



SENATE OF THE FEDERAL
REPUBLIC OF NIGERIA
VOTES AND PROCEEDINGS

Tuesday, 6th February, 2007

1. The Senate met at 10:25 a.m. The Senate President read Prayers.
2. Votes and Proceedings:
The Senate President announced that he had examined the Votes and Proceedings of Thursday, 1st February, 2007 and approved same.

By unanimous consent, the Votes and Proceedings were approved.

3. Announcement:
The Senate President announced the presence of Legislative Officers and Verbatim Reporters from the Lagos State House Assembly and Students of Pace Setters Academy, Wuse Abuja in the gallery to observe Senate proceedings.

Conference Committees:
Council for the Regulation of Freight Forwarders in Nigeria Bill 2007 (H8. 128):
The Senate President announced the following as Senate Conferees:

(i)	Senator Dr Ugochukwu Uba	Chairman
(ii)	Senator Musiliu M. Obanikoro	Vice Chairman
(iii)	Senator Jonathan S. Zwingina	Member
(iv)	Senator Clement K. Awoyelu	Member
(v)	Senator Marnman B. Ali	Member
(vi)	Senator Gbenga Ogunniya	Member
(vii)	Senator Cosmas G. Niagwan t	Member
(viii)	Senator Lawal Shuaibu	Member
(ix)	Senator Yushau M. Anka	Member
(x)	Senator Patrick E. Osakwe	Member
(xi)	Senator Oserhiemen A. Osunbor	Member

5. Conference Committees:

Agricultural Development Fund (Establishment, etc) Bill 2007 (SB. 98):

The Senate President named the following as Senate Conferees:

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|--------|------------------------------|---|---------------|
| (i) | Senator Oladapo H. Ehinlanwo | — | Chairman |
| (ii) | Senator Christopher Nshii | — | Vice Chairman |
| (iii) | Senator Ittak B. Ekarika | — | Member |
| (iv) | Senator Bassey Ewa-Henshaw | — | Member |
| (v) | Senator Muktar M. Aruwa | — | Member |
| (vi) | Senator Ifeanyi G. Araraume | — | Member |
| (vii) | Senator Usman S. Danboyi | — | Member |
| (viii) | Senator Umaru Dahim | — | Member |
| (be) | Senator Shehu U. Albishir | — | Member |
| (x) | Senator Musiliu M. Obanikoro | — | Member |

6. Closed Session:

Motion made and Question Proposed: That the Senate do resolve into a Closed Session to deliberate on matters affecting the workings of the Senate (*Senate Majority Leader*).

Question put and agreed to.

Senate in Closed Session — 10: 50 a.m.

Senate in Open Session — 12: 20 p.m.

The Senate President reported that the Senate in the Closed Session deliberated on the observed departure from the norms of forwarding Bills to the President, Commander-in-Chief for assent. He stated that even though the Nigerian Minerals and Mining Bill 2007 had been assented to by the President, Commander-in-Chief, due legislative process had not been completed before forwarding the Bill to him. To remedy that, he said, a clean copy of the Bill with the relevant Votes and Proceedings will be re-transmitted to the President, Commander-in-Chief, for a fresh assent as the one already assented to has no legal backing.

The Senate President also reported that the Senate had set up an Ad-Hoc Committee to look into the matter in order to find out how the breach occurred.

Further, he reported that the Senate also considered the demolition of the residence of the Senate Deputy Majority Leader, Senator Jonathan S. Zwingina, and resolved that since there are other related cases, the Committee handling such matters which is headed by Senator Idris I. Kuta should submit its report to the Senate for the Senate to take a holistic view of the problem.

7. Committee on Aviation:

Report on the Screening of Nominee:

Motion made and Question Proposed: That the Senate do receive and consider the Report of the Committee on Aviation, on the screening of Dr. Harold Olusegun Demuren, as the Director-General of the Nigerian Civil Aviation Authority, NCAA (*Senator Muhammad Ibrahim*).

Question put and agreed to.

Report presented and Laid.

Motion made and Question Proposed: That the Senate do resolve into the Committee of the Whole to

consider the Report (*Senate Majority Leader*).

V

(SENATE IN THE COMMITTEE OF THE WHOLE)

Report of the Committee on Aviation on the Screening of Dr. Harold Olusegun Demuren, as the Director-General of the Nigerian Civil Aviation Authority (NCCA).*Nominee Recommended.*

Dr. Harold Olusegun Demuren

*Debate.**Question:**"Will the Committee approve the nomination of Dr. Harold Olusegun Demuren as the Director-General of the Nigerian Civil Aviation Authority (NCCA)?" — 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 Aviation on the screening of Dr. Harold Olusegun Demuren as the Director-General of the Nigerian Civil Aviation Authority (NCCA) and approved the recommendation.

