



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 14th December, 2006

1. The Senate met at 10:35 a.m. The Senate President read Prayers.
2. Votes and Proceedings:
The Senate President announced that he had examined the Votes and Proceedings of Wednesday, 13th December, 2006 and approved same.

By unanimous consent, the Votes and Proceedings were adopted.

3. Conference Committees:

(A) Central Bank of Nigeria Bill:

The Senate President named Senate Conferees as follows:

(i)	Senator Gbenga Oggunniya	—	Chairman
(ii)	Senator Felix O. Ibru	—	Member
(iii)	Senator Fidelis Okoro	—	Member
(iv)	Senator Mohammed Y. Anka	—	Member
(v)	Senator Abu Ibrahim	—	Member
(vi)	Senator Mohammed S. Daggash	—	Member
(vii)	Senator Ogunbanjo O. Olatokunbo	—	Member

(B) HIV/AIDS Bill 2006:

The Senate President named Senate Conferees as follows:

(i)	Senator I. S. Martyns-Yellowe	—	Chairman
(ii)	Senator L. Jalo Zarami	—	Member
(iii)	Senator Daisy Ehanire-Danjuma	—	Member
(iv)	Senator Adeleke Mamora	—	Member

(v)	Senator Fred Orti	—	Member
(vi)	Senator Titus O. Olupitan	—	Member
(vii)	Senator Emmanuel Azu Agboti	—	Member
(viii)	Senator Umaru Dahiru	—	Member

4. **Federal Capital Territory (FCT) Appropriation Bill, 2007 (SB. 344)** — *Read the First Time.*

5. **Committee on Federal Character and Governmental Affairs:**

Report on the Federal Road Safety Commission Act (Amendment) Bill 2006:

Motion made and Question Proposed: That the Senate do resolve into the Committee of the Whole to resume consideration of the Report of the Committee on Federal Character and Governmental Affairs on the Federal Road Safety Commission Act (Amendment) Bill 2006 (*Senate Majority Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

REPORT OF THE COMMITTEE ON FEDERAL CHARACTER AND GOVERNMENTAL AFFAIRS ON THE FEDERAL ROAD SAFETY COMMISSION BILL 2006

An Act to establish the Federal Road Safety Commission with responsibility for traffic management, preventing and minimizing road accidents on highways and clearing obstructions on any part of the highways and for educating drivers, motorists and members of the public generally on the proper use of highways; and to provide for each other matters connected therewith.

PART I — ESTABLISHMENT, FUNCTIONS AND POWERS OF THE FEDERAL ROAD SAFETY COMMISSION

PART II - ESTABLISHMENT, FUNCTIONS AND RANK OF MEMBERS OF ROAD SAFETY CORPS

Clause 11: Establishment, Functions and Rank of Members of Road Safety Corps:

- (1) There is hereby established for the Commission, a body to be known as the Federal Road Safety Corps (in this Act referred to as "the Corps"), which shall consist of such number of uniformed and non-uniformed members as may be determined, from time to time, by the Commission.
- (2) The Corps shall discharge functions relating generally to-
 - (a) making the highway safe for motorists and other road users
 - (b) recommending works and devices designed to eliminate or minimize accidents on the highways and advising the Federal and or State Governments including the Federal Capital Territory Administration and relevant governmental agencies on the localities where such works and devices are required.
 - (c) educating motorists and members of the public on the importance of discipline on the highway.
- (3) In particular, but without prejudice to the generality of the provision of subsection (2) of this section, members of the Corps shall, subject to the provision of this Act, be charged with responsibilities for-
 - (a) preventing or minimizing accidents on the highway;
 - (b) clearing obstructions on any part of the highways
 - (c) educating drivers, motorists and other members of the public generally on the proper use of the highways;

