

FEDERAL ROAD SAFETY COMMISSION (ESTABLISHMENT) ACT, 2007**ARRANGEMENTS OF SECTIONS****SECTION :**

1. Establishment and Composition of the Federal Road Safety Commission.
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FEDERAL ROAD SAFETY COMMISSION (ESTABLISHMENT) ACT, 2007

2007 ACT No. 22

AN ACT TO REPEAL THE FEDERAL ROAD SAFETY COMMISSION ACT, CAP. 141 LFN, 1990 (AS AMENDED) TO ESTABLISH THE FEDERAL ROAD SAFETY COMMISSION WITH THE RESPONSIBILITY FOR TRAFFIC MANAGEMENT, PREVENTING AND MINIMIZING ACCIDENTS ON THE HIGHWAYS, THE SUPERVISION OF USERS OF SUCH HIGHWAYS, THE REGULATION OF TRAFFIC THEREON AND CLEARING OF OBSTRUCTIONS ON ANY PART OF THE HIGHWAYS AND FOR EDUCATING DRIVERS, MOTORISTS AND OTHER MEMBERS OF THE PUBLIC GENERALLY ON THE PROPER USE OF HIGHWAYS; AND FOR RELATED MATTERS TO SAFETY ON THE HIGHWAYS

[25th Day of May, 2007]

ENACTED by the National Assembly of the Federal Republic of Nigeria—

PART 1—ESTABLISHMENT, FUNCTIONS AND POWERS OF THE FEDERAL ROAD SAFETY COMMISSION

1.—(1) There is established for Nigeria a Federal Road Safety Commission (in this Act referred to as “the Commission”) which shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name and whose members shall exercise the functions specified in this Act.

(2) The Commission shall consist of—

(a) a Chairman and five other persons to be appointed by the President on part-time basis;

(L) the Corps Marshal who shall be the Chief Executive of the Corps.

(3) The provisions of the First Schedule to this Act shall apply with respect to the proceeding of the Commission and the other matters provided therein.

2.—(1) Subject to subsection (2) of this section, a member of the Commission, other than ex-officio member, shall hold office for a period of four years.

(2) Notwithstanding anything to the contrary in the letter by which he is appointed, a member of the Commission other than an ex-officio member, may at any time resign his appointment by writing under his hand, a letter addressed to the President, and the membership of the person concerned shall terminate on the date of receipt of the letter of resignation.

(3) The President may at any time remove a member from office if in his opinion it is in the interest of the Commission or of the nation for such member to be removed from the Commission.

3. The Commission shall be charged with the responsibility for—

(a) policy making;

(b) appointing suitable persons as:

(i) Deputy Corps Marshals;

(ii) Assistant Corps Marshals;

(iii) Corps Commanders;

Commence-
ment.

Establishment
and
Composition
of the
Federal Road
Safety
Commission.

First
Schedule.

Tenure of
Office of
members of
the
Commission.

Responsibilities
of the
Commission.

- (iv) Deputy Corps Commanders ;
- (v) Assistant Corps Commanders ;
- (vi) Chief Route Commanders ;
- (vii) Superintendent Route Commanders ;
- (viii) Route Commanders ;
- (ix) Deputy Route Commanders ;
- (x) Assistant Route Commanders ;

**Delegation
of Powers.**

4. The Commission may, subject to such conditions as it may think fit, delegate any of its powers under this Act to any of its members or to the Corps Marshal or to any member of the Corps.

