	Recommendation for SAGC
Relevant Legislation	Surveyors Council of Nigeria Enabling Act No. S18 LFN, 2004 (SURCON Act)	South African Geomatics Profession Council Act No. 19 of 2013 (SAGPA).	SURCON Act to include in its title the word Geomatics and define relevant terms as used in the Act. Also, establish the principles upon which the Act is based.	No recommendation
Composition of Council	59 members appointed by the President	13 members, not more than 15 members,	Reduce the number of Surveyor-Generals, reduce the number of NIS members, and reduce the number of persons appointed by the president.	No recommendation

		appointed by the Minister	The appointment of Council members should remain the responsibility of the Minister of Works. Appointment of a non-Nigerian as a member of the Council	
Tenure of Office	The President serves a three-year term, with a maximum of two terms, while other council members serve four-year terms. Surveyors-General's permanent member	The Chief-Surveyor General may serve more than two consecutive four-year terms, while other members may serve a maximum of two four-year terms.	Remove Surveyor-General of the State permanent membership from the Council.	No recommendation
Registration Structure and Branches of Practice	Technician, Technologist, Pupil Surveyor, and Registered Surveyor. As a registered surveyor, you can practise in all the branches of Surveying.	Candidate Geomatics Practitioner, Geomatics Technician, Geomatics Technologist and Geomatics Professional. Registration is restricted to a specific branch of geomatics.	Amend the SURCON registration structure to reflect the latest technological advancements in Geospatial Science. SURCON should implement a branch-based registration system.	No recommendation
Registration Steps	Five stages of registration	Three stages of registration	No recommendation	SAGC to incorporate professional interviews to strengthen the SAGC assessment process. SAGC to make SAGI membership a

				requirement for induction
Cancellation of Registration	Provides for a refusal of registration where an appeal can only be lodged at the Federal High Court within a "prescribed time."	A more flexible framework is provided where the Council notify the registered person in writing, and a representation is allowed to be made by cancelling registration, also using the word "reasonable time"	Sections 14 and 15 of the SAGPA provide a more comprehensive model that the SURCON Act could adopt in a future review to strengthen its provisions on cancellation, appeals, and reregistration. The exact timeframe should be specified in the Act.	The exact timeframe should be provided rather than using "reasonable time"
Reservation of work	The SURCON Act failed to reserve work for professionals	GPA expressly defines and reserves specific areas of work for geomatics practitioners.	The SURCON Act should explicitly identify areas of geomatics work reserved for registered persons. It should state that it is unlawful for a non-professional to undertake such work.	No recommendation
Registration of the company	A non-personal liability company is allowed, provided shareholders are Nigerian	A company must be registered as a personal liability company with the practice of geomatics specified as the main object in the memorandum of incorporation. Shareholders must be natural persons or registered geomatics professionals	The SURCON Act should establish personal professional responsibility within corporate structures.	No recommendation.

		approved by the council.		
Recognition of Voluntary Organisation	The SURCON Act failed to make provision for the recognition and regulation of voluntary organisations.	The GPA makes provision for the recognition and regulation of voluntary organisations by issuing a certificate of recognition.	Future amendments to the SURCON Act should explicitly provide for the recognition and regulation of voluntary organisations within the surveying profession.	No recommendation.
Disciplinary Matters	Establishment of SDC and SIP with 11 and 7 members, respectively. The duration of disciplinary proceedings is not specified.	Establishment of a five-member disciplinary tribunal. One member must be knowledgeable in law. Two investigative officers assist the Disciplinary Tribunal. The duration for disciplinary proceedings is clearly specified.	The SDC's decisions should be made in consultation with the Minister of Justice to add legal rigour. The Act should include a provision for a qualified legal expert and specify the duration of disciplinary proceedings.	A more professional representation of the investigating officers is limited. There is a need to provide a more robust investigation panel.
Professional Fees	NIS determines Professional fees at the state level without consultation with the Minister of Finance.	Recognition of the separation of powers as the determination of professional fees is done in consultation with voluntary organisations and with both the Minister and the Minister of Finance.	The amended SURCON Act should expressly empower the Council to prescribe professional fees, drawing on the South African model of Ministerial concurrence to ensure legitimacy. Include penalties for registered persons who deviate from prescribed professional fees.	Include penalties for registered persons who deviate from prescribed professional fees.