- (d) designing and producing the driver's licence to be used by various categories of vehicle operators;
- (e) determining, from time to time, the requirements to be satisfied by an applicant for a driver's licence;
- (f) designing and producing vehicle number plates;
- (g) the standardisation of highway traffic codes;
- (h) preventing or minimising accidents on the highways;
- (i) clearing obstructions on any part of the highways;
- (j) educating drivers, motorists and other members of the public generally on the proper use of the highways;
- (k) giving prompt attention and care to victims of accidents;
- (l) conducting researches into causes of motor accidents and methods of preventing them and putting into use the result of such researches;
- (m) determining and enforcing speed limits for all categories of roads and vehicles and controlling the use of speed limiting devices;
- (n) co-operating with bodies or agencies or groups engaged in road safety activities or in the prevention of accidents on the highways;
- (o) making regulations in pursuance of any of the functions assigned to the Corps by or under this Act;
- (p) regulating the use of sirens, flashers and beacon lights on vehicles other than Ambulances and vehicles belonging to the Armed Forces, Nigeria Police, Fire Service and other Para-military Agencies;
- (q) providing roadside and mobile clinics for the treatment of accident victims free of charge;
- (r) inspecting the roadworthiness of vehicles;

Amendment Proposed:

Leave out the provision in Subsection 11(3) (r) (Senator Lawal Shuaibu).

Question that the amendment be made, put and agreed to.

- (s) regulating the use of Mobile Phones by motorists;
- (t) regulating the use of seat-belts and other safety devices;
- (u) regulating the use of motorcycles on the highway;
- (v) maintaining the validity period for drivers licences and number plates which shall be three years and seven years respectively subject to renewal at the expiration of the validity period;

Amendment Proposed:

Leave out the words "and number plates" and "and seven years respectively" in lines 1 and 2 respectively (Senator Lawal Shuaibu).

Question That the amendment be made, put and agreed to.

- (w) performing such other functions as may, from time to time, be assigned to the Corps by the Commission.
- (4) In the exercise of the functions conferred by this section, members of the Corps shall have power to arrest and prosecute persons reasonably suspected of having committed any traffic offence including the following offences and serve such persons with court processes or notice of offence sheet, that is ;
 - (a) obstructing highway with a vehicle or any other object;
 - (b) driving or riding any vehicle on the highway in excess of the prescribed speed;
 - (c) wrongful overtaking of another vehicle;
 - (d) failing to obey traffic lights, road signs or pavement /road markings;
 - (e) driving or riding a vehicle without carrying breakdown transparent warning cones or triangles, or in the case of a breakdown, without reporting within reasonable time of the breakdown to members of the Corps so that necessary measures may be taken to effect the removal of the breakdown vehicles from the highway;

Amendment Proposed:

Immediately after the word "Corps" in line 4, insert the words "or nearest Police Post" (*Senator Udoma U. Udoma*).

Question that the amendment be made, put and agreed to.

- (f) being on a road without lights, signs or reflectors as required by law;
- (g) 'contravention of the provision of any order, bye-laws, regulations or rules relating to
 - f) the route to be followed by vehicles generally or by vehicles of the class to which the vehicle belongs; or
 - (ii) the roads which are to be used for traffic by such vehicles;
 - (iii) Road Safety generally.
- (h) being on a road without a valid vehicle licence or identification mark being displayed;
- (i) being on a road without the driver thereof being in possession of a valid driving licence or any other licence or permit required by law;
- (j) driving a motor vehicle on a highway recklessly or negligently or at a speed or in a manner which is dangerous to the public;
- (k) driving or attempting to drive a motor vehicle on a highway under the influence of drugs or alcohol;
- (l) operating a vehicle with forged driving or insurance papers;
- (m) unauthorised removal of, or tampering with, road warning sign;
- (n) creating a road hazard without adequate warning signs;
- (o) removing a vehicle on which the sign DO NOT MOVE has been pasted by members of the Corp or other duly authorised body;
- (p) failure to observe speed limit erected at road construction areas;

- (q) in the case of slow moving vehicles failure to move to the extreme shoulder of the road where up to four vehicles are held up, unable to overtake;
- (r) in the case of a vehicle carrying a load of gravel or other unstable materials, failure to cover such materials with tarpaulin or strong plastic;
- (s) failure to display number plates on vehicles;
- (t) carrying passengers or loads in excess of the number or weight a particular vehicle is licensed to carry;
- (u) in the case of road construction companies, failure to provide adequate warning signs at construction areas day or night;
- (v) driving a vehicle without a spare tyre or with tyres whose threading are worn out or offering such worn out tyres for sale;

Amendment Proposed:

Leave out the words "or offering such worn out tyres for sale" in line 2 (Senator Lawal Shuaibu).

