

A BILL

FOR

AN ACT TO PROTECT THE RIGHTS OF URBAN STREET VENDORS AND TO REGULATE STREET VENDING ACTIVITIES IN THE FEDERAL CAPITAL TERRITORY (FCT) AND FOR RELATED MATTERS

Sponsored by Hon. Lovette Ederin Idisi

[-] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria:

1 PART I - CONSTITUTION OF THE FEDERAL CAPITAL TERRITORY CITY
2 VENDING COMMITTEE, ETC.

3 1.-(1) The Minister shall constitute a City Vending Committee
4 which shall be known as the Federal Capital Territory City Vending
5 Committee (in this Bill referred to as "the Committee") to enforce the
6 provisions under this Bill:

Constitution of
the Federal Capital
Territory City
Vending Committee

7 Provided that the Minister may, if considered necessary, provide
8 for constitution of more than one Committee, for each ward, in each area
9 council.

10 (2) The Committee shall consist of the following members, that is:

11 (a) Secretary, FCT Area Council, who shall be the Chairperson;

12 and

13 (b) One person to represent each of the following:

14 (i) the FCT department or agency charged with the responsibility
15 for town planning;

16 (ii) the FCT department or agency charged with the responsibility
17 for environmental protection;

18 (iii) traffic Police;

19 (v) market and traders associations,

20 (vii) resident welfare associations,

1 (viii) banks.

2 (c) 5 persons to represent association of street vendors.

3 Provided that three of such members representing the association of street
4 vendors shall be from amongst women vendors:

5 Provided further that representation shall be given to the less
6 privileged and/or minorities and persons with disabilities.

7 (3) The Chairperson and the members constituted under sub-clause
8 (2) shall receive such allowances as may be prescribed by the Minister.

Meetings of
Town Vending
Committee

9 2. The Committee shall meet at such times and places as may be
10 provided by the Minister and shall observe such rules of procedure relating to
11 the transaction of business at its meetings, and discharge such functions, as
12 may be prescribed.

Temporary
association of
persons with
the Committee
for particular
purposes

13 3.-(1) The Committee may co-opt in such manner and for such
14 purposes, as may be prescribed, any person whose assistance or advice it may
15 desire, in carrying out any of the provisions of this Bill.

16 (2) A person co-opted under sub-clause (1) shall be paid such
17 allowances as may be prescribed.

Office space and
other employees
for the Committee

18 4. The Minister shall provide the Committee with appropriate office
19 space and such employees as may be prescribed.

Constitution of
ward city vending
committees

20 5. The Committee may where it becomes expedient for the discharged
21 of its duties, make recommendations to the Minister, in such manner and for
22 such purposes as may be prescribed, for the constitution of ward vending
23 committees,.

Publication of
street vendor's
charter and data-
base and carrying
out of social audit

24 6.-(1) The Committee shall publish the street vendor's charter
25 specifying therein the time within which the certificate of registration and
26 registration number shall be issued to a street vendor and the time within which
27 such certificate of vending shall be renewed and other activities to be
28 performed within the time limit specified therein.

29 (2) The Committee shall maintain an up-to-date record of registered
30 street vendors to whom certificate of vending has been issued containing name

1 of such street vendor, stall or area allotted to him, nature of business carried
2 out by him, category of street vending and such other particulars which may
3 be relevant to the street vendors, in such manner as may be prescribed.

4 (3) The Committee shall carry out social audit of its activities'
5 under the Bill or the rules or the schemes made thereunder in such form and
6 manner as may be specified in the scheme

7 7.-(1) Every person who has attained the age of eighteen years, or
8 as the case may be, the age prescribed by government, and intends to do
9 street vending, may make an application to the Committee for registration as
10 a street vendor.

Application for
registration

11 (2) Every application under sub-clause (1) shall be made in such
12 form and manner, accompanied by such documents and fees, as may be
13 specified in the scheme.

14 8.-(1) The Committee shall register all street vendors who make
15 application under clause 7 within such period; and in such manner', as may
16 be specified in the scheme.

Registration of
street vendors
and issue of
certificate of
registration

17 (2) The Committee shall not summarily reject any application
18 without giving the applicant an opportunity to rectify deficiencies, if any,
19 and affording him an opportunity of hearing.