The provisions for cancelling a registered person's registration differ markedly between the SURCON Act and the GPA. The SURCON Act does not specify conditions or procedures for

cancellation; it only provides for the refusal of registration, with appeals lodged exclusively with the Federal High Court. This reliance on a superior court, already burdened with numerous cases, could slow the process and make it inaccessible. Moreover, the SURCON Act fails to define the "prescribed time" for appealing, further undermining clarity. In contrast, the GPA outlines a more flexible framework. The Council must notify the registered person in writing and allow them to submit a written representation before cancelling their registration. However, the Act only stipulates a "reasonable time" for this submission, without specifying exact dates. Once a decision is made, the registered person must be notified in writing. If they cancel, they have 30 days to return their registration certificate to the Council. Notably, the GPA permits reregistration if the cancellation was based on incorrect information or if the individual applies under a different registration category. While the GPA is more prescriptive in advancing a structured process, its lack of precise timeframes for representation remains a limitation. Overall, Sections 14 and 15 of the GPA provide a more comprehensive model that the SURCON Act could adopt in a future review to strengthen its provisions on cancellation, appeals, and reregistration.

About the identification and reservation of geomatics professional work, the amendments to the SURCON Act should explicitly identify specific areas of geomatics work to be reserved for registered persons. Such work may also fall within the scope of other professions. Once recognised by the relevant Minister, it may be prescribed as reserved for each category or branch of registered persons. The Act should further prohibit unregistered persons from undertaking such reserved work, except when directly supervised by those entitled to perform it. Unlike the GPA, which expressly defines and reserves specific areas of work for geomatics practitioners under Section 16, the SURCON Act does not currently provide such definitions. Today, there are many building collapses and environmental hazards due to the wrong use of professionals in specific job descriptions. In recent documented building collapses in Nigeria, inadequate technical knowledge and the use of non-professionals are cited as key causes (Awoyera et al., 2021). The reservation of work would be in the public interest, not merely a technical or legal adjustment.

In South Africa, companies' use of geomatics is closely tied to professional accountability and responsibility. A company may only engage in geomatics work if it is registered as a personal liability company in terms of the Companies Act No. 71 of 2008, with the practice of geomatics specified as the main object in its memorandum of incorporation. Furthermore, shareholders must be natural persons who are registered geomatics professionals or approved by the Council. This structure ensures that responsibility for professional work rests directly with qualified individuals, reinforcing accountability and ethical practice. In contrast, Nigerian law allows companies that are not personal liability companies to undertake surveying tasks, provided that all shareholders are Nigerian citizens. While this approach ensures national ownership, it does

not necessarily embed the same level of personal professional responsibility in company structures as is required in South Africa.

Future amendments to the SURCON Act should explicitly provide for the recognition and regulation of voluntary organisations within the surveying profession. This would help prevent the establishment of parallel organisations that undermine the authority of the profession's governing Act. Under the GPA, a certificate of recognition is issued to organisations that comply with these rules for a period of five years, with renewal required three months before the expiry date. If a certificate is not renewed, it must be returned to the Council registrar within 30 days. Incorporating similar provisions into the SURCON Act would strengthen oversight and ensure voluntary organisations operate in alignment with the profession's regulatory framework.

Both the SURCON Act and the GPA provide for professional discipline through investigative and disciplinary bodies, but their composition and operations differ significantly. Under the SURCON Act, the Surveyors Investigating Panel (SIP) and the Surveyors Disciplinary Committee (SDC) are established, while the GPA establishes a single disciplinary tribunal supported by investigating officers. The SIP comprises seven members appointed by SURCON and is responsible for conducting preliminary investigations to determine whether a matter should be referred to the SDC. By contrast, the SAGC appoints only two investigating officers to examine cases of improper conduct and prepare a report; after that, the Council decides whether there are sufficient grounds to charge the registered person before the tribunal.

