

FEDERAL ROAD FUND BILL, 2015

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# A BILL

## FOR

AN ACT TO ESTABLISH A FUND KNOWN AS THE FEDERAL ROAD FUND TO FINANCE THE REHABILITATION AND MAINTENANCE OF FEDERAL ROADS IN NIGERIA; TO CONSTITUTE AN ADMINISTRATIVE BODY WHICH WILL MANAGE THE FUND AND ALSO MONITOR THE PROJECTS FINANCED FROM THE FUND; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH

*Sponsored by Hon. Karimi Sunday Steve*

[ ] Commencement

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

1           **1.** There is hereby established a Fund to be known as "the Federal Road Fund" (hereinafter referred to as the "Fund"). Establishment of the Fund

2           **2.** The object of the Fund is to: Objects of the Fund

3                 **(a)** Create a pool of dedicated funds to finance the rehabilitation, repairs and maintainance of federal roads in the Country, and

4                 **(b)** Promote the sustainable development and operation of Federal Roads network in the Country.

5           Based on the foregoing provisions, road Agencies shall submit proposals for road rehabilitation and repairs to the Federal Road Fund, in order to seek finance of such roads from the Road fund.

6           **3.-(1)** There shall be paid and credited to the Fund established by the Act: Monies to Fund

7                 **(a)** Fuel levy received from diesel and petroleum products as may be determined from time to time by the Federal Government;

8                 **(b)** Grant and loans to Federal Government for Road Rehabilitation, repairs and maintainance;

9                 © All such sums, fees, charges, interests e.t.c as may be payable to the Fund from any source whatsoever; and

- 1 (d) Vehicle Import Tax;
- 2 (e) Fees, fines and other amounts collected by the Government or any of its
- 3 agencies under the Federal Highways Act;
- 4 (f) Toll fees on the Federal Road;
- 5 (g) Any amount other than monies approved by the Annual
- 6 Appropriation Acts which may be approved by other Acts of the National
- 7 Assembly including the Sovereign Wealth Fund Act.

8 (2) Where in compliance with the provisions of the Constitution the

9 monies and dues enumerated in subsection (1) are to be paid to the

10 Consolidated Revenue Fund of the Federation, the National Assembly shall

11 appropriate an amount from the Consolidated Fund of the Federation in

12 accordance with the annual Appropriation Acts, which shall not be less than the

13 amount derive from the Grants Taxes, Levies e.t.c. collected under the Act at

14 the end of the year.

15 PART II - FINANCIAL PROVISIONS

Accounts and  
Audit

16 4.-(1) All monies mentioned in Section 3 of this Act shall form part of

17 the Fund and shall be deposited in a Bank as may be decided by the Board and

18 the said account shall be audited by auditors appointed by the Board from the

19 list and in accordance with the guidelines supplied by the Auditor-General for

20 the Federation.

21 (2) The Board shall maintain such books of the Account and other

22 books in relation to its accounts and prepare annual statement of account which

23 shall be audited by the Auditor appointed by the Board in accordance with the

24 provisions of subsection(1) of this section.

25 (3) No amount shall be withdrawn there from any account of the Fund

26 except under the authority of the Board and by means of cheques or other

27 financial instruments on procedures as are authorised in that regard by the

28 Board.

29 (4) The signatories to the account(s) shall be the Managing Director

30 and the Head Finance of the Fund, or in their absence their designated

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1 representatives or any person duly authorised by the Board.

2 (5) The balance of the revenue accruing in the Road Fund in any  
3 financial year shall be applied for the purpose of creating a general reserve  
4 or such other reserve as the Board may from time to time approve. Any part  
5 of the Fund not immediately required for the purpose of the Fund may be  
6 invested in such manner as the Board may, in its discretion, determine.

7 (6) The financial year of the Road Fund shall be the period of  
8 twelve (12) months commencing on the 1st of January of each year and  
9 ending on the 31st of December of the same year.

10 (7) Notwithstanding the provisions of subsection (6) of this section  
11 the first financial year may be period shorter or longer than twelve months as  
12 the Board shall determine, but in any case not longer than eighteen (18)  
13 months.

14 5.-(1) The Board may accept gifts of land, money or other property  
15 upon such terms and conditions, if any, as may be specified by the  
16 government, person or organisation making the gift.

Power to accept  
gifts

17 (2) The Board shall not accept any gift if the conditions attached by  
18 the government, person or organisation offering the gift are inconsistent  
19 with the objectives of the Fund under the Act.