Question: That the Senate do approve the Report of the Committee of the Whole — *Resolved in the Affirmative.* ,

*Confirmation:**Question:**"Will the Senate confirm the nomination of Dr. Harold Olusegun Demuren as the Director-General of the Nigerian civil Aviation Authority (NCCA)?" — Resolved in Affirmative.*

Nomination of Dr. Harold Olusegun Demuren as the Director-General of the Nigerian Civil Aviation Authority (NCCA) accordingly confirmed.

Committee on Federal Character and Governmental Affairs:*Report on the Federal Road Safety Commission (Amendment) Bill 2007 (SB, 57):*

Motion made and Question Proposed: That the Senate do resume the consideration of the Report of the Committee on Federal Character and Governmental Affairs, on the Federal Road Safety Commission (Amendment) Bill 2007 (SB. 57) (*Adjourned Debate - Wednesday, 17th January, 2007*) (*Senator Ike Ekweremadu*).

Question put and agreed to.

Motion made and Question Proposed: That the Senate do 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)

An Act to Establish the Federal Road Safety with the responsibility for Traffic Management, Preventing and Minimizing Accidents on the Highways, the Supervision of the Users of such Highways, the Regulations of Traffic thereon and Clearing of Obstructions on the Highways and for Educating Drivers, Motorists and Other Members of the Public Generally on the proper use of Highways, and to Provide for Other Matters Connected with Safety on the Highways.

PART II — ESTABLISHMENT, FUNCTIONS AND RANK OF MEMBERS OF ROAD SAFETY CORPS**PART III****Offences and Miscellaneous provisions**

Clause 21: Causing death by dangerous or reckless driving:

Any person who causes the death of another person by the driving of a motor vehicle on a highway dangerously recklessly shall be guilty of an offence and liable on conviction to imprisonment for a term not exceeding seven years

Committee's Recommendation:

That the provision in Clause 21 be retained (*Senator Iks Ekweremadu*) — *Agreed to.*

Question that Clause 21 do stand part of the Bill put and agreed to.

Clause 22: Dangerous driving on the highway:

- (1) Any person who drives a motor vehicle **on** a highway dangerously or recklessly shall be guilty of an offence and liable on conviction of a fine of fifty thousand naira or to imprisonment for a term not exceeding two years or to both such **fine** and imprisonment.
- (2) If upon the trial of a person for an offence against section 21 of this Act the court is not satisfied that the person driving was the cause of the death but is satisfied that he is guilty of dangerous or reckless driving the court may convict that person accordingly.

Committee's Recommendation:

That the provision in Clause 22 be retained (*Senator Ike Ekweremadu*) — *Agreed to.*

Question that Clause 22 do stand part of the Bill put and agreed to.

Driving under the influence of alcohol:

Any person, who drives a motor vehicle on a highway under the influence of intoxicating drugs or alcohol above 0.5 grammes per litre of alcohol or to such an extent as to be incapable of having proper control of such vehicle, shall be guilty of an offence and liable on conviction to a fine of five thousand Naira or to imprisonment a term not exceeding two years, or to both such fine and imprisonment.

Committee's Recommendation:

That the provision in Clause 23 be retained (*Senator Ike Ekweremadu*) — *Agreed to.*

Question that Clause 23 do stand part of the Bill put and agreed to.

Drivers of Motor Vehicles to have licences:

- (1) A person shall not drive on a highway a motor vehicle of any Class or description unless he is the holder of a valid driver's licence.
- (2) A person who acts in contravention of subsection (1) of this section shall be guilty of an offence and liable on conviction to a fine of ten thousand Naira.

Committee's Recommendation:

That the provision in Clause 24 be retained (*Senator Ike Ekweremadu*) — *Agreed to.*

Question that Clause 24 do stand part of the Bill put and agreed to.

Offences relating to licences and identification marks:

Any person who while driving on a highway is in possession of a forged driver's licence or forged documents shall be guilty of an offence and liable on conviction to a fine of twenty thousand naira.

Committee's Recommendation:

That the provision in Clause 25 be retained (*Senator Ike Ekweremadu*) — *Agreed to.*

Question that Clause 25 do stand part of the Bill put and agreed to.