20 (3) Where, on the completion of the period specified under sub-
21 clause (1), if the applicant does not receive any response about the
22 deficiencies in his application or the rejection of his application, he shall be
23 deemed to have been registered.

24 (4) If the Committee, or any officer authorized by it, is satisfied that
25 the application made under Clause 7 is in accordance with the provisions of
26 this Bill and the rules or schemes made hereunder, he shall issue a certificate
27 of registration to the applicant with a registration number assigned to it.

28 9. No person shall carry on or commence the business of street
29 vending unless he holds a certificate of vending issued under this Bill.

30 Provided that a person who has been issued a certificate of vending before

Persons not to
engage in street
vending without
obtaining
certificate
of vending

1 the commencement of this Bill (whether as a stationary vendor or a mobile
2 vendor or under any other category) shall be deemed to be a street vendor for
3 that category for the period for which he has been issued such certificate of
4 vending.

Issue of
certificate of
vending

5 **10.-(1)** Subject to the provisions of clause 7, the Committee or any
6 officer authorized by it may, subject to such conditions and restrictions as may
7 be specified in the scheme, issue a certificate of vending to every street vendor
8 who has been registered under, clause.

9 (2) The certificate of vending referred to in sub-clause (1) shall be
10 issued under any of the following categories, namely:

- 11 (a) a stationary vendor;
12 (b) a mobile vendor; or
13 (c) any other category as may be prescribed.

14 (3) The certificate of vending issued under sub-clause (1) shall be in
15 such form, and issued in such manner, as may be specified in the scheme and
16 specify the vending area where the street vendor shall carry on his vending
17 activities, the time limit for carrying on such vending activities and the
18 conditions and restrictions subject to which he shall carry on such vending
19 activities.

20 (4) Every street vendor who has been issued certificate of vending
21 under sub-clause (1) shall be issued identity cards or other means of
22 identification in such form and manner as may be specified in the scheme.

Criteria for issuing
certificate of
vending

23 **11.** The criteria to be followed by the Committee for issuing
24 certificate of vending to a street vendor shall be as specified in the scheme,
25 which may, apart from other things, provide for preference to the less
26 privileged, women, persons with disabilities, minorities or such other
27 categories as may be prescribed.

Vending fees

28 **12.** Every street vendor who has been issued certificate of vending
29 shall pay such reasonable vending fees as may be specified in the scheme.

1 13.-(1) Every certificate of vending shall be valid for such period
2 as may be specified in the scheme.

Validity and
renewal of
certificate of
vending

3 (2) Every certificate of vending shall be renewable for such period,
4 in such manner, and on payment of such fees, as may be specified in the
5 scheme.

6 14.-(1) Where a street vendor who has been issued a certificate of
7 vending under this Bill commits breach of any of the conditions thereof or
8 any other terms and conditions specified for the purpose of regulating street
9 vending under this Bill or any rules or schemes made hereunder, or where
10 the Committee is satisfied that such certificate of vending has been secured
11 by the street vendor through misrepresentation or fraud, the Committee
12 may, without prejudice to any other fine which may have been incurred by
13 the street vendor under this Bill, cancel the certificate of vending or suspend
14 the same in such manner as may be specified in the scheme and for such
15 period as it thinks fit:

Cancellation or
suspension of
certificate of
vending

16 Provided that no such cancellation or suspension shall be made by
17 the Committee unless an opportunity of hearing has been given to the street
18 vendor.

19 15.-(1) Any person who is aggrieved by any decision of the
20 Committee with respect to registration under clause 8 or issue of certificate
21 of vending under clause 10 or cancellation or suspension of certificate of
22 vending under clause 14 may appeal to the Street Vending Appeal Tribunal
23 established under clause 25 (1) in such form, within such period, and in such
24 manner, as may be specified in the scheme.

Appeal from
decision of the
Committee

25 (2) No appeal shall be disposed of by the Street Vending Appeal
26 Tribunal unless the appellant has been given an opportunity of hearing.

27 PART II - RIGHTS AND OBLIGATIONS OF STREET VENDORS

28 16.-(1) Every street vendor shall have right to carry on the business
29 of street vending activities in the vending area allotted to him in accordance
30 with the terms and conditions mentioned in the certificate of vending and the

Rights of street
vendor

1 scheme framed by the Committee.