The composition of the disciplinary bodies also varies. The SDC comprises 11 members, including the President of the Council, whereas the disciplinary tribunal under the GPA consists of only five members, one of whom must be knowledgeable in law. A notable shortcoming of the SDC is that it does not require any member to have legal expertise. In South Africa, the disciplinary tribunal is further strengthened by statutory procedures: anyone summoned must be notified in the prescribed form determined by the Minister in consultation with the Minister of Justice and Constitutional Development; witnesses may not refuse to take an oath administered by the chairperson; and the law of privilege applicable in civil court proceedings applies to tribunal hearings. By contrast, the SDC does not operate under such prescribed procedures nor in consultation with the Minister of Justice, making its operations less robust from a legal standpoint. However, the SDC has specific strengths compared to the GPA's tribunal. Its larger membership of 11, including the Council President, ensures broader professional representation and potentially more balanced decision-making. The two-tier process of SIP and SDC also provides an additional safeguard by filtering cases before they reach the disciplinary stage, which may help reduce frivolous or weak charges. This layered approach, coupled with broader professional participation, gives the SDC a stronger sense of ownership and accountability within the profession, even if it lacks some of the legal rigour of the GPA system.

The duration of disciplinary proceedings is clearly outlined in the GPA but not in the SURCON Act. Under the procedures, the disciplinary tribunal has 30 days to determine whether the charged individual is guilty of an offence. It must then inform the Council of its decision and the reasons within 14 days. The Council, in turn, must notify the registered person of the tribunal's findings and their right to appeal within 30 days. The absence of a specified timeline in the SDC's procedures could lead to delays, potentially extending the disciplinary process beyond necessary periods and undermining the timeliness and effectiveness of disciplinary actions.

In this regard, the SURCON Act and the GPA share several similarities, including appeal mechanisms for dissatisfied parties regarding decisions of the SDC, the disciplinary tribunal, or the council. Both systems allow appellants to seek review in higher courts, specifically, the Federal High Court under the SURCON Act and the High Court of South Africa for GPA and set specific timeframes for filing appeals (28 days for SDC decisions and 30 days for Appeal Board decisions). However, the two systems differ significantly in their structure and processes. The SURCON process is court-centred, allowing appeals to be filed directly with the Federal High Court, whose proceedings rely heavily on judicial discretion and lack fixed timelines. Conversely, the GPA employs an internal appeal process administered by a dedicated Appeal Board with a fixed composition and predetermined procedures. The Appeal Board reviews appeals within 60 days and may escalate to the court if not resolved. This internal process emphasises the separation of powers and structured procedures, making it more systematic than the non-flexible, court-centric approach of the SURCON Act, and compares the court-centred appeal with the internal appeal board mechanism, which is based on independence, cost, speed, formality, expertise, and accessibility. The independence of the internal board appeal may be limited, whereas the court's independence is very high. Cost is a key consideration when using the court-based appeal, as court proceedings are much slower than those of the internal appeal board. Expertise in the court-based system is purely legal, whereas in the internal appeal board, it is technical and institutional.

Lastly, the SAGPA provides for the determination of professional fees in consultation with voluntary organisations and with the concurrence of both the Minister and the Minister of Finance. This arrangement reflects a separation of powers, in which the legislative framework requires executive oversight of the remuneration of Appeal Board members and the professional fees charged by registered persons. The prescribed fees must be published in the Government Gazette, either annually or every three years, to ensure transparency and accountability. By contrast, the SURCON Act has not fulfilled one of its core functions of “controlling the profession in all its ramifications” with respect to the determination of professional fees. In practice, the NIS at the State level has been the one prescribing fees. This creates a contradiction: although both members and non-members of the NIS must register with the Council to practise, the voluntary organisation that sets the fees also regulates the profession,

rather than the statutory body mandated to do so. To close this gap, the amended SURCON Act should expressly empower the Council to prescribe professional fees, drawing on the South African model of Ministerial concurrence to ensure legitimacy. It is also notable that both the SAGPA and SURCON Acts do not impose penalties on registered persons who deviate significantly from the prescribed fees. Without enforceable sanctions, the provisions risk being undermined in practice, reducing their effectiveness in regulating fair and consistent professional remuneration.

6 Understanding Lessons for Legal Reform of Surveying in Nigeria

In Section 5, following the discussion of the SURCON Act and the GPA, recommendations are made to reform Nigeria's legal framework for surveying.