Question that the amendment be made, put and agreed to.

- (w) driving a vehicle without a windscreen or shattered windscreen;
- (x) driving a vehicle with a projecting load and without a red flag warning attached to the end of the projecting load;
- (y) - Driving a motor vehicle or motor cycle when below the age of 18 years
- (z) rejection of accident victims by hospitals and or medical personnel.
 - (aa) Assaulting a member of the Corps in the performance of his duties
 - bb) Failure to reclaim detained vehicle after 24 hours
 - (cc) Driving a vehicle without a fire extinguisher which conforms to the required specifications.
 - (dd) Driving a passenger carrying commercial vehicle on an intercity journey without passengers¹ manifest.
 - (ee) Driving a vehicle not fitted with seat belt or where fitted, not wearing same while the vehicle is in motion.
 - (ff) Making or receiving phone call while driving a vehicle, failure to report road accident.
 - (hh) Being a compulsive, wanted or violent traffic offender (Reprobate Offender Alert Series)
 - (ii) riding a motorcycle without a crash helmet properly strapped to the head and fastened under the chin by both the rider and the passenger.
 - (jj) driving a motor vehicle on a highway without authority of the owner.

Amendment Proposed:

Leave out the provision in Subsection II(4)(j) (Senator Lawal Shuaibu).

Question that the amendment be made, put and agreed to.

- (kk) using a motor vehicle for purposes other than that for which it is licenced.
- (5) In the discharge of the functions of the Corps by or under this Act and notwithstanding the provision of section 18(1) of this Act, a member of the Corps shall have power to-
 - (a) arrest any person suspected of committing or having committed an offence under this Act;
 - (b) remove and detained for a reasonable length of time any vehicle which has been parked in a manner that causes an obstruction on a highway and the owner or driver of the vehicle shall pay a sum of W200.00 (two hundred) only for every day or part thereof of such obstruction in addition to any other penalty which may have been prescribed under this Act;

Amendment Proposed:

Leave out the words "for a reasonable length of time" in line 1 (Senator Udoma Udo Udoma).

Question that the amendment be made, put and agreed to.

- (c) endorse, after conviction, any driving licence radicating the offence committed by its holder;
- (d) seize, when necessary, the driver's licence of any person suspected to have committed or having committed an offence under this Act and the documents or particulars in respect of the vehicle by which the offence is committed or suspected to have been committed.

Amendment Proposed:

Leave out the words "or having committed" in line 2 (Senator Oserheimen Osunbor).

Question that the amendment be made, put and agreed to.

- (e) Impound a vehicle suspected to have been stolen where the driver of the vehicle fails to produce on demand and to the satisfaction of the member of the Corps the particulars of such vehicle;
- (f) Tow away and park such impounded vehicle in the premises of the Corps and promptly notify the police of the matter for further investigation.

Committee's Recommendation: » Insert new provisions (g) — (i) as follows:

- (g) declare an offender as wanted when he fails to report to answer charges against him under this Act;
- (h) impound any vehicle by which an offence under this Act is reasonably suspected to have been committed;
- (i) arrest and prosecute an offender offering bribe to a member of the Corps or attempting to corrupt a marshal on duty (Senator Ike Ekweremadu).

- (6) The driver or owner of a vehicle shall be liable to pay a sum of two hundred naira for every day or part thereof during which the vehicle is detained;

Provided that if the driver or owner of the vehicle fail to reclaim such vehicle within six months of the date of its detention the Corps may apply to the High Court for an order forfeiting the vehicle to the Corps which may thereafter dispose of the vehicle by public auction and deposit the proceeds of the sale in the Government Treasury.

- (7) A person suspected of having committed an offence under this Act may be prosecuted in any Magistrate's Court or Area Court in the Federal Capital Territory, Abuja, or the State within which the offence is committed.

Amendment Proposed:

Leave out the words "or Area Court in the Federal Capital Territory, Abuja" in lines 2 and 3 (Senator Oserheimen A. Osunbor),

Question that the amendment be made, put and agreed to.