2 (2) Notwithstanding the provisions contained in sub-clause (1),
3 where any area or space, as the case may be, has been earmarked as no-vending
4 zone, no street vendor shall carry out any vending activities in that zone.

Right of street
vendor for a new
site or area on
relocation

5 17. Every street vendor, who possesses a certificate of vending, shall,
6 in case of his relocation under clause 22, be entitled for new site or area, as the
7 case may be, for carrying out his vending activities as may be determined by
8 the Committee.

Duty of Vendors

9 18. Where a street vendor occupies space on a time sharing basis, he
10 shall remove his goods and wares every day at the end of the time-sharing
11 period allowed to him.

Maintenance of
cleanliness and
public hygiene

12 19. Every street vendor shall maintain cleanliness and public hygiene
13 in the vending area allotted to him and the adjoining areas.

Maintenance of
civic amenities
in vending area
in good condition

14 20. Every street vendor shall maintain civic amenities and public
15 property in the vending area in good condition and not damage or destroy or
16 cause any damage or destruction to the same.

Payment of
maintenance
charges

17 21. Every street vendor shall pay such periodic maintenance charges
18 for the civic amenities and facilities provided in the vending areas as may be
19 determined by the Federal Capital Territory Administration.

20 PART III - RELOCATION OF STREET VENDORS, THEIR EVICTION AND
21 PROCEDURE FOR CONFISCATION OF GOODS

Relocation or
eviction of street
vendors

22 22.-(1) The Committee shall, having regard to public nuisance or
23 obstruction of movement of general public caused by the street vendors, or for
24 any other public purpose, relocate such street vendors in such manner as may
25 be specified in the scheme.

26 (2) Where the Committee is satisfied that a street vendor has
27 consistently failed to comply with his duties and obligations under the Bill or
28 the rules and the scheme made hereunder, evict such street vendor in such
29 manner as may be specified in the scheme.

30 (3) No street vendor shall be relocated or evicted by the Committee

1 from the site or area allotted to him unless he has been given a 7-day notice
2 for the same in such manner as may be specified in the scheme.

3 (4) A street vendor shall be relocated or evicted by the Committee
4 physically in such manner as may be specified in the scheme only after he
5 had failed to vacate the site after the expiry of said period of notice under
6 sub-clause (3).

7 (5) Every street vendor who fails to relocate or vacate the site
8 allotted to him after the expiry of the said period of notice shall also be liable
9 to pay, for every day of such default, a penalty which may extend up to N5,
10 000 as may be determined by the Committee.

11 23.-(1) The Committee, in addition to evicting the street vendor
12 under clause 22, may, if it deems necessary, confiscate the goods of such
13 street vendor in such manner as may be specified in the scheme.

Confiscation and
reclaiming of goods

14 (2) The street vendor whose goods have been confiscated under
15 sub-clause (1) may, reclaim his goods in such manner, and after paying such
16 fees, as may be specified in the scheme.

17 24. No street vendor who carries on the street vending activities in
18 accordance with the terms and conditions of his certificate of vending shall
19 be prevented from exercising such rights by any person or police or any
20 other authority exercising powers under any other law for the time being in
21 force.

Prevention of
harassment by
Police and other
authorities

22 PART IV - DISPUTE RESOLUTION MECHANISM

23 25.-(1) The Minister shall, for the purpose of disposing of an
24 application received under sub-clause (2), constitute a Street Vending
25 Appeal Tribunal (in this Bill referred to as the Tribunal) consisting of a
26 person who is an equivalent of a magistrate and 4 other persons having such
27 experience in natural market and street vending activities as may be
28 prescribed

Redress of
grievances or
resolution of
disputes of street
vendors

29 (2) Every street vendor who has a grievance or dispute may make
30 an application in writing to the Tribunal constituted under sub-clause (1) in

1 such form and manner as may be prescribed.

2 (3) On receipt of the application made under sub-clause (n) the
3 Tribunal referred to in sub-clause (1) shall, after verification and enquiry in
4 such manner, as may be prescribed, take steps to redress such grievance or
5 resolution of such dispute, within such time and in such manner as may be
6 prescribed.

7 (4) Any person who is aggrieved by the decision of the Tribunal may
8 prefer an appeal to the Legal Services Secretariat of the Federal Capital
9 Territory Administration in such form, within such time and in such manner as
10 may be prescribed.

