

FEDERAL ROAD SAFETY COMMISSION ACT (AMENDMENT) BILL, 2018

ARRANGEMENT OF CLAUSES

*Clause:*

1. Amendment of the Principal Act and the Subsidiary Legislation
2. Amendment of Section 9 of the Principal Act
3. Amendment of Section 10 of the Principal Act
4. Amendment of Section 2 of the Subsidiary Legislation
5. Amendment of Section 6 of the Subsidiary Legislation
6. Amendment of Section 53 of the Subsidiary Legislation
7. Amendment of Section 56 of the Subsidiary Legislation
8. Amendment of Section 73 of the Subsidiary Legislation
9. Amendment of Section 80 of the Subsidiary Legislation
10. Amendment of Section 81 of the Subsidiary Legislation
11. Amendment of Section 82 of the Subsidiary Legislation
12. Amendment of Section 86 of the Subsidiary Legislation
13. Amendment of First Schedule of the Subsidiary Legislation
14. Citation



# A BILL

## FOR

AN ACT TO AMEND THE FEDERAL ROAD SAFETY COMMISSION (ESTABLISHMENT) ACT 2007 TO ENSURE THE SAFE COMMERCIAL TRANSPORTATION OF GLASS BOTTLED DRINKS ON ROADS AND HIGHWAYS AND FOR OTHER RELATED MATTERS

*Sponsored by Hon. Olufemi Fakeye*

[ ] Commencement

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

- 1           **1.** The Federal Road Safety Commission (Establishment) Act  
2           2007 and the First Schedule to the Principal Act known as the National  
3           Road Traffic Regulations (in this Bill referred to as "the Principal Act" and  
4           "the Subsidiary Legislation" respectively are amended as follows:  
5           **2.** Amendment of Section 9 of the Principal Act:  
6           Section 9 (2) of the Principal Act is amended by inserting a new  
7           subsection (f). Section 9 (2)(f): organisation of training workshops and  
8           seminars, at least once in a year for all Corps members and road shows for  
9           members of the public with a view to educating the corps members on their  
10          duties and enlightening the members of the public on their responsibilities  
11          and obligations under this Bill.  
12          **3.** Amendment of Section 10 of the Principal Act:  
13          (i) Section 10 (2) is hereby amended by deleting the subsisting sub-  
14          section 10 (2) (c) and replacing it with a new one as follows:  
15          Section 10 (2) (c) Commencing and sustaining a culture of 24-  
16          hour active patrol on roads and highways with a view to educating,  
17          enlightening and correcting the driving public on acceptable rules that  
18          guide a common and orderly use of the road.  
19          (ii) Section 10 (2) is hereby amended by adding a new subsection

Amendment of  
the Principal Act  
and the Subsidiary  
Legislation

Amendment of  
Section 9 of the  
Principal Act

Amendment of  
Section 10 of the  
Principal Act

1 10(2)(d) as follows:

2 10 (2) (d) erecting road signs i.e, cautions, directions, stop signs,  
3 speed limits etc, as specified in the Ninth Schedule to this Regulations on all  
4 Federal highways and the Federal Capital Territory and other State Capitals  
5 where such signs are required, and enforcing effective compliance thereto.

6 (iii) Section 10 (3) of the Principal Act is amended by deleting  
7 Paragraphs (i) and (j);

8 (iv) Section 10 (3) (g) of the Principal Act is amended by adding "the  
9 printing and distribution of highway codes to all road users on roads and  
10 highways, continuous public enlightenment campaigns in the print and  
11 electronic media (especially using TV graphics), in the five main Nigerian  
12 languages of English, Igbo, Hausa, Yoruba and Pidgin English", at a minimum.

Amendment of  
Section 2 of the  
Subsidiary  
Legislation

13 **4.** Amendment of Section 2 of the Subsidiary Legislation:

14 Section 2 is hereby amended by adding a new subsection 13 thus:

15 Section 2 (13) The Commission or the Authority shall not register any  
16 commercial vehicle imported into Nigeria with foreign business  
17 adverts/inscriptions on it without such inscriptions being removed.