**Power to
make
Regulations.**

5. The Commission may make regulations generally for the carrying out of the objectives of this Act and, in particular, may make regulations relating to—

- (a) ranks ;
- (b) hours of duty and leave of members of the Corps ;
- (c) the procedure and terms of appointment of members of the Corps ;
- (d) subject to the provisions of this Act, the qualification for appointment of members of the Corps or any rank and the procedure for promotion to any such rank ;
- (e) the maintenance of discipline among members of the Corps ;
- (f) the establishment, investigation and certification of driving schools ;
- (g) designing and producing driver's license and vehicle number plates to be used by various categories of vehicles ;
- (h) registration, licensing, road worthiness of vehicles, driver's license, use of expressways, use and construction of vehicle highway codes and in general on human, vehicular and environmental factors to make the highways safe ;
- (i) establishment of road side clinics for the treatment of accident victims ;
- (j) establishment and regulation of ambulance services ;
- (k) the speed at which motor vehicles of any class or description may be driven either generally on any specified highway or within a defined area ;
- (l) the construction of motor vehicles and trailers, and may, in particular make regulations with respect to the following matters—
 - (i) the width, height and length of motor vehicles and trailers and the load carried thereby, the diameter of wheels, and the width, nature and condition of tyres of motor vehicles and trailers,
 - (ii) the emission of smoke and of visible vapour, sparks, ashes and grits,
 - (iii) excessive noise from vehicles,
 - (iv) the maximum laden weight of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area thereof by a motor vehicle or trailer of any class or description or by any part or parts of such a vehicle or trailer in contact with the road and the conditions under which the weights may be required to be tested,

- (v) the particulars to be marked on motor vehicles and trailers,
- (vi) the towing or drawing of vehicles by motor vehicles,
- (vii) the number and nature of brakes, and any device for ensuring that brakes, silencers and steering gear are efficient and kept in proper working order,
- (viii) the appliances to be fitted for signalling the approach of a motor vehicle or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or for intimating any intended change of speed or direction of motor vehicles, and the use of such appliance, and for ensuring that they are efficient and kept in proper working order, and
- (ix) for prohibiting the use of appliances fitted to motor vehicles for signalling their approach, at any time, or in any specified part of a highway,
- (m) the supervision of the user of highways ;
- (n) the restriction or exclusion of type or class of vehicles ;
- (o) the restriction of the use of highways by any breed of animals ;
- (p) the line to be kept on a highway and the direction to be followed by vehicles ;
- (q) the prohibition of parking or waiting on, or, as the case may be, for prescribing specified parking or waiting places, and the provision of space reasonably required for vehicles approaching or leaving premises adjoining a highway ;
- (r) generally ensuring the uninterrupted flow of vehicular and pedestrian traffic ;
- (s) implementation of highway regulations made by the States and the Federal Capital Territory, Abuja in respect of the proof of ownership of a vehicle, the registration and such other matters pertaining to making the highways safe ;
- (t) with the approval of the National Assembly, regulation fines payable by offenders ; and
- (u) on-road safety matters.

6. —(1) The President may give directive of the general or a special character to the Commission relating to the performance by the Commission of any or all of its functions under this Act or the policy to be followed by the Commission in the exercise of its functions and the Commission shall comply with and give effect to such directives.

Directives of
the
President.

(2) The Commission shall furnish the President with such information and returns relating to its current and proposed activities as the President may, from time to time, require and the Commission shall give to the President all facilities for verifying the information or returns so furnished.

7. —(1) There shall be a Corps Marshal of the Corps who shall be appointed by the President and who shall be a person possessing sound knowledge or ability in the organisation and administration of road traffic and road safety matters.

Appointment
of Corps
Marshal.

(2) The Corps Marshal shall be the Chief Executive of the Corps and shall, without prejudice to his powers to delegate in appropriate circumstances, be exclusively responsible for the execution of the policies and decisions of the Commission and for carrying into effect the day-to-day activities of the Corps.

(3) Without prejudice to the provisions of subsection (2) of this section, the Corps Marshal shall—

- (a) exercise general supervision and control over members of the Corps and the other staff of the Commission including Special Marshals ;
- (b) direct the activities of members of the Corps and of the officers and servants of the Commission ;
- (c) manage the Commission's financial affairs ;
- (d) deploy the human and material resources of the Commission in such manner as will best ensure the attainment of aims and objectives of this Act ; and
- (e) appoint Marshals and other servants or agents of the Commission.