1. To improve the SURCON Act, it is imperative to define specific terms to allow meaningful interpretation of the legal framework for the surveying profession in Nigeria. Also, the principles on which the SURCON Act and the registered person operate must be defined to guide the interpretation, administration, and implementation of this Act.
2. There is a need to reduce the number of SURCON members as suggested in Section 4. This will help reduce the Council's operating costs and save taxpayers' money. Additionally, it is advisable to appoint alternate members for the council if a member is unable to fulfil their duties due to illness or other natural causes.
3. It is advisable for the SURCON Act to incorporate non-Nigerians who are permanent resident holders to be appointed as council members. Appointing a non-Nigerian member to the Council will diversify its composition and facilitate cross-border collaboration.
4. The tenure of the president of the SURCON needs a review to a five-year single term, and the perpetual membership of the Surveyor-General of each state should be removed. It is either the Surveyor-General of each state represented on a regional rotational basis or the Surveyor of the Federation representing the interests of the Surveyor-General of each of the states.
5. Concerning professional registration, the SURCON Act needs to embrace technological advancement in surveying. In addition, there should be specialised registration for each branch of geomatics, as it is currently structured in South Africa. It should be stated that when not registered under a geomatics branch, individuals should not undertake work in that category without direct supervision from a registered person.
6. The SURCON Act and GPA provide pre-training for applicants under a registered person before professional registration. However, the SURCON Act Pupil Surveyors

are required to prepare five different projects during the training period. This needs to be reduced to projects aligning with the registration category.

7. The process of cancelling the registration of a registered person is not explicit in the SURCON Act. Sections 14 and 15 of the GPA should be incorporated into the SURCON Act. However, the SURCON Act provides for an appeal to the Federal High Court if an application for registration is refused. It is necessary to specify the timeframe within which a registered person may appeal their registration.

8. To reduce environmental disasters such as building collapse, the SURCON Act needs to make provision for the reservation of geomatics work only for professionals and severe punishment given to anyone who undertakes work not belonging to his or her profession.

9. To provide for company losses and protect the public against fraudulent companies, the SURCON Act should ensure that a company is registered as a personal liability company, and the main components of the memorandum of understanding should be to undertake geomatics professional work only.

10. To regulate voluntary organisations within the surveying profession, the SURCON Act needs to provide for how voluntary organisations are recognised and a certificate of recognition issued and renewed from time to time.

11. To reduce the cost of governance, the composition of SIP and SDC needs to be reduced. Additionally, the SIP can be scrapped if investigating officers are appointed when misconduct cases are reported. In addition to discharging their duties, it is paramount that they do so in the prescribed form, in consultation with the Ministers of Works and Justice. This will enable the Minister of Justice to guide Committee members in accordance with the interpretation of the law.

12. To avoid endless proceedings of the SIP and SDC, the SURCON Act should provide a timeframe for the investigation and discipline of a registered person.

13. Concerning the appeal process, the SURCON Act should be specific about who is to be the respondent when a registered person appeals the decision of SDC and the Council to the Federal High Court. Inserting ‘may’ in Section 17 is problematic and requires amendment.

14. The SURCON Act needs to incorporate enough separation of powers provisions in the relevant sections of the Act. Before any legal decision is made, the Minister of Justice must review it and communicate it to a registered person.

15. To determine professional fees for the execution of surveying tasks, the SURCON Act should ensure that the Council determines such in collaboration with the voluntary

organisation and the Minister of Finance. This will govern the existing structure, under which the NIS and the Association of Private Practising Surveyors (APPSN) set the cost of land surveying in Nigeria.

7 Conclusion

This study analyses the Surveyors Council of Nigeria (SURCON) Enabling Act No. S18 LFN, 2004 and the South Africa Geomatics Profession Act (SAGPA), 2013, by examining their key provisions in Sections 3 and 4. The comparative analysis in Section 5 provides a basis for answering the research question: How do SURCON and SAGPA differ in governance, registration, disciplinary processes, and professional accountability? In Section 6, the understanding lessons for legal reform help answer whether South Africa's model is appropriate and feasible for SURCON reform. Given the similarities in geographic context and professional practice categories, South Africa's experience offers valuable lessons for reforming Nigeria's surveying profession. Deficiencies in the current SURCON Act affect not only the regulation of the profession but also hinder the achievement of sustainable reforms. By addressing these gaps, this study contributes to the broader discourse on legal and regulatory reform in professional practice and advances scholarship in comparative law within geomatics. In doing so, it highlights how cross-jurisdictional lessons can inform legal reform and institutional strengthening, offering insights to support the development of a more coherent, accountable, and sustainable framework for regulating surveying practice in Nigeria.