- (8) The Chief Judge of a State or the Federal Capital Territory, Abuja shall have power to establish special or mobile courts for the purpose of a speedy trial of traffic offenders under this Act;

- (9) The court convicting an offender under this Act may impose a term of imprisonment not exceeding six months in lieu of any of the penalties provided for in the Second Schedule to this Act.

- (10) For the purpose of enforcing or prosecuting offences under this Act, the Road Traffic Laws of a State, the Federal Highways Act and any Regulations made under these Laws shall apply to this Act.

- (11) Any person who commits a breach of or fails to comply with any of the provisions of this Act, the Road Traffic Laws of a State, the Federal Highways Act and any Regulations made under these Laws shall where no special penalty is provided in this Act, be liable on conviction to a fine of N2,000.00 or to imprisonment for a term not less than 6 months, or to both such fine and imprisonment.

Amendment Proposed:

Leave out the figure "6" and insert the figure "3" instead thereof (Senator Udoma Udo Udoma).

Question that the amendment be made, put and agreed to.

Another Amendment Proposed:

Leave out the words "or to both such fine and imprisonment" and insert the words "in default of payment" (Senator Oserheimen A. Osunbor).

Question that the amendment be made, put and agreed to.

Committee's Recommendation:

That the provision in Clause 11 be retained (Senator Ike Ekweremadu) — Agreed to.

Question that Clause II as amended do stand part of the Bill put and agreed to.

Clause 12:

Ranks of Members of Road Safety Corps:

- (1) Members of the Corps shall bear such ranks and designations as may be assigned to them by the Commission in the following order:
- (a) Corps Marshal
 - (b) Deputy Corps Marshal (DCM)

- (c) Assistant Corps Marshal (ACM)
- (d) Corps Commander (CC)
- (e) Deputy Corps Commander (DCC)
- (f) Assistant Corps Commander (ACC)
- (g) Chief Route Commander (CRC)
- (h) Superintendent Route Commander (SRC)
- (i) Route Commander (RC)
- (l) Deputy Route Commander (DRC)
- (k) Assistant Route Commander (ARC)
- (l) Chief Road Marshal (CRM)
- (m) Deputy Chief Road Marshal (DCRM)
- (n) Assistant Chief Road Marshal (ACRM)
- (o) Principal Road Marshal (PRM)
- (p) Senior Road Marshal (SRM)
- (q) Road Marshal 1 (RM1)
- (r) - Road Marshal 11 (RM11)
- (s) Chief Road Marshal Assistant (CRMA)
- (t) Senior Road Marshal Assistant (SRMA)
- (ii) Road Marshal Assistant (RMA I)
- (v) Road Marshal Assistant (RMA II)
- (w) Road Marshal Assistant (RMA III) (*Senator Ike Ekweremadu*).

- (2) The qualification for the appointment of members of the Corps shall be in accordance with the rules made by the Commission for that purpose.

Committee's Recommendation:

That the provision in Clause 12 be retained (*Senator Ike Ekweremadu*) — Agreed to.

Question that Clause 12 do stand part of the Bill put and agreed to.

Clause 13:

Route Commanders:

Members of the Corps shall perform such functions as may, from time to time be assigned to them by the Commission.

Committee's Recommendation:

That the provision in Clause 13 be retained (*Senator Ike Ekweremadu*) — Agreed to.

Question that Clause 13 do stand part of the Bill put and agreed to.

- Clause 14: Declaration of Interest by Members:
- (1) A person shall before he is appointed as a member of the Corps, be required to declare his interest, if any, in any transport or other business organization undertaking transportation of passengers, or goods or engaged in the manufacturing or sale of any equipment used by the Corps.
 - (2) A member of the Corps who acquires any financial interest in any organization undertaking transportation of passengers or goods or in the production or sale of any equipment used by the Corps shall, within one month of such acquisition, give notice thereof in writing to the Commission specifying the interest so acquired and the Commission may, after taking into consideration all the circumstances of the case, decide whether-
 - (a) to retain him as a member of the Corps; or
 - (b) to remove him from such membership; or
 - (c) attach any condition to his membership.