Funds and
resources of
the
Commission.

8. The Funds of the Commission shall consist of—

- (a) such funds as budgetary allocations, trust funds, subventions, grants-in-aid and loans as may, from time to time, be made by the Federal Government ;
- (b) such sums or property which may, from time to time by way of loans or grants and gifts accrue to the Commission from any other Government, non-governmental bodies or individuals ; and
- (c) other monies received by the Commission which may in any way, become payable to or vested in the Commission by way of gifts, grants-in-aid and testamentary disposition.

(2) All monies received by or on behalf of the Commission shall be receipted and shall be paid into the Government Treasury within 24 hours of receipt or the next working day.

Accounts and
application
of the funds
of the
Commission.

9.—(1) The Commission shall keep proper accounts, in a form which conforms to accepted commercial standards, of its receipts, payments, assets and liabilities and shall submit the accounts annually, for auditing by a qualified auditor from the list of auditors supplied by the Auditor-General of the Federation.

(2) The Commission may, from time to time apply, its funds to—

- (a) the general administration of the Commission ;
- (b) the payments of salaries, allowances and other emoluments and benefits accruing to the members and staff of the Corps ;
- (c) expenses of Committees of the Commission duly approved by the Commission ;
- (d) acquire and maintain any property for the use of the Commission ; and
- (e) any other expenses that is necessary for staff welfare or for carrying into effect of the provisions of this Act.

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

Establishment,
Functions,
etc. of the
Federal Road
Safety Corps.

10.—(1) There is 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 State Governments including the Federal Capital Territory Administration and relevant governmental agencies on the localities where such works and devices are required ; and

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

- (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 or 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 or nearest police post so that necessary measures may be taken to effect the removal of the breakdown vehicles from the highway ;
- (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—
 - (i) the route to be followed by vehicles generally or by vehicles of the class to which the vehicle belongs ;
 - (ii) the roads which are to be used for traffic by such vehicles ; or
 - (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 Corps 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;
- (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 passengers' 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;
- (gg) 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; or
- (jj) using a motor vehicle for purposes other than that for which it is licensed.

(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 detain 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 ₦200.00 (two hundred naira) for every day or part thereof of such detention in addition to any other penalty which may have been prescribed under this Act ;

Provided that if the driver or owner of the vehicle fails 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.

(c) endorse, after conviction, any driving licence indicating the offence committed by its holder ;

(d) seize, when necessary, the driver's licence of any person suspected to have 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 ;

(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 ;

(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 ; and

(i) arrest and prosecute an offender offering bribe to a member of the Corps or attempting to corrupt a marshal on duty.

(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 fails 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 in the Federal Capital Territory, Abuja, or the State within which the offence is committed.

(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) A person who 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 ₦2,000.00 or to imprisonment for a term not more than 3 months in case of default of payment.

11.—(1) Members of the Corps shall bear such ranks and designations as may be assigned to them by the Commission in the following order—

Ranks of
members of
the Corps.

- (a) Deputy Corps Marshal (DCM);
- (b) Assistant Corps Marshal (ACM);
- (c) Corps Commander (CC)
- (d) Deputy Corps Commander (DCC);
- (e) Assistant Corps Commander (ACC);
- (f) Chief Route Commander (CRC);
- (g) Superintendent Route Commander (SRC);
- (h) Route Commander (RC);
- (i) Deputy Route Commander (DRC);
- (j) Assistant Route Commander (ARC);
- (k) Chief Road Marshal (CRM);
- (l) Deputy Chief Road Marshal (DCRM);
- (m) Assistant Chief Road Marshal (ACRM);
- (n) Principal Road Marshal (PRM);
- (o) Senior Road Marshal (SRM);
- (p) Road Marshal I (RMI);
- (q) Road Marshal II (RMII);
- (r) Chief Road Marshal Assistant (CRMA);
- (s) Senior Road Marshal Assistant (SRMA);
- (t) Road Marshal Assistant (RMA I);
- (u) Road Marshal Assistant (RMA II);
- (v) Road Marshal Assistant (RMA III);

(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.