Amendment of  
Section 6 of the  
Subsidiary  
Legislation

18 **5.** Section 6 of the Subsidiary Legislation is amended by deleting the  
19 existing Section 6 and replacing it with a new Section 6 as follows:

20 Section 6: Change of Vehicle Ownership and Rules Relating to  
21 Vehicle License Plates:

22 (1) In the event of a change in ownership of a registered vehicle, the  
23 former owner of the vehicle shall complete Form MVA5 as specified in the  
24 First Schedule of these Regulations and return it to the Authority with the old  
25 license plates for cancellation and record update as appropriate;

26 *[First Schedule Form MVA5]*

27 (2) The new owner shall immediately upon the change of ownership  
28 or before the new owner drives the vehicle on the road, complete Form  
29 MVA5(i) as specified in the First Schedule of these Regulations, quoting the  
30 reference details of Form MVA5 earlier filled and submitted by the former

1 vehicle owner and submit same to the Authority while paying to the  
 2 Authority the fee as may be prescribed by the Joint Tax Board; whereupon a  
 3 new set of vehicle license plates shall be issued to the new owner and the  
 4 records updated accordingly;

5 *[ First Schedule Form MVA5(i) ]*

6 (3) The notice in Form MVA5(i) referred to in subparagraph (2)  
 7 above to the Authority by the new owner shall be accompanied by a  
 8 certificate of payment of import duty, or exemption therefrom, issued to the  
 9 former owner by the Nigerian Customs Service; whether the vehicle was  
 10 imported into Nigeria free of import duty or not;

11 (4) An owner or custodian of a vehicle in long-term disrepair, or  
 12 which is not in an operable condition and is to be parked or stored in a  
 13 publicly accessible space for more than twelve (12) months, shall give  
 14 notice of such disuse as in Form MVA5(ii) as specified in the First Schedule  
 15 to these Regulations, accompanied by the registered existing or erstwhile  
 16 license plates of the vehicle, to the Authority for cancellation. If the parking  
 17 or storage of the vehicle in disuse is in a Mechanic's workshop, the operator  
 18 of the mechanical workshop shall be liable to give such notice to the  
 19 Authority. And the Authority shall give effect to such request for  
 20 cancellation and update its register accordingly.

21 *[First Schedule Form MVA5(ii)]*

22 (5) Any person who commits an offence under sub-regulations (1-  
 23 4) shall be liable on conviction to a fine of N100,000.

24 **6. Amendment of Section 53 (2) of the Subsidiary Legislations:**  
 25 Section 53 (2) of the Subsidiary Legislation is amended by adding  
 26 "or of which any of its wheels or tyres is missing", or contains a visibly  
 27 dysfunctional, worn-out tyre;

Amendment of  
 Section 53 of the  
 Subsidiary  
 Legislation

28 **7. Amendment of Section 56 of the Subsidiary Legislation:**  
 29 Section 56 (i) is hereby amended by adding ... "Such lights shall be  
 30 the original (or equivalent) replacement sets, improvised light sets are not