20 6. All expenses incurred in the administration of the Fund shall be  
21 paid by the Board out of the monies of the Fund.

Expense to be  
paid out of the  
Fund

22 7. The Board shall have power to award contracts up to an amount  
23 of N 50,000,000 such shall be required to obtain the approval of the  
24 President for any contract in excess of that amount.

Award of  
contracts

25 8.-(1) The Board shall be exempted from the payment to tax on any  
26 income accruing from investments made by the Board or otherwise  
27 howsoever.

Exemption from  
tax

28 (2) The provisions of any law relating to the taxation of companies  
29 or trusts funds shall not apply to the Board or the Fund.



Annual Report 1 9. The Board shall not later than three(3)months after the end of the  
2 year, submit to the President a report on the activities and the administration of  
3 the Board in relation to the Fund during the immediately proceeding year and  
4 shall include in such reports the auditors report thereon.

Collecting agent 5 10. Except otherwise stated by law, the Board shall have power to  
of dues 6 appoint any government, person and organisation as its agents to collect any of  
7 its monetary dues under this Act.

8 PART III - FEDERAL ROAD FUND BOARD

Establishment 9 11.-(1) There is established by this Act a body to manage the Fund  
and Composition 10 created under this Act, a Board which shall be known as "the Federal Road  
of the Board 11 Fund Board" (hereinafter referred to as "the Board").

12 (2) The Board shall be a body corporate-

13 (a) having perpetual succession and a Common Seal;

14 (b) being capable in law of-

15 (i) suing and being sued in the name of the Board;

16 (ii) purchasing, taking, holding, selling, leasing and taking on lease or  
17 exchanging or disposing real or personal property for the purposes of this Act;

18 and

19 (iii) doing or suffering all other acts "or things" which a body  
20 corporate may by law do or suffer.

21 (3) The Board shall consist the following Members, namely:

22 (a) a Chairman;

23 (b) a representative of the Federal Ministry of Works and Housing;

24 (c) a representative of the Federal Ministry of Finance;

25 (d) a representative of the Federal Ministry of Transport;

26 (e) a Civil Engineer of at least ten(15) years cognate experience and  
27 duly registered with COREN;

28 (f) a representative of the National Road Transport Owners  
29 Association;

30 (g) a representative of the Federal Road Safety Corps;

1 (h) one member each from each of the six(6) geopolitical zones;

2 (i) the Managing Director of the Agency;

3 (4) Members of the Board shall be appointed by the President on  
4 the recommendation of the Minister in charge of Finance.

5 (5) A minimum of two(2) members shall be appointed into the  
6 Board.

7 **12.** The Chairman and the members of the Board, including the Qualification  
8 Managing Director, shall be persons of recognised expert knowledge,  
9 qualification and experience of not less than fifteen (15) years in one or more  
10 of the following fields,

11 (a) Transportation technology;

12 (b) Civil engineering;

13 (c) Law;

14 (d) Finance, accounts and economics.

15 **13.**-(a) The Chairman of the Board shall be appointed by the Tenure of Office  
16 President from the private Sector on the recommendation of the Minister  
17 responsible for Finance, on a Non-Executive Basis for a term of four (4)  
18 years and may be appointed for a further term of four (4) years;

19 (b) The members who are private sector participants shall hold  
20 office for a term of four (4) years in the first instance and may be reappointed  
21 for a further term of four years and no more.

22 (c) Subjects to paragraph (a) and (b) on such terms and conditions  
23 as may be specified in their letters of appointments.

24 **14.** A person shall cease to hold office as a member of the Board if- Cessation from  
Office

25 (a) he becomes bankrupt, suspends payment or compounds with  
26 his creditors;

27 (b) he is convicted of a felony or any offence involving dishonesty  
28 or fraud;

29 (c) he becomes of an unsound mind or incapable of carrying out his  
30 duties; or

- 1 (d) he is guilty of a serious misconduct in relation to his duties;
- 2 (e) in the case of a person possessed of a professional qualification, he
- 3 is disqualified or suspended from practising his profession in any part of the
- 4 world by any order of a competent authority; or
- 5 (f) he resigns his appointment by a letter addressed to the Minister
- 6 responsible for Finance.

Vacancy of the  
Board

- 7 **15.** There is a Vacancy on the Board of the Fund if Member-
- 8 (a) dies;
- 9 (b) is removed from the office in accordance with Sections of this Act;
- 10 (c) resigns from office;
- 11 (d) Completes his tenure;
- 12 (e) subject to Subject 14, a vacancy on Board shall be fulfilled by the
- 13 appointment of another person representing the same interest to the vacant
- 14 office by the Minister responsible for Finance as soon as is reasonably
- 15 practicable after the occurrence of such a Vacancy.