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

Corps
Members.

13.—(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.

Declaration
of interest by
Members of
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 to—

- (a) retain him as a member of the Corps ;
- (b) remove him from such membership ; or
- (c) attach any condition to his membership.

Provision of
Equipment.

14. 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 gadget.

Jurisdiction
and
Operational
Zones.

15. The operation of the Corps shall cover all public highways.

Pre-action,
notice or
obstruction
and assault of
a member of
the Corps.

16.—(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—

- (a) the cause of action ;
- (b) the particulars of the claim ;
- (c) the name and place of abode of the intending plaintiff ; and
- (c) the relief which he claims.

(2) A 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.

(3) A 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.

Members to
be regarded
as persons in
the Public
Service of
the
Federation.

17.—(1) The 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 under go 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.

Allocation of
service
numbers.

18.—(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.

(C) 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.

19.—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.

Special power of the members of the Corps.

PART III—OFFENCES AND MISCELLANEOUS PROVISIONS

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

Causing death by dangerous or reckless driving.

21.—(1) A 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 or a term not exceeding two years or to both such fine and imprisonment.

Dangerous driving on the highway.

(2) If upon the trial of a person for an offence against section 20 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.

22. A 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 be liable on conviction to a fine of five thousand Naira or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

Driving under the influence of alcohol.

23.—(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.

Drivers of motor vehicles to have licences.

(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.

24. A 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 be liable on conviction to a fine of twenty thousand naira.

Offences relating to licences and identification marks.

25.—(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.

Failure to report accidents on highways, etc.

(2) Any person who fails to comply with subsection (1) of this section shall be guilty of an offence and be liable on conviction to a fine of twenty thousand naira.

Overloading.

26.—(1) A driver shall not drive a vehicle on a highway with a load exceeding a capacity prescribed for that class or type of vehicle.

(2) A person who drives a vehicle in contravention of subsection 1 of this section commits an offence and is liable on conviction to a fine of ten thousand naira.

Offences in respect of which penalties are not elsewhere prescribed.

27. 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 fine of three thousand naira or imprisonment for a term not exceeding twelve months or both, and in the case 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 more appropriate in the circumstances.

Power of Corps member to retain driving licence, etc.

28.—(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 of the address of the office of the Corps at which it may be reclaimed.

Repeal of Cap. 141 LFN, 1990 and Act No. 35 of 1992.

29.—(1) The following Acts are hereby repealed namely :

(a) Federal Road Safety Commission Act, CAP 141 Laws of the Federation 1990 ; and

(b) Act No 35, 1992.

(2) Without Prejudice to this Act, the National Road Traffic Regulations 2004 remain in force until a new regulation is made pursuant to this Act.

Interpretation.

30. In this Act—

“*Act*” means the Federal Road Safety Commission Act ;

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

“*Corps*” means the Federal Road Safety Corps established under section 11 (1) of the Act ;

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

“*Federation*” means the Federal Republic of Nigeria.

“*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.

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

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

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

31. This Act may be cited as the Federal Road Safety Commission (Establishment) Act, 2007. Short Title.

SCHEDULES

Section 1 (3)

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 four including the Chairman and the quorum of any committee of the Commission shall be determined by the Commission.

3.—(1) At any time the office of the Commission is vacant the Corps Marshal and Chief Executive shall carry out the functions of the Commission.

(2) At any time 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 reference in this Schedule to the Chairman shall be construed accordingly.

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.

Miscellaneous

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.

