

FEDERAL ROADS AUTHORITY BILL, 2015

ARRANGEMENT OF SECTIONS

Section:

**PART I - OBJECTIVES**

1. Objectives

**PART II - ESTABLISHMENT OF FEDERAL ROADS AUTHORITY**

2. Establishment of the Federal Roads Authority

3. Governing Board of the Authority

4. Appointment and qualification of a Board Member

5. Tenure and removal from office of a Board Member

6. Functions of the Board

7. Cessation of office

1 8. Emoluments

2 **PART III - STAFF OF THE AUTHORITY**

3 9. Appointment and removal of the Managing Director

4 10. Secretary and other staff of the Authority

5 11. Service in the Authority to be Pensionable

6 **PART IV - FUNCTIONS AND POWERS OF THE AUTHORITY**

7 12. Functions of the Authority

8 13. Powers of the Authority

9 **PART V - FINANCIAL PROVISIONS**

10 14. Fund of the Authority

11 15. Application of Fund of the Authority

12 16. Borrowing powers, gifts, etc

13 17. Reports, budgets and audited accounts

14 **PART VI - REGULATION OF ROAD SECTOR**

15 18. Role of the Minister

16 **PART VII - ROADS PLAN**

17 19. Preparation of Roads Plan

18

## PART VIII - MISCELLANEOUS

20. Application of the Public Officers Protection Act
21. Notices
22. Legal Proceedings.
23. Indemnity of officers of the Authority
24. Confidentiality
25. Regulations
26. Repeal, savings and transitional Provisions
27. The Role of the National Council on Privatization
28. Interpretation
29. Short title

## SCHEDULES



1 immovable.

2 (3) The Headquarters of the Authority shall be situated in the Federal  
3 Capital Territory, Abuja and the Authority may establish and maintain  
4 operational offices and base camps in other parts of the Federation for the  
5 purpose of the management of Federal roads.

Governing Board  
of the Authority

6 3. -(1) There is established for the Authority a Governing Board (in  
7 this Act referred to as 'the Board') which shall be responsible for policy  
8 formulation for the Authority and superintending over the affairs of the  
9 Authority.

10 (2) The Board shall consist of the following members:

11 (a) a non - Executive Chairman;

12 (b) four persons from the private sector with cognate experience in the  
13 road sector;

14 (c) one representative each of the following Ministries and Agencies  
15 not below the rank of a Deputy Director:

16 (i) Federal Ministry responsible for Roads;

17 (ii) Federal Ministry of Transport;

18 (iii) Federal Ministry in-charge of Lands;

19 (iv) Federal Ministry of Environment;

20 (v) Federal Ministry of Finance;

21 (vi) Federal Road Safety Corps;

22 (vii) Nigerian Society of Engineers; and

23 (viii) National Planning Commission; and

24 (d) the Managing Director of the Authority

25 (3) The Authority's Board shall be responsible to the Minister.

26 (4) The Supplementary Provisions set out in the Schedule I to this Act  
27 shall have effect with respect to the proceedings of the Board and other matters  
28 contained therein.

Appointment and  
qualification of a  
Board Members

29 4.-(1) The Chairman and other members of the Board, other than the  
30 Managing Director, shall be appointed on part time basis by the President on

1 the recommendation of the Minister.

2 (2) The Chairman and members of the Board, other than the Managing  
3 Director, shall be persons of proven integrity, recognized expert knowledge,  
4 qualification and with not less than fifteen years cognate experience in one  
5 or more of the following fields:

6 (a) civil engineering or other relevant engineering disciplines;

7 (b) construction management;

8 (c) law;

9 (d) finance;

10 (e) accounts; and

11 (f) economics

12 5. -(1) A member of the Board, other than the Managing Director,  
13 shall hold office:

Tenure and  
removal from  
office of a Board  
Member

14 (a) for a term of four years in the first instance and may be  
15 reappointed for a further term of four years and no more, and

16 (b) on such terms and conditions as may be specified in the letter of  
17 appointment.

18 (2) A person shall cease to hold office as a member of the Board  
19 where:

20 (a) he becomes bankrupt;

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

23 (c) he becomes of unsound mind or is incapable of carrying out his  
24 duties;

25 (d) he is guilty of a serious misconduct in relation to his duties;

26 (e) he possesses professional qualification and is disqualified or  
27 suspended from practicing his profession in any part of the world by an order  
28 of a competent authority;

29 (f) he resigns his appointment by a letter addressed to the President  
30 through the Minister responsible for Roads;

1 (g) the President is satisfied that it is not in the interest of the Authority  
2 or of the public for the person appointed to continue in office; or

3 (h) in the case of an ex-officio member, he ceases to hold the office on  
4 the basis of which he became a member of the Board.

Functions of  
the Board

5 6. For the purpose of achieving the objectives of the Authority, the  
6 Board shall provide policy guidelines for the effective discharge of the duties  
7 of the Management of the Authority in the provision of an efficient and safe  
8 network of Federal Roads and ensure harmonious professional and working  
9 relationships between the management of the Authority and the Ministry.

Cessation of  
office

10 7. Where a member of the Board ceases to hold office for any reason  
11 whatsoever before the expiration of the term for which he is appointed, another  
12 person representing the same interest as that member shall be appointed to the  
13 Board for the unexpired term.