16 **16.-(a)** The supplementary provisions set out in the Schedule to this

17 Act shall have effect in relation to the Board.

18 (b) The Board of the Fund shall have power the power to make

19 standing orders for the regulation of its proceedings and meetings.

20 **PART IV - STAFF OF THE FUND**

21 **17.-(a)** There shall be a Managing Director and as may be appointed

22 by the Board, of the Fund appointed by the President, on the recommendation

23 of the Minister responsible for Finance;

24 (b) The Managing Director shall possess relevant and adequate

25 professional qualifications in the road sector, with relevant private sector

26 experience and shall have been so qualified for a period of not less than twenty

27 (20)years.

28 (c) The Managing Director shall subject to the general directions of

29 the Board of the Fund, be responsible for:

30 (i) Implementation of the decisions of the Board;

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1 (ii) the appointment, direction and control of other employees of  
2 the Fund in accordance with the rules and regulations governing employees  
3 of the Fund, and

4 (iii) generally, performing the functions of and exercising the  
5 powers of the Road Fund.

6 (d) The Managing Director holds office for a term of four(4) years  
7 in the first instance and may be re-appointed for a further term of four(4)  
8 years and no more,

9 (e) the Managing Director may be suspended or removed from  
10 office by the President on the recommendation of the Minister responsible  
11 for Finance if he:

12 (i) has demonstrated inability to perform his duties of his office, or

13 (ii) has been absent for five(5) consecutive meetings of the Board  
14 without the consent of the Chairman, unless he shows good reasons for such  
15 absence;

16 (iii) is guilty of serious misconduct in relation to his duties as  
17 Managing Director; or

18 (iv) in the case of persons possessed of professional qualification,  
19 he is disqualified or suspended from practising his profession in any part of  
20 the world by an order of a competent authority.

21 (f) where the Managing Director his unable to perform the  
22 functions of his office die to temporary incapacity which is likely to be  
23 prolonged, the Minister in consultation with other members may appoint a  
24 substitute to act with the full powers of the Managing Director until such a  
25 time as the Minister responsible for finance determines that the capacity has  
26 cease.

27 **18. The Board shall appoint a Secretary who shall:**

Secretary

28 (a) be a Legal Practitioner or a Chartered Secretary and shall have  
29 been so qualified for a period not less than fifteen (15)years;

30 (b) conduct the correspondence of the Fund and keep the official

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1 seal and records;

2 (c) the Secretary shall attend meetings of the Board but shall have no  
3 vote in such Meetings;

4 (d) the Secretary shall in particular be responsible for the following:

5 (i) keeping proper records of the proceedings of the Board and its  
6 committees;

7 (ii) preparing the agenda and Minutes of such Meetings;

8 (iii) arranging for payment of fees and allowances of Meetings and all  
9 other such matters;

10 (iv) generally, performing all such other duties of the Secretary as the  
11 Board may determine from time to time.

Insurance,  
retirement and  
other benefits

12 19. -(a) the officers and other persons employed by the Road Fund  
13 shall be entitled to pensions, gratuities and other retirement benefits in  
14 conformity with the provisions of the Pensions Reform Act 2004.

15 (b) Nothing in Sub-section(a)of this section shall prevent the  
16 appointment of a person to any office on terms which may preclude the grant of  
17 a pension, gratuity or other retirement benefits in respect of that office.

18 PART V - FUNCTIONS OF BOARD

Commencement

19 20. Notwithstanding the provisions of any law, the Board shall have  
20 the following functions, namely:

21 (a) to collect monies and other dues payable to the fund;

22 (b) to administer and manage the Road Fund;

23 (c) to recommend collection of such fees and charges, including toll  
24 fees for services and benefits in relation to the use of roads vested in and  
25 entrusted to it at such rate; and in manner as may be prescribed;

26 (d) to formulate integrated annual programme for rehabilitation,  
27 repair and maintenance of roads giving priority to core road network;

28 (e) to provide funds to the road agency for such rehabilitation, repair  
29 and maintenance of the roads;

30 (f) to formulate road safety and traffic management policies and

1 strategies for the Federal government;

2 (g) to co-ordinate road sector agencies where the implementation  
3 of Government Road Policy involves more than one Agency;

4 (h) to develop and monitor key performance indicators for the core  
5 road network;

6 (i) to approve, road programme proposals from road agency  
7 seeking funding from the Road Fund, subject to the agency prioritizing its  
8 programme on a Cost benefit basis;

9 (j) to recommend improvement of arrangements for collecting  
10 road user charges to minimize avoidance and evasion;

11 (k) to recommend to the government from time to time, appropriate  
12 levels of road user charges, fines, penalties, levies or any other sums to be  
13 collected under this Fund and paid to this Fund;

14 (l) to undertake other activities entrusted in furtherance of the  
15 objectives for which the Road Fund was established.