Clause 26: Failure to report accidents on highways, etc:

- (1) **In** the case of accident on the highway the driver or person involved shall immediately or as soon as practicable report to the nearest Federal Road Safety Commission office or Police station for appropriate action.
- (2) Any person who fails to comply with subsection (1) of this section shall be guilty of an offence and liable on conviction to a fine of twenty thousand naira.

Committee's Recommendation:

That the provision in Clause 26 be retained (*Senator Ike Ekweremadu*) — *Agreed to.*

Question that Clause 26 do stand part of the Bill put and agreed to.

Clause 27: Overloading:

- (1) A driver shall not drive a vehicle on a highway with a load exceeding a capacity prescribed for that class or types of vehicle.
- (2) Any person who drives a vehicle in contravention of subsection 1 of this section commits an offence and is liable on conviction to a **fine** ten thousand naira

Committee's Recommendation:

That the provision in Clause 27 be retained (*Senator Ike Ekweremadu*) — *Agreed to.*

Question that Clause 27 do stand part of the Bill put and agreed to.

Clause 28: Offences in respect of which penalties are not elsewhere prescribed:

Where in respect of an offence under this Act no penalty is prescribed, the court may in the case of a first offence, impose a penalty by way of line of three thousand Naira or of imprisonment for a term of twelve months or both, and in respect of a second or any subsequent offence (whether of the same kind or not) the penalty shall be imprisonment for a term **of** eighteen months without an option of a fine unless the court otherwise considers that a fine will be appropriate in the circumstances.

Committee's Recommendation:

That the provision in Clause 28 be retained (*Senator Ike Ekweremadu*).

Amendment Proposed:

Immediately before the word "twelve" in line 3, *leave out* the word "**of**" and *insert* the words "not exceeding" instead **thereof** (*Senator Daniel I. Saror*).

Question that the amendment be made put and agreed to.

Question that Clause 28 as amended do stand part of the Bill put and agreed to.

Clause 29: Power of Corps member to Retain Driving Licence, etc:

- (1) A member of the Corps may demand and retain the driving licence and/or vehicle documents of a traffic offender to secure his compliance with payment of fine or appearance in court. On the payment of such fine or appearance in court the driving licence and/or vehicle document shall be returned to the driver **forthwith**.
- (2) Where a driving licence is retained, whether or not pursuant to this section, the member of the Corps retaining the licence shall issue a notice of offence sheet indicating the seizure and inform the person surrendering the licence to the address of the office of the Corps at which it may be reclaimed.

Committee's Recommendation:

That the provision in Clause 29 be retained (*Senator Ike Ekweremadu*) — *Agreed to.*

Question that Clause 29 do stand part of the Bill put and agreed to.

Clause 30:**Interpretation:**

In this Act, unless the context otherwise requires-

"Act" - means the Federal Road Safety Commission Act;

Question, That the word "Act" be as defined in the Interpretation to this Act, put and agreed to.

"Commission" means the Federal Road Safety Commission established under Section 1 (1) of this Act;

Question, That the word "Commission " be as defined in the Interpretation to this Act, put and agreed to.

"Corps" means the Federal Road Safety Corps established under section 11 (l)of the Act;

Question, That the word "Corps " be as defined in the Interpretation to this Act, put and agreed to.

"Dangerous driving" means driving in a manner that is risky, hazardous, perilous, careless, reckless, negligent, and unsafe in all circumstances of the case;

Question, That the words "Dangerous driving " be as defined in the Interpretation to this Act, put and agreed to.

"Federation" - means the Federal Republic of Nigeria..

Question, That the word "Federation " be as defined in the Interpretation to this Act, put and agreed to.

"Management" - means Corps Marshal and Chief Executive, Head of Departments and Corps Officers or as may be constituted by Corps Marshal and Chief Executive from time to time.

Question, That the word "Management" be as defined in the Interpretation to this Act, put and agreed to.

"Member" means a member of the Corps or, as the case may require, of the Commission and includes the Chairman of the Commission.

Question, That the word "Member" be as defined in the Interpretation to this Act, put and agreed to.

"President" means the President and Commander-in-Chief of the Armed Forces, Federal Republic of Nigeria.

Question, That the word "President" be as defined in the Interpretation to this Act, put and agreed to.

"Public Road" means Federal, State or any type of road, used for passage by commuters.

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Question, That the words "Public Road" be as defined in the Interpretation to this Act, put and agreed to.