11 (5) The Legal Services Secretariat of the Federal Capital Territory
12 Administration shall dispose of the appeal received under sub-clause (4) within
13 such time and in such manner as may be prescribed:

14 Provided that the Legal Services Secretariat of the Federal Capital
15 Territory Administration shall, before disposing of the appeal, give an
16 opportunity of being heard to the aggrieved person.

17 PART V - PLAN FOR STREET VENDING

Preparation of street vending plan

18 26.-(1) The Committee, in consultation with the Federal Capital
19 Territory Administration charged with the responsibility of town planning,
20 once in every five years, make out a plan to promote a supportive environment
21 for the vast mass of urban street vendors to carry out their vocation, which shall
22 provide for matters contained in the First Schedule and in so doing determine
23 the planning norms for street vendors and notify the street vending plan so
24 submitted.

25 (2) The street vending plans prepared by the Federal Capital Territory
26 Administration shall be submitted to the Minister for approval.

27 PART VI - DUTIES OF THE MINISTER

Duties of the Minister

28 27. Notwithstanding anything contained in any other law for the time
29 being in force, the Minister shall carry out such duties under the provisions of
30 this Bill, that is:

1 (a) the overall supervision and monitoring of the scheme for street
2 vendors;

3 (b) monitoring effective functioning of the Committee;

4 (c) deciding appeals in respect of the registration, or issue of
5 certificate of vending, or the cancellation or suspension of certificate of
6 vending, of street vendors in the manner specified in the scheme;

7 (d) providing, in consultation with the Town Vending Committee
8 civic services;

9 (e) determining in consultation with the Committee, the manner of
10 collecting, through banks, designated paying points of the Committee, fee
11 for registration, use of parking space for mobile stalls and availing of civic
12 services;

13 (f) undertake in consultation with the Committee, comprehensive
14 digitalized photo census and survey of the existing number of street vendor's
15 with the assistance of such experts and in such manner as may be specified in
16 the scheme, for the purpose of accommodating street vendors within the
17 holding capacity of the vending areas; and .

18 (g) ensure that no street vending activities is carried out in a no-
19 vending area.

20 PART VII - MISCELLANEOUS

21 28.-(1) Nothing contained in this Bill shall be construed as
22 conferring upon a street vendor any temporary, permanent or perpetual right
23 of carrying out vending activities in the vending areas allotted to him or in
24 respect of any place on which he carries on such vending activity.

25 (2) Nothing contained in sub-clause (1) shall apply to any
26 stationery vendor, if a temporary leasehold or ownership right has been
27 conferred on him by a lease deed or otherwise, in respect of a place at
28 specific location where he carries on such vending activity in accordance
29 with the provisions under any law for time being in force for carrying out
30 such vending activity.

Provisions of
this Bill, not to
be construed as
conferring
ownership rights,
etc.

- Promotional Measures 1 29. The Minister may, in consultation with the Committee, Federal
2 Capital Territory department charged with the responsibility of town planning
3 authority and street vendors associations or unions undertake promotional
4 measures of making available credit, insurance and other welfare schemes of
5 social welfare for street vendors.
- Research, training and awareness 6 30. The appropriate Minister, may to the extent of availability of
7 financial and other resources:
8 (a) develop and organise capacity building programmes for street
9 vendors and on how to exercise the rights contemplated under this Bill;
10 (b) undertake research, education and training programmes to
11 advance knowledge and understanding of the role of the informal sector in the
12 economy, in general and the street vendors, in particular and to raise awareness
13 among the public through the Committee.
- Bill to have overriding effect 14 31. The provisions of this Bill shall have effect notwithstanding
15 anything inconsistencies therein contained in any other law for the time being
16 in force or in any instrument having effect by virtue of any law other than this
17 Bill:
18 Provided that where the mandate of the Abuja Environmental
19 Protection Agency or any other Act is not inconsistent with this Bill, then, the
20 Minister may apply all or any of the provisions of this Bill.
- Power to delegate 21 32. The Minister may, by general or special order in writing, delegate
22 such of its powers and functions under this Bill (excluding the power to frame
23 scheme under clause 35 and power to make rules under clause 33L as it may
24 deem necessary, to the local authority or the Town Vending Committee or any
25 other officer, subject to such conditions, if 40 any, as may be specified in that
26 order.
- Regulations 27 33.-(1) The Minister may, by notification, make regulations for
28 carrying out the provisions of this Bill.
29 (2) In particular and without prejudice to the generality of the