16 (2) The Board may form an Implementation Committee to perform  
17 such functions as may be determined by the Board, and, unless the Board  
18 decides otherwise, the Implementation Committee shall:

19 (a) have a majority of Members in Road Financing or  
20 Management;

21 (b) carry out the following functions;

22 (i) seeking of proposals from road agencies;

23 (ii) the receipt and review of submissions from road agencies;

24 (iii) recommending to the Board the programme for rehabilitation  
25 and maintenance of roads and variations to that programme;

26 (iv) advice to road agencies of the programme and variations  
27 approved by the Board;

28 (v) the monitoring of the delivery of the Board approved  
29 programmes by the road agencies;

1 (vi) the provision of annual and periodic reports as required by the  
2 Board.

3 PART VI - MISCELLANEOUS

Protection of  
Acts done in  
good faith

4 21. No suit, or legal proceedings shall lie against the Board or any  
5 Member of the Board for anything which is done or is intended to be done in  
6 pursuance of the provisions of this Act or unless a notice of six-months is given  
7 to the fund.

Removal of  
difficulties

8 22. If any difficulty arises in given effect to any of the provisions of  
9 this Act, the President may, as the occasion may require, by order, do anything  
10 not inconsistent with this Act or the rules made hereunder, which appears to  
11 him necessary for the purpose of removing the difficulty.

Delegation of  
Power

12 23. The Board may, by notification, delegate any of the powers  
13 conferred on it under the Act to a Committee, Member or employee of the  
14 Fund. Provided that such delegation shall not constitute an abdication of duty.

Power to make  
rules

15 24.-(1) The President may make rules for the regulation of the  
16 rehabilitation, maintenance and repair of Federal Roads and generally for  
17 carrying into effect the purposes of this Act.

18 (2) Without prejudice to the generality of the foregoing power, such  
19 rules shall provide for:

20 (a) the term of office and other conditions of service of members of  
21 the Board;

22 (b) the powers and duties of the Chairman, Members, Managing  
23 Director and other Employees of the Fund;

24 (c) appointment, remuneration facilities and conditions of service of  
25 the employees of the Board;

26 (d) modality to be followed for carrying out the Board's activities,  
27 account and fiscal administration and road repairs, maintenance and other  
28 activities;

29 (e) any other related necessary matters.

30 (3) Every Rule made under this Act shall be laid before both houses of



1 the National Assembly for a total period of fourteen days and if before the  
 2 expiration of this period, both Houses of the National Assembly agree that  
 3 the rule shall not be made, the rule shall thereafter have effect only in such  
 4 modified form or be of no effect as the case may be, so, however, that such  
 5 modification or amendment shall be without prejudice to the validity of  
 6 anything previously done under this rule.

7 **25.**-(1)The Board shall frame Bye-Laws not inconsistent with the  
 8 provisions of this Act and the ruled made hereunder for enabling it to  
 9 discharge its functions under the Act.

Power to frame  
Bye-Laws

10 (2) In particular and without prejudice to the foregoing power, such  
 11 Bye-Laws may provide for all or any of the following matters namely:

12 (a) the time and place of the Meetings of the Board and rules of  
 13 procedure to be observed by the Board in regard to transaction of business at  
 14 its Meetings under this Act;

15 (b) any other matter which is, or may be necessary to be prescribed  
 16 for the efficient conduct of the affairs of the Board.

17 **26.** No act or proceedings of the Board shall be invalid merely by  
 18 reason of:

Acts and proceedings  
of the Board  
presumed to be  
valid

19 (a) any vacancy therein or any defect in the constitution thereof;

20 (b) any defect in the appointment of a person acting as a Member of  
 21 the Board; or

22 (c) any irregularity in its procedure not affecting the merits of the  
 23 case.

24 **27.** Section 8 and 14 of the Federal Road Maintenance Agency  
 25 (Establishment ETC) Act, Chapter F 38 Laws of Federation of Nigeria 2011,  
 26 is hereby repealed to the extent of its inconsistency with any of the  
 27 provisions of this Act, so that the provisions of this Act shall prevail where  
 28 they are inconsistent.