Committee's Recommendation:

That the provision in Clause 30 be retained (Senator Ike Ekweremadu) — Agreed to.

Question that Clause 30 do stand part of the Bill put and agreed to.

- Clause 31:**
- (1) The following Acts are hereby repealed namely:
 - (a) Federal Road Safety Commission Act, CAP 141 Laws of the Federation 1990;
 - (b) Decree No 35, 1992.
 - (2) Without Prejudice to this Act, the National Road Traffic Regulations 2004 will remain in force until a new Regulation is made pursuant to this Act.

Clause 32: Short Title:

This Act may be cited as the Federal Road Safety Commission Act 2007

SCHEDULES

FIRST SCHEDULE

Proceedings of the Commission

1. **The** Commission may make standing orders regulating the proceedings of the Commission or of any committee thereof.
2. The quorum of the Commission shall be five and the quorum of any committee of the Commission shall be determined by the Commission.

Committee's Recommendation:

Leave out the provision in paragraph 2 and insert the following instead thereof:

- "2 The quorum of the Commission shall be four including the Chairman and the quorum of any committee of the Commission shall be determined by the Commission" (*Senator Ike Ekweremadu*) — *Agreed to.*

3. At any time while the office of the Chairman is vacant or the Chairman is, in the opinion of the Commission, temporarily or permanently unable to perform the functions of his office, a member of the Commission duly appointed by the Commission shall perform those functions and references in this Schedule to the Chairman shall be construed accordingly.

Committee's Recommendation:

Leave out the provision in paragraph 3 and insert the following instead thereof:

- "3. At any time the office of the Commission is vacant the Corps Marshal and Chief Executive shall carry out the functions of the Commission" (*Senator Ike Ekweremadu*) — *Agreed to.*

4.
 - (1) Subject to the provisions of any applicable Standing Orders, the Commission shall meet whenever summoned by the Chairman; and if the Chairman is required so to do by notice given to him by not less than three other members, he shall summon a meeting of the Commission to be held within twenty-one days from the date on which the notice is given.
 - (2) At any meeting of the Commission, the Chairman or, in his absence, any member duly appointed by the Commission, shall preside at that meeting.
 - (3) Where the Commission wishes to obtain the advice of any person on a particular matter, the Commission may co-opt him as a member for such period as it thinks fit, but a person who is a member by virtue of this sub-paragraph shall not be entitled to vote at any meeting of the Commission and shall not count towards a quorum.
5.
 - (1) The Commission may appoint one or more committees to carry out, on behalf of the commission, such of its functions as the Commission may determine.
 - (2) A committee appointed under this paragraph shall consist of the number of persons determined by the Commission and not more than one-third of those persons may be persons who are not members of the Commission; and a person other than a member of

the Commission shall hold office on the committee in accordance with the terms of the instrument by which he is appointed.

- (3) A decision of a committee of the Commission shall be of no effect until it is confirmed by the Commission.
6. The fixing of the seal of the Commission shall be authenticated by the signature of the Chairman or any other officer authorized generally or specially by the Commission or Corps Marshal "and Chief Executive to act for **that** purpose.

Question that Sections 1, 2, 3, 4, 5 and 6 under the Head "Proceedings of the Commission" stand part of the Schedule 1 to the Bill —'Agreed to. ■

SECOND SCHEDULE

Offences

Penalty
N -: K

- (a) light/sign violation..... N2,000.00
- (b) Road obstruction..... N3,000.00
- (c) Route violation N5,000.00
- (d) Speed limit violation..... N3,000.00
- (e) Vehicle licence violation... N3,000.00
- (f) Vehicle Number plate violation... N3,000.00
- (g) Driver's licence violation N 10,000.00
- (h) Wrongful overtaken..... N3,000.00
- (i) Road marking violation..... N5,000.00
- (j) Caution sign violation N3,000.00
- (k) Dangerous driving N50,000.00
- (l) driving under alcohol/drug influence N5,000.00
- (m) operating a vehicle with forged documents.... N20,000.00
- (n) unauthorized removal of or tampering with road signs..... N5,000.00
- (o) DO NOT MOVE violation..... N2,000.00
- (p) Inadequate Construction warning..... N50,000.00
- (q) Construction area speed limit violation N3,000.00
- (r) Failure to move over..... N3,000.00
- (s) Failure to cover unstable materials N5,000.00
- (t) Overloading..... N10,000.00
- (u) driving with worn-out tyre or without spare tyre N3,000.00
- (v) driving without or with shattered windscreen..... N2,000.00