

A BILL

FOR

AN ACT TO AMEND THE FEDERAL HIGHWAYS ACT CAP. F13 LFN, 2004 TO PROVIDE FOR AN UPWARD REVIEW OF THE FINES AND PENALTIES PRESCRIBED THEREIN AND FOR RELATED MATTERS

Sponsored by Hon. Segun Ogunwuyi

[] Commencement

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

1 1. Section 2 (6) of the Principal Act is hereby amended by inserting
2 immediately after the word "motorcycle" the word "heavy duty truck". Amendment of
Section 2 (6)

3 2. Section 2 (7) proviso to the Principal Act is hereby amended by Amendment of
Section 2 (7)
4 replacing N10,000 with "N50,000".

5 3. Section 2 (8) of the Principal Act which provides thus:
6 Any person who commits any offence punishable under subsection (7) of
7 this section shall be tried at the Federal High court should be deleted and
8 replaced with a new subsection as follows:

9 "Every offence punishable under this Act shall be commenced at
10 the High court High Court and Federal High Court as a Court of first
11 instance".

12 4. Section 4 (5) of the Principal Act should be amended by Amendment of
Section 4 (5)
13 reviewing the N100 and N200 fine upwardly with N20,000 or more than
14 N30,000.

15 5. Section 5 of the Principal Act should be amended by inserting a Amendment of
Section 5
16 new subsection that is subsection (2) and make the existing paragraph into
17 subsection (1) of section 5.

18 Subsection (2) is hereby inserted as follows:

19 "Any person who causes the death of another person by driving of a
20 heavy duty truck on a Federal highway recklessly, or at a speed or in a

1 manner which is dangerous to the public, having regard to all circumstances of
2 the case, including the nature, condition and use of the Federal highway, and
3 the amount of traffic which is actually at the time, or which might reasonably
4 be expected to be, on the Federal highway, shall be guilty of an offence and
5 liable on conviction to imprisonment for a term of seven years without an
6 option of fine”.

Amendment of
Section 6(1)

7 6. Section 6(1) of the Principal Act is hereby amended by inserting
8 “Fifty Thousand Naira” to replace “Four Hundred Naira”.
9 Then a new subsection (3) is hereby inserted to section 6 of the Principal Act to
10 read as follows:

11 “Any person who drives a heavy duty truck on a Federal highway in a
12 manner described in sub-section 1 shall be guilty of an offence and liable on
13 conviction to a fine of not less than N10,000 or by imprisonment for a term not
14 exceeding two years”.

Amendment of
Section 7(1)

15 7. Section 7(1) of the Principal Act is hereby amended by inserting
16 ten thousand naira in place of one hundred naira and twenty thousand naira in
17 place of two hundred naira and a new subsection 2 is hereby created by making
18 the existing subsection (2) to now become subsection (3) and the new
19 subsection (3) should read as follows:

20 “Any person who drive a heavy duty truck on a Federal highway in a
21 manner described in sub-section (1) shall be liable to imprisonment for six
22 months without an option of fine”.

Amendment of
Section 8

23 8. Section 8 of the Principal Act is amended as follows:

24 “The word “drink” in line two should be deleted and replaced with
25 “alcohol” and “twenty thousand naira” should be inserted in place of “four
26 hundred naira” in subsection (1) of the Principal Act.”

27 Then a new subsection (2) be inserted to read as follows: while the existing
28 subsection (2) becomes subsection (3) in the amended Act.

29 Any Person who when driving or attempting to drive, or when in charge of a
30 heavy duty truck on a Federal highway is under the influence of alcohol or

1 drugs to such an extent as to be incapable of having proper control of such
2 vehicle, shall be guilty of an offence and liable on conviction to
3 imprisonment for six months without an option of fine.

4 9. Section 10 (3) of the Principal Act is hereby amended by Amendment of
5 inserting "five thousand naira" in place of "two hundred naira". Section 10 (3)

6 10. Section 12 of the Principal Act is hereby amended by inserting Amendment of
7 "ten thousand naira" to replace "one hundred naira". Section 12

8 11. Section 13 (2) of the Principal Act is hereby amended as Amendment of
9 follows: Section 13 (2)

10 "Any person who fail to comply with any of the requirements of
11 subsection (1) of this section shall be guilty of an offence and punishable
12 with a fine of five thousand naira".

13 12. Section 14 of the Principal Act is hereby amended by inserting Amendment of
14 a new subsection (3) as follows: Section 14

15 "Any person who commits any of the offences as stated in
16 subsection (1) & (2) shall be liable on conviction to a fine of five thousand
17 naira and ten thousand naira respectively or to be imprisonment for six
18 months or to both fine and imprisonment".

19 13. Section 17 of the Principal is hereby amended by inserting Amendment of
20 "twenty thousand naira" to replace "two hundred naira in line two". Section 17

21 14. Section 20 of the Principal Act is hereby amended by inserting Amendment of
22 a new subsection (8) as follows: Section 20

23 "Any vehicle seized pursuant to subsection (5) and has remain in
24 the premises for a period of two years from date of seizure may be dispose
25 off by auction sale to members of the public by the Minister or any person
26 authorized on his behalf to do so".

27 15. Retain section 21-27 of the Principal Act. Retention of
section 21-27

28 16. Section 27 (2) of the Principal Act is hereby amended by Amendment of
29 inserting "fifty thousand naira" to replace "two hundred naira" in line two. Section 27 (2)

Amendment of
Section 28

1 17. Section 28 is hereby amended by deleting the phrase "Court
2 Includes an area Court" and insert the following "Court includes High Court
3 and Federal High Court".

Citation

4 18. This Bill may be cited as the Federal Highways Act (Amendment)
5 Bill, 2018.

EXPLANATORY MEMORANDUM

This Bill seeks to review upwards the fines and penalties stipulated in the Principal Act and also prescribe stiffer penalties and fines for Heavy Duty Trucks drivers. The Bill also seeks to bestow jurisdiction on the High Court in matters arising from the violation of the Bill as against Area Court prescribed in the Principal Act.