Repeal of  
Sections 8 and  
Cap. F38 LFN  
1011 (Act No. 7  
of 2002 and Act  
No. 18 of 200)

29 **28.** In this Act, unless the subject or context otherwise requires-

Interpretations

30 "Administration" means Federal Road Fund Administration;



- 1 "Board" means the Federal Road Fund Board constituted under this Act;
- 2 "Bye Laws" mean a bye-law made by the Board under this Act
- 3 "Collecting Agent" means any person or agency entrusted with the collection  
4 of a user fee or toll;
- 5 "fuel" means petrol, diesel, gas and like products to be used for the propulsion  
6 of Motor Vehicles and related machines used on the Federal Highway;
- 7 "Fund" means the Federal Road Fund established under this Act.
- 8 "Government" means the Federal Government of the Federal Republic of  
9 Nigeria;
- 10 "Secretary" means Secretary of the Board;
- 11 "Managing Director" means the Managing Director of the Fund;
- 12 "Member" includes Chairman;
- 13 "Minister" means the Federal Minister responsible for road rehabilitation and  
14 maintenance;
- 15 "Motor Vehicle" means a Vehicle propelled along a road by mechanical power;
- 16 "Notification" means an instrument published in the official Gazette;
- 17 "NGO" means Non-Government Organisation;
- 18 "Prescribed" means prescribed by Rules;
- 19 "President" means the President of the Federal Republic of Nigeria;
- 20 "FERMA" means the Federal Roads Maintenance Agency;
- 21 "Rehabilitation" means improving or strengthening a road without  
22 substantially changing its standard or classification;
- 23 "Repairs and Maintenance" means works to bring the road to standard  
24 previously specified for it by the road agency;
- 25 "road" means Highways declared under the Federal Highways Act;
- 26 "road Agency" means a person or body responsible for carrying out repairs and  
27 maintenance;
- 28 "Rules" means rules made by the government under this Act.

Citation

29 **29.** This Bill may be cited as the Federal Road Fund Bill, 2015.

## 1 SCHEDULE

2 *Section 16*

## 3 PROCEEDINGS OF THE BOARD OF DIRECTORS OF THE ROAD FUND

4 1.-(a)the Board shall ordinarily meet for the dispatch of business at  
5 such times and places as the Chairman may from time to time appoint,  
6 provided that, unless otherwise agreed by the Members, a Meeting of the  
7 Board shall be held at least once every three months. Not less than fourteen  
8 (14) days notice or such other period of Notice as may be, agreed from time  
9 to time by all the Members of each Meeting of the Board, specifying the  
10 date, time and place of the Meeting and the business to be transacted there  
11 shall be given to all members;

12 (b) The Chairman shall preside at all Meetings of the Board and in  
13 his absence, any Member of the Board present at the Meeting as the  
14 Members may appoint from the Meeting shall preside at the Meeting;

15 (c) Where not less than five (5) Members of the Board request the  
16 Chairman by Notice in writing signed by them, to convene an extra-ordinary  
17 meeting of the Board for the purposes specified in the Notice, the Chairman  
18 shall upon receipt of such Notice convene an Extra-Ordinary Meeting of the  
19 Board for those purpose within seven days at such time and place as he may  
20 so appoint. A written Notice shall be addressed and sent to Members at least  
21 three (3) working days to the date of the Meeting;

22 (d) Notwithstanding anything in the foregoing provisions of this  
23 paragraph, the inaugural meeting of the Board shall be summoned by the  
24 Minister responsible for Finance, who may give directions as he thinks fit as  
25 to procedure which shall be followed at the Meeting;

26 (e) the quorum necessary for the transaction of the business shall  
27 be five (5) members present at the Meeting of the Board, if, within half an  
28 hour from the time appointed for the Meeting of the Board, a quorum is not  
29 present, the Meeting shall stand adjourned to the same day in the next week  
30 at the same time and place, or such other date, time or place as the Chairman

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1 of the Meeting shall appoint provided always that such Meeting shall not be  
2 adjourned to a date less than two(2) Business Days later unless otherwise  
3 agreed by all the Members. The adjourned Meeting shall only deal with matters  
4 which were on the agenda of the Meeting which was adjourned. Where a  
5 Meeting has been adjourned as aforesaid, Notice of the adjourned Meeting  
6 shall be given by the Secretary to the Members;