To underscore the importance of the surveying profession to practitioners, the recommendations outlined in Section 5 should be prioritised during the review of the SURCON Act. First, the Act must provide clear definitions of key terms to avoid ambiguity and inconsistent interpretation by legal experts. The principles upon which the Act is founded should also be clearly articulated, as this will guide its interpretation, administration, and implementation. Regarding governance, the number of Council members should be reduced, and non-Nigerians with permanent residency should be eligible for Council membership. The tenure of the Council President should be limited to a single five-year term, and the perpetual membership of State Surveyors-General should be removed, with only the Surveyor-General of the Federation serving as a permanent member.

With respect to professional regulation, registration should be branch-specific, and the Act should provide explicit procedures for cancelling a practitioner's registration when necessary. Provisions for reserving specific categories of geomatics work, particularly in engineering surveys, exclusively for registered professionals, must also be incorporated to safeguard public safety. Furthermore, survey companies should be required to operate as personal liability companies to ensure accountability and protect the public from professional misconduct. The Act should also include a straightforward procedure for recognising voluntary organisations. Regarding discipline, it is recommended that either the composition of the Surveyors

Investigating Panel (SIP) and Surveyors Disciplinary Committee (SDC) be reduced, or that the SIP be dissolved altogether, with the SDC assuming both investigative and disciplinary functions in cases of professional misconduct. Finally, the Act should explicitly define the respondent in cases where an appeal is lodged against a Council decision, ensuring clarity in appellate procedures.

The SAGPA should specify an exact timeframe for cancellation, appeals, and reregistration in the Act rather than using the term "reasonable time". A more professional representation of the investigating officers is limited. There is a need to provide a more robust investigation panel. Include penalties for registered persons who deviate from prescribed professional fees.

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BIOGRAPHICAL NOTES

Kehinde Hassan Babalola is a contract lecturer at Cape Peninsula University of Technology and a 2023 PhD recipient. Graduated from the University of Cape Town. His doctoral research focused on LASs and the reform of their legal frameworks. He completed his Master of Science in Geomatics in 2018, specialising in land administration and research on cadastral systems. He is a Nigerian-registered surveyor and, in 2022, became a South African-registered professional engineering surveyor. He is a full member of the Nigerian Institution of Surveyors. In 2013, he became a lecturer at the Federal Polytechnic Ado-Ekiti, following a successful career as a surveyor in both the private and public sectors. He has held his current position at CPUT since 2022, where he lectures on surveying courses. His research interests include land administration systems and legal frameworks that support the Sustainable Development Goals.

Kevin Musungu is a registered Professional Land Surveyor with the South African Geomatics Council and holds a PhD in Geomatics. He lectures in Civil Engineering and Geomatics at the Cape Peninsula University of Technology (CPUT) and serves on the provincial committee of the South African Geomatics Institute (SAGI). His research focuses on Earth observation and UAV-based vegetation and urban studies, participatory GIS (PGIS), photogrammetry, and geomatics education.

Ndu Chidinma holds a BSc and MSc in Surveying and Geoinformatics, with over 10 years of combined industry and academic experience. She has served as a part-time lecturer in the Department of Geomatics at the University of Cape Town from 2022 to 2023 and at the Cape Peninsula University of Technology in 2023. She was a former Vice President of the Nigerian Institute of Surveying Students. She is also a registered member of the Surveyors Council of Nigeria and the Women's Engineering Society (WES). Her research and professional expertise focus on applying Earth Observation, Remote Sensing, GIS, Machine Learning, and Multi-Criteria Decision Analysis to address complex geospatial challenges. Her work emphasises spatial decision support and the development of data-driven, optimised solutions for infrastructure development and sustainable urban growth.

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