SECOND SCHEDULE		Section 10 (9)
Offences		Penalties
		₹ : k
1. Light or sign violation		2,000.00
2. Road obstruction		3,000.00
3. Route violation		5,000.00
4. Speed limit violation		3,000.00
5. Vehicle licence violation		3,000.00
6. Vehicle number plate violation		3,000.00
7. Driver's licence violation		10,000.00
8. Wrongful overtaking		3,000.00
9. Road marking violation		5,000.00
10. Caution sign violation		3,000.00
11. Dangerous driving		50,000.00
12. Driving under alcohol or drug influence		5,000.00
13. Operating a vehicle with forged documents		20,000.00
14. Unauthorized removal of or tampering with road signs		5,000.00
15. "Do Not Move" violation		2,000.00
16. Inadequate Construction warning		50,000.00
17. Construction area speed limit violation		3,000.00
18. Failure to move over		3,000.00
19. Failure to cover unstable materials.		5,000.00
20. Overloading		10,000.00
21. Driving with worn-out tyre or without spare tyre		3,000.00
22. Driving without or with shattered windscreen		2,000.00
23. Failure to fix red flag on projected load		3,000.00
24. Failure to report accident		20,000.00
25. Medical personnel or Hospital rejection of accident victim		50,000.00
26. Assaulting Marshal on duty		10,000.00
27. Obstructing Marshal on duty		2,000.00
28. Attempting to corrupt Marshal		10,000.00
29. Custody fee		₹200 per day after 24 hours
30. Driving without specified fire extinguisher		3,000.00
31. Driving a commercial vehicle without passenger manifest		10,000.00
32. Driving without seat belt		2,000.00
33. Use of phone while driving		4,000.00
34. Driving a vehicle while under 18 years		2,000.00
35. Riding a motor cycle without a crash helmet		2,000.00
36. Excessive smoke emission		5,000.00
37. Mechanically deficient vehicle		5,000.00

I certify, in accordance with section 2 (1) of the Acts Authentication Act, Cap. 4, Laws of the Federation of Nigeria 1990, that this is a true copy of the Bill passed by both Houses of National Assembly.

NASIRU IBRAHIM ARAB,
Clerk to the National Assembly
24th Day of June, 2007.

EXPLANATORY MEMORANDUM

This Act repeals the Federal Road Safety Commission Act, Cap. 141, Laws of the Federation of Nigeria, 1990 and establishes the Federal Road Safety Commission charged with the responsibility for traffic management, preventing and minimizing accidents on the highways, the supervision of users of such highways, the regulation of traffic and clearing of obstruction on any part of the highways, education of drivers and motorists and other members of the public generally.

The Act also prescribes penalties for violation of its provisions.

SCHEDULE TO FEDERAL ROAD SAFETY COMMISSION (ESTABLISHMENT) BILL, 2007

(1) <i>Short Title of the Bill</i>	(2) <i>Long Title of the Bill</i>	(3) <i>Summary of the Contents of the Bill</i>	(4) <i>Date passed by the Senate</i>	(5) <i>Date passed by the House of Representatives</i>
Federal Road Safety Commission (Establishment) Bill, 2007.	An Act to repeal the Federal Road Safety Commission Act, Cap. 141 LFN, 1990 (as amended) to establish the Federal Road Safety Commission with the responsibility for traffic management, preventing and minimizing accidents on the highways, the supervision of users of such highways, the regulation of traffic thereon and clearing of obstructions on any part of the highways and for educating drivers, motorists and other members of the public generally on the proper use of highways ; and for related matters to safety on the highways.	This Bill seeks to repeal the Federal Road Safety Commission Act, Cap. 141 LFN, 1990 (as amended) to establish the Federal Road Safety Commission with the responsibility for traffic management, preventing and minimizing accidents on the highways, the supervision of users of such highways, the regulation of traffic thereon and clearing of obstructions on any part of the highways and for educating drivers, motorists and other members of the public generally on the proper use of highways ; and for related matters to safety on the highways.	6th February, 2007.	8th May, 2007.

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



I ASSENT.

NASIRU IBRAHIM ARAB,
Clerk to the National Assembly
24th Day of May, 2007.

CHIEF OLUSEGUN OBASANJO, CFR
President of the Federal Republic of Nigeria
25th Day of May, 2007.