7 (f) the Board may co-opt non-voting observers at any of its meetings,  
8 as and when required;

9 (g) The Board shall appoint such study groups or committees as may be  
10 necessary for the proper discharge of the functions of the Board consisting of  
11 some members and such other persons with prescribed qualifications the  
12 objectives of such groups or committee shall be defined;

13 (h) Members of the Board and such other persons appointed to study  
14 groups or committees shall be paid such remunerations as may be determined  
15 by the Board;

16 (i) The Board of Directors of the Fund shall co-opt any body to advise it during  
17 its deliberations;

18 (k) Subject to this regulation, the Board shall regulate its own  
19 procedure;

20 (l) The names of all Members of the Board at first constituted and any  
21 subsequent change shall be published in the Gazette;

22 (m) All questions at a Meeting of the Board shall be determined by a simple  
23 majority of votes of the Members of the Board present and voting being  
24 members who under this paragraph are entitled to vote at such meeting. All  
25 relevant Board papers for the Board Meetings shall be sent to all Members prior  
26 to the relevant Board Meeting and the Minutes of the Meeting will be sent as  
27 soon as practicable after the holding of the relevant Meeting;

28 (n) at the Meeting of the Board, each member shall have equal votes,  
29 and if there is equality of votes, the Chairman at the meetings shall have a  
30 second or casting vote;

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1 (o) The Minutes of Meetings of the Board and its Committees shall  
2 be recorded in a register and kept by the Secretary of the Board or his  
3 nominee be confirmed at the next succeeding ordinary meeting of the Board;

4 (p) subject to the provisions of this Act and this Schedule, the  
5 Board may make standing orders with regard to holding of meetings, the  
6 notices to be given of such meetings, the proceedings thereat, the keeping of  
7 Minutes of such proceedings and custody or the production for inspection of  
8 such.

9 (q) without limiting the discretion of Members to regulate their  
10 meetings, the Members may if in their view requires urgent attention, confer  
11 by telephone, close circuit television or other electronic means or audio or  
12 audiovisual communication and a resolution passed at such conference  
13 shall, notwithstanding that the members are not present together in one place  
14 at the time of the Conference was so held, it being agreed that the provisions  
15 of the Act relating to meetings of members shall apply mutatis mutandis to  
16 such conferences.

17 *Disclosures of Interest by Members of Board of Directors*  
18 *of the Fund*

19 2(a) A Member of the Board who is in any way directly or indirectly  
20 interested in any contract or proposed contract or arrangement shall disclose  
21 the nature of his interest at a meeting of the Board where the subject is first  
22 discussed by the Board, and the disclosure shall be recorded in the minute  
23 book of the Board, and the Member shall not take part in any deliberation or  
24 decision of the Board with respect to that transaction or project;

25 (b) A Member of the Board need not attend in person in a meeting  
26 of the Board in Order to make a disclosure which he is required to make  
27 under this paragraph if he takes reasonable steps to ensure that the disclosure  
28 is made by a notice which is brought up and read at the Meeting.

29 *Conflict of Interest*

30 3(a) The personal interest of member shall not conflict with any of

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1 his duties as a member under this Act;

2 (b) A member shall not:

3 (i) in the course of management of affairs of the Road Fund; or

4 (ii) in the utilization of the Road Fund's property make any secret  
5 profit or achieve unnecessary benefits.

6 (c) A member shall be accountable to the Road Fund for any secret  
7 profit made by him or any unnecessary benefit derived by him contrary to this  
8 provision.

9 *The Common Seal*

10 4. The Common Seal of the Board shall not be affixed to any  
11 instrument except by the authority of a resolution of the Board of Directors and  
12 the affixing of the Common Seal shall be authenticated by the signatures of the  
13 Chairman and the Secretary, or of some other members authorised generally or  
14 specifically by the Board to act for the purpose. Any document purporting to be  
15 a document duly executed under the common seal of the Board shall be  
16 received in any court and shall, unless contrary is proved, be deemed to be so  
17 executed.

18 5. The Validity of any Proceedings of the Board shall not be affected  
19 by vacancy in the membership of the Board, or any reason that a person not  
20 entitled to do so took part in the proceedings.

EXPLANATORY MEMORANDUM

This Bill shall establish the Road Fund Board to make better provision for the rehabilitation, maintenance and repair of roads, giving priority to the core road network; and provide for the appointment of a Federal Road Board to administer the Fund, formulate and co-ordinate road planning, approve the road funding programme and make recommendations to the Federal Government on the road network, road safety and traffic management policies and strategies for the country.