- 1 foregoing, such regulations may provide for all or any of the following
2 matters, namely:
- 3 (a) the age for street vending;
 - 4 (b) any other categories of street vendors under sub-section (2) of
5 clause 10;
 - 6 (c) other categories of persons under clause 11;
 - 7 (d) the persons and the experience such person shall have under
8 sub-clause (1) of clause 25;
 - 9 (e) the form and the manner of making application under sub-
10 clause (2) of clause 25;
 - 11 (f) the manner of verification and enquiry on receipt of grievance
12 or dispute, the time within which and the manner in which steps for
13 redressing grievances and resolving disputes may be taken under sub-clause
14 (3) of clause 25;
 - 15 (g) the form, the time within which and the manner in which an
16 appeal may be filed under sub-clause (4) of clause 25;
 - 17 (h) the time within which and the manner in which an appeal shall
18 be disposed of under sub-clause (5) of clause 25;
 - 19 (i) the term of, and the manner of constituting, the Committee
20 under sub-clause (1) of clause 1;
 - 21 (j) the number of other members of the Committee under
22 paragraph (b) of sub-clause (2) of clause 1;
 - 23 (k) the allowances to Chairperson and members under sub-clause
24 (3) of clause 1;
 - 25 (l) the time and place for meeting, procedure for transaction of
26 business at meetings and functions to be discharged by the Committee under
27 clause 2;
 - 28 (m) the manner and the purpose for which a person may be
29 associated under sub-clause (1) of clause 3;
 - 30 (n) the allowances to be paid to an associated person under sub-

1 section (2) of clause 3;

2 (o) the other employees of Committee under clause 4;

3 (p) the manner of, and the purposes for, constituting award vending
4 committee and the number of ward vending committees to be constituted under
5 clause 5;

6 (q) the manner of maintaining up to date record of all street vendors
7 under sub-clause (2) of clause 6;

8 (r) the manner of publishing summary of scheme under sub-section
9 (2) of Clause 35.

10 (3) Every regulation and scheme made under this Bill shall be laid, as
11 soon as may be after it is made, before the National Assembly for approval.

Power to make
bye-laws

12 **34.** Subject to the provisions of this Bill or any rule or scheme made
13 hereunder, the Minister may make bye-laws to provide for all or any of the
14 following matters, namely:

15 (a) the regulation and manner of vending in restriction-free-vending
16 areas, restricted-vending zones and designated vending areas;

17 (b) determination of monthly maintenance charges for the civic
18 amenities and facilities in the vending areas under clause 21;

19 (c) determination of penalty under sub-clause (5) of clause 22 and
20 clause 37;

21 (d) the regulation of the collection of taxes and fees in the vending
22 areas;

23 (e) the regulation of traffic in the vending areas;

24 (f) the regulation of the quality of products and services provided to
25 the public in vending areas and maintenance of public health, hygiene and
26 safety standards;

27 (g) the regulation of civic services in the vending areas; and

28 (h) the regulation of such other matters in the vending areas as may be
29 necessary.

1 35.-(1) For the purposes of this Bill, the Minister shall frame, by Scheme for
2 notification, a scheme which may specify all or any of the matters provided street vendors
3 in the Second Schedule.

4 (2) A summary of the scheme notified by the Minister under sub-
5 clause (1) shall be published by the Federal Capital Territory Administration
6 in at least two local news papers in such manner as may be prescribed.

7 36.-(1) If any difficulty arises in giving effect to the provisions of Power to remove
8 this Bill, the Federal Government may, by order published in the Official difficulties
9 Gazette, make such provisions, not inconsistent with the provisions of this
10 Bill, as it appear to it to be necessary or expedient for removing the
11 difficulty:

12 Provided that no order shall be made under this clause after expiry
13 of three years from the commencement of this Bill.

14 (2) Every order made under this clause shall, as soon as may be
15 after it is made, be laid before each House of the National Assembly.