Amendment of  
 Section 56 of the  
 Subsidiary  
 Legislation

	1	acceptable substitutes".
Amendment of Section 73 of the Subsidiary Legislation	2	<b>8.</b> Section 73 of the Subsidiary Legislation is amended by inserting
	3	new sub-section (8) and (9) as follows:
	4	Section 73 (8): For the purpose of Section 73 of this Bill, there shall be
	5	established in the Federal Capital Territory and at a minimum, in each of its
	6	State Commands, an electronic/computerized Vehicle Inspection Station to
	7	assess electronically the fitness and road worthiness of all vehicles and
	8	recommend required repairs, which must be implemented before a Certificate
	9	of Road worthiness is issued;
	10	Section 73 (9): The Commission or any Authority shall not issue a
	11	Certificate of Road Worthiness in respect of a registered vehicle unless such a
	12	vehicle has been inspected in accordance with Section 73 (8).
Amendment of Section 80 of the Subsidiary Legislation	13	<b>9.</b> Amendment of Section 80 of the Subsidiary Legislation:
	14	(i) Section 80 (5) is amended by adding " ... or allows any goods or
	15	passengers to obstruct the driving view of any of the driving mirrors or
	16	negligently fails to securely lock all the doors, booth or trunk of a vehicle in
	17	motion commits an offence;
	18	(ii) Section 80 is hereby amended by the deletion of the existing sub-
	19	section (7) and replacing it with a new subsection (7) as follows:
	20	Section 80 (7): "No driver of a vehicle shall, whilst the vehicle is in
	21	motion, receive or make telephone calls using a hand-held device or electronic
	22	ear-plugs to listen to any electronic or telephonic sound."
Amendment of Section 81 of the Subsidiary Legislation	23	<b>10.</b> Section 81 of the Subsidiary Legislation is amended by inserting
	24	a new sub-section (a) as follows:
	25	(a) (i) The driver of a commercial vehicle - bus, truck or trailer
	26	conveying any drink, beverage or chemical substance packed in glass bottles
	27	shall ensure that the cabin, carriage (or container attached to the trailer head) is
	28	constructed in such a way that the cabin, carriage or container is completely
	29	sealed up in order to prevent any glass bottle, broken or in whole, from spilling
	30	out of the vehicle either in motion or in the event of an accident, thereby

1 causing obstruction or injury to other road users;

2 (ii) Any person or company that authorises its agent to drive a  
3 commercial vehicle conveying glass-bottled drinks and substances without  
4 ensuring that the truck conforms with the provisions of this law shall be  
5 liable to a fine stated as follows:

6 (a) for a truck up to 5 tons gross weight to a fine of N150,000;

7 (b) for a truck between 5 to 10 tons gross weight to a fine of  
8 N250,000;

9 (c) for a truck up to 10 and 25 tons gross weight to a fine of  
10 N500,000;

11 (d) for truck above 25 tons gross weight to a fine of N1,000,000.

12 **11.** Section 82 of the Subsidiary Legislation is amended by  
13 inserting new sub-sections (6) (7) (8) and (9) as follows:

Amendment of  
Section 82 of the  
Subsidiary  
Legislation

14 (6) The rider of a motorcycle, or a passenger sitting at the rear of the  
15 rider, shall not, while the motorcycle is in motion, carry any item, or good,  
16 whose width is wider than the measurable width of the motorcycle or with a  
17 weight higher than the measurable weight of the motorcycle;

18 (7) An operator of a motorcycle shall not carry, or allow to be  
19 carried, any combustible material such as petrol, kerosene or diesel products  
20 on his motorcycle while in motion;

21 (8) An operator of a motorcycle shall not attempt towing another  
22 broken down motorcycle by stretching a leg to physically provide torque or  
23 leverage to the broken down motorcycle;

24 (9) No driver of a tricycle shall share his or her own driver's seat  
25 with a passenger.

26 **12.** Section 86 of the Subsidiary Legislation is amended by  
27 deleting Section 86 (i) and replacing it as follows: "Where a vehicle is  
28 stationary and so constitutes an obstruction to other road users, whether as a  
29 result of a breakdown or a deliberate abandonment by the owner, the  
30 appropriate Authority shall, subject to sub-regulation (3) of this Regulation,

Amendment of  
Section 86 of the  
Subsidiary  
Legislation

	1	cause such a vehicle to be removed from the road within one (1) hour (inside
	2	township roads) or two (2) hours (on highways), the owner of the vehicle shall
	3	bear the cost of such removal.
Amendment of the First Schedule of the Subsidiary Legislation	4	<b>13.</b> The First Schedule of the Subsidiary Legislation is amended by
	5	specifying Forms MVA5 (Regulation 6(i)), MVA5 (i) (Regulation 6(2)) and
	6	MVA5(ii) (Regulation 6(4)) thereto.
Citation	7	<b>14.</b> This Bill may be cited as the Federal Road Safety Commission
	8	Act (Amendment) Bill, 2018.

## EXPLANATORY MEMORANDUM

This Bill seeks to amend the Federal Road Safety Commission (Establishment) Act 2007 to make individuals and companies liable for glass bottle drinks that spill out of the vehicle, either in motion or in the event of an accident and other matters related thereto.