Committee's Recommendation:

That the provision in Clause 14 be retained (*Senator Ike Ekweremadu*) — *Agreed to.*

Question that Clause 14 do stand part of the Bill put and agreed to.

- Clause 15: Provision of Equipment:
- The Commission shall provide for the service of members of the Corps such equipment as the Commission may consider necessary for the effective and efficient discharge of the functions conferred by and under this Act; including the provision of uniforms, identification cards, light reflecting night garments, raincoats, high-powered motor-cycles, motor cars, ambulances, recovery vehicles, powerful torches, two-way mobile radio, telephone sets and any other necessary communication gadgets.

Committee's Recommendation: - That the provision in Clause 15 be retained (*Senator Ike Ekweremadu*) — *Agreed to.*

Question that Clause 15 do stand part of the Bill put and agreed to.

- Clause 16: Jurisdiction and Operational Zones:
- The operation of the Corps shall cover all public highways.

Committee's Recommendation:

That the provision in Clause 16 be retained (*Senator Ike Ekweremadu*) ~ *Agreed to.*

Question that Clause 16 do stand part of the Bill put and agreed to.

- Clause 17: Immunity and Protection of Members:
- (1) No suit shall be commenced against the Commission on or before the expiration of a period of one month after written notice of intention to commence the suit shall have been served upon the Commission or the Corps by the intending plaintiff or his agent, and the notice shall clearly and explicitly state the cause of action, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims
*
 - (2) In addition to the provisions of the Public Officers Protection Act, Cap 379 Laws of the Federation of Nigeria 1990 a member of the Corps shall not, when on duty and in uniform and operating on the route to which he is assigned, be liable for any act validly done by him in the exercise of his duties and within the limit of the powers as conferred on him by this Act or any rules or regulations made thereunder and a non-uniformed Marshal shall, when on duty and operating on the route to which he is assigned, enjoy the immunity granted to a uniformed Marshal by this section.

Amendment Proposed:

Leave out the provision in Subsection 17(2) (Senator Dalhatu S. Tafida).

Question that the amendment be made, put and agreed to.

- (3) Any person who obstructs a member of the Corps in the performance of his duties shall be liable on conviction to a **fine of** two thousand naira or to imprisonment for six months or to both such fine and imprisonment.
- (4) Any person who assaults a member of the Corps in the performance of his duties shall be liable on conviction to a fine of ten thousand naira or to imprisonment for six months or to both such fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 17 be retained (*Senator Ike Ekweremadu*) —*Agreed to.*

Question that Clause 17 as amended do stand part of the Bill put and agreed to.

Clause 18: Members To Be Regarded As Persons In The Public Service Of The Federation, etc. Cap. 62:

- (1) Service by members of the Corps under this Act shall be deemed to be Public Service of the Federation within the provisions of section 318 (1) of the Constitution of the Federal Republic of Nigeria, 1999.
- (2) The Commission may require any person employed as a member of the Corps to undergo such course of training related to the functions of the Corps under this Act and at such institutions or organizations, as the Commission may, from time to time, decide.

Committee's Recommendation:

That the provision in Clause 18 be retained (*Senator Ike Ekweremadu*) *Agreed to.*

Question that Clause 18 do stand part of the Bill put and agreed to.

Clause 19: Allocation of Service Numbers:

- (1) Every member of the Corps shall have allocated to him, a service number, which shall be prefixed against his name in the register of members to be kept by the Commission.
- (2) The service number shall be the identity number of the member and shall be affixed in the case of a uniformed Marshal on the shoulder flap or such other conspicuous part of his uniform as the Commission may decide.
- (3) A uniform member of the Corps shall be in his uniform whenever he is on duty in his office or on the highway provided that Legal Officers, Medical Officers, Paramedics and Intelligence Officers are allowed to be in **their** professional outfit as may be required in carrying out their professional duties.
- (4) Special power of the members of the Corps

For the purpose of carrying out or enforcing the provisions of this Act, such members of the Corps, as may be determined by the Commission, exposed to high risk in the enforcement of the provisions of this Act, shall have the same powers, authorities and privileges including power to bear arms as are given by law to members of the Nigeria Police.

Committee's Recommendation:

That the provision in Clause 19 be retained (*Senator Ike Ekweremadu*) —*Agreed to.*

Question that Clause 19 do stand part of the Bill put and agreed to.