16 37. If any street vendor:

17 (a) indulges in vending activities without a certificate of vending:

18 (b) vends beyond the designated vending zones or specified
19 timings;

20 (c) contravenes the terms of certificate of vending; or

21 (d) contravenes any other terms and conditions specified for the
22 purpose of regulating street vending under this Bill or any rules or schemes
23 made hereunder, he shall be liable to a penalty for each such offence which
24 may extend up N5,000 as may be determined by the Minister.

25 38.-(1) The Committee shall, within a period of Three months after Annual Report
26 the end of each financial year, submit to the Minister an annual report
27 dealing generally with the activities and operations of the sports institution.

28 39.-(1) In this Bill:

29 "Federal Capital Territory Town Vending Committee" means the body
30 constituted under clause 1;

Offences and
Penalties

Interpretation

- 1 "Minister" means, Minister of the Federal Republic of Nigeria charged with the
2 Responsibility of the Federal Capital Territory;
- 3 "mobile vendors" means street vendors who carry out vending activities in
4 designated area by moving from one place to another place vending their goods
5 and services;
- 6 "natural market" means a market where sellers and buyers have traditionally
7 congregated for more than a specified period for the sale and purchase of
8 specific products or services and has been determined as such by government
9 authority;
- 10 "prescribed" means prescribed by rules made under this Act by the appropriate
11 Government;
- 12 "scheme" means a scheme framed by the Minister or designated officer under
13 clause 35;
- 14 "stationary vendors" means street vendors who carry out vending activities on
15 regular basis at a specific location;
- 16 "street vendor" means a person engaged in vending of articles, goods, wares,
17 food items or merchandise of everyday use or offering services to the general
18 public, in a street, lane, side walk, footpath, pavement, public park or any other
19 public place or private area or from a temporary built up structure or by moving
20 from place to place and includes hawker, peddler, squatter and all other
21 synonymous terms which may be local or state specific; and the words "street
22 vending" with their grammatical variations and cognate expressions, shall be
23 construed accordingly;
- 24 "vending area" means a place or a location designated as such by the
25 Committee for, the specific use by street vendors for street vending and
26 includes footpath, side walk, pavement, embankment, portions of a street,
27 waiting area for public or any such place considered suitable for vending
28 activities and providing services to the general public.

1 SECOND SCHEDULE

2 [Clause 35]

3 1. Matters to be provided in the scheme for street vendors framed by
4 the Minister:5 (a) the form and the manner of making application for registration and
6 the fees and the documents that may accompany such application;7 (b) the period within which and the manner in which registration of
8 street vendors may be made;9 (c) the conditions and restrictions subject to which certificate of
10 vending may be issued to a street vendor;11 (d) the form and the manner in which the certificate of vending may be
12 issued to a street vendor;

13 (e) the form and manner of issuing identity cards to street vendors;

14 (f) the criteria for issuing certificate of vending to street vendors;

15 (g) the vending fees;

16 (h) the period of validity of certificate of vending;

17 (i) the period for which and the manner in which a certificate of
18 vending may be renewed and the fees for such renewal;19 (j) the manner in which the certificate of vending may be suspended
20 or cancelled;21 (k) the form and the manner of filing appeal, the period within which
22 an appeal may be filed;23 (l) the public purpose for which a street vendor may be relocated and
24 the manner of relocating street vendor;

25 (m) the manner of evicting a street vendor;

26 (n) the manner of giving notice for eviction of a street vendor;

27 (o) the manner of evicting a street vendor physically on failure to
28 evict;

29 (p) the manner of confiscation of goods by the local authority;

30 (q) the manner of reclaiming confiscated goods by the street vendor

1 and the fees for the same;

2 (r) the form and the manner for carrying out social audit of the
3 activities of the Committee;

4 (s) the principles for determination of vending areas as restriction-
5 free-vending zones, restricted-vending zones and no-vending zones;

6 (t) the conditions under which private places may be designated as
7 restriction-free-vending zones, restricted-vending zones and no-vending
8 zones;

9 (u) the principles for determining holding capacity of vending
10 areas and the manner of undertaking comprehensive census and survey;

11 (v) the terms and conditions for street vending including norms to
12 be observed for up keeping public health and hygiene.

EXPLANATORY MEMORANDUM

This Bill seeks to protect the rights of urban street vendors and to regulate street vending activities in the Federal Capital Territory (FCT).