Decree 35, 1992. Clause**19A: Special Power of the Members of the Corps:**

For the purpose of carrying out or enforcing the provisions of this Act, such members of the Corps, as may be determined by the Commission, exposed to high risk in the enforcement of the provisions of this Act, shall have the same powers, authorities and privileges including power to bear arms as are given by law to members of the Nigeria Police.

Committee's Recommendation:

That the provision in Clause 19A be retained (*Senator Ike Ekweremadu*) — *Agreed to.*

Question that Clause 19A do stand part of the Bill put and agreed to.

Chairman to report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Federal Character and Governmental Affairs on the Federal Road Safety Commission Act (Amendment) Bill 2006 and approved as follows:

Clause 11	—	As Amended
Clauses 12—16	—	As Recommended
Clause 17	—	As Amended
Clauses 18—19	—	As Recommended

Further consideration of the Bill deferred to the next legislative day.

Question; that the Senate do approve the Report of the Committee of the Whole; resolved in the Affirmative.

6. Confirmation of Ministerial Nominees:

Screening of nominees stood down to a later date.

7. Committee on Judiciary, Human Rights and Legal Matters:

Report on the Screening of Three Honourable Justices of the Supreme Court of Nigeria:

Motion made and Question Proposed: That the Senate do receive and consider the Report of the Committee on Judiciary, Human Rights and Legal Matters, on the screening of nominees as Justices of the Supreme Court of Nigeria and approve the recommendations (*Senator Oserheimen A. Osunbor*).

(i)	Hon. Justice P.O. Aderemi	South West
(ii)	Hon. Justice I. T. Mohammed	North East
(iii)	Hon. Justice C. M. Chukwuma-Eneh	South East

Recommendation:

"That the Senate do confirm the nominations of the three nominees as Justices of the Supreme Court of Nigeria" (*Senator Oserheimen A. Osunbor*).

Motion made and Question Proposed: That the Senate resolve into the Committee of the Whole to consider the Report (*Senate Majority Leader*).

Question put and agreed to.

(SENATE IN THE COMMITTEE OF THE WHOLE)

Confirmation of nominees as Justices of the Supreme Court of Nigeria.

Nominees recommended:

- | | | | | |
|-------|----------------------------------|------------|---|-------------------|
| (i) | Hon. Justice P.O. Adererai | South West | — | <i>Agreed to.</i> |
| (ii) | Hon. Justice I. T. Mohammed | North East | — | <i>Agreed to.</i> |
| (iii) | Hon. Justice C. M. Chukwuma-Eneh | South East | — | <i>Agreed to.</i> |

That the Chairman report progress.

(SENATE IN PLENARY)

The Senate President reported that the Senate in the Committee of the Whole considered the Report of the Committee on Judiciary, Human Rights and Legal Matters on the confirmation of three nominees as Justices of the Supreme Court of Nigeria and approved the recommendation.

Confirmation:

Question:

"Will the Senate confirm the nomination of Hon. Justice P.O. Aderemi as Justice of the Supreme Court of Nigeria?" — *Resolved in Affirmative.*

Nomination of Hon. Justice P.O. Aderemi as Justice of the Supreme Court of Nigeria accordingly confirmed.

Question:

"Will the Senate confirm the nomination of Hon. Justice I. T. Mohammed as Justice of the Supreme Court of Nigeria?" — *Resolved in Affirmative.*

Nomination of Hon. Justice I. T. Mohammed as Justice of the Supreme Court of Nigeria accordingly confirmed.

Question:

"Will the Senate confirm the nomination of Hon. Justice C. M. Chukwuma-Eneh as Justice of the Supreme Court of Nigeria?" — *Resolved in Affirmative.*

Nomination of Hon. Justice C. M. Chukwuma-Eneh as Justice of the Supreme Court of Nigeria accordingly confirmed.

8. Adjournment:

Motion made and Question Proposed: That the Senate do adjourn till Tuesday, 19th December, 2006 at 10.00 a.m. (*Senate Majority Leader*).

Adjourned accordingly at 1.55p.m.

Ken Nnamani
President of the Senate