Emoluments

14 8. The Chairman and members of the Board shall be paid such  
15 allowances or incidental expenses as the Government, may from time to time  
16 approve, in accordance with existing laws and regulations.

17 PART III - STAFF OF THE AUTHORITY

Appointment  
and removal  
of the Managing  
Director

18 9. -(1) The Managing Director shall be appointed by the President, on  
19 the recommendation of the Minister.

20 (2) The Managing Director shall be:

21 (a) the chief executive and accounting officer of the Authority;

22 (b) responsible for the day-to-day administration of the Authority;

23 (c) appointed for a term of four years in the first instance and may be  
24 re-appointed for a further term of four years and no more; and

25 (d) a person who possesses a degree in Civil Engineering or other  
26 relevant engineering discipline, land survey and construction management  
27 with not less than 20 years professional experience.

28 (a) The Managing Director may be suspended or removed from office  
29 by the President if he has demonstrated inability to effectively perform the  
30 duties of his office;

1 (b) has been absent from five consecutive meetings of the Board  
2 without the consent of the Chairman, unless he shows good reason for such  
3 absence;

4 (c) is guilty of serious misconduct in relation to his duties as  
5 Managing Director;

6 (d) possesses professional qualifications, he is disqualified or  
7 suspended from practicing his profession in any part of the world by an order  
8 of a competent authority; or

9 (e) Is incapable of carrying out the functions of his office either  
10 arising from infirmity of mind or body.

11 (3) The Managing Director shall not be removed from office  
12 except in accordance with the provisions of this Act

13 **10.-** (1) The Board shall appoint a Secretary to keep the corporate  
14 records of the Authority and undertake such other functions as the Board  
15 may from time to time direct.

Secretary and  
other staff of the  
Authority

16 (2) The Secretary shall possess adequate professional  
17 qualifications, skills and experience as a legal practitioner with not less than  
18 10 years cognate experience.

19 (3) The Authority shall employ such other number of persons as it  
20 considers necessary for the exercise of its powers and performance of its  
21 functions under this Act.

22 (4) The Board shall determine the terms and conditions of service  
23 of the members of staff of the Authority and shall in consultation with the  
24 National Salaries, Incomes and Wages Commission, review the  
25 remuneration and allowances payable to the employees of the Authority,  
26 from time to time.

27 **11. -**(1) Service in the Authority is pensionable under the Pension  
28 Reform Act and accordingly, officers and other persons employed in the  
29 authority shall be entitled to pension and other retirement benefits in respect  
30 of their service in the Authority as prescribed in that Act.

Service in the  
Authority to be  
Pensionable

1 (2) Notwithstanding the provisions of sub-section (1) of this section,  
2 nothing in this Act shall prevent the appointment of a person to any office on  
3 terms which preclude a grant of a pension or other retirement benefits in respect  
4 of that office.

5 (3) For the purposes of the application of the provisions of the  
6 Pensions Reform Act, any power exercisable by the Minister or other authority  
7 of the Government of the Federation, other than the power to make regulations  
8 under the Pensions Reform Act, is hereby vested in and shall be exercisable by  
9 the Authority and not by any other person or authority.

10 PART IV - FUNCTIONS AND POWERS OF THE AUTHORITY

Functions of  
the Authority

11 12. The Authority shall:

12 (a) manage federal road assets in accordance with the provisions of  
13 this Act;

14 (b) ensure the efficient and effective construction, rehabilitation,  
15 reconstruction and maintenance of all Federal roads;

16 (c) enter into road concession contracts and other forms of contracts  
17 with anybody corporate incorporated under the laws of Nigeria for the purpose  
18 of executing relevant projects provided that the grant of a concession or a  
19 Public Private Partnership (PPP) contract shall be subject to competitive public  
20 tender rules approved and published by the Federal Government from time to  
21 time and in accordance with the relevant laws for the time being in force, for the  
22 procurement of concessions or PPP contracts;

23 (d) carry out routine and emergency repair of roads as the Authority  
24 may by its discretion determine;

25 (e) plan and manage the development of road safety technical  
26 designs, standards and audit in collaboration with the Federal Road Safety  
27 Commission;

28 (f) work in partnership with similar agencies at the State and Local  
29 Government levels by providing policy advice, guidance and technical support  
30 for the efficient and effective rehabilitation, reconstruction and maintenance of



1 road networks;

2 (g) prescribe measures for preventing damage however caused by  
3 any person to any road or any part thereof and for recovering, in full or in  
4 part, the cost of repairing the damage from such person or his insurers;

5 (h) advise the Government in consultation with the Federal Road  
6 Safety Corps and other relevant Ministries, Departments and Agencies, on  
7 appropriate and effective methods of enforcing road traffic legislation for  
8 the purposes of preventing damage to roads and promoting road safety;

9 (I) ensure effective monitoring of the conditions of all roads for the  
10 purposes of timely implementation of road maintenance, rehabilitation and  
11 development programmes;

12 (j) publish periodic reports of the activities and achievements of  
13 the Authority and make the reports available to the general public;

14 (k) advise the Minister on the specifications, design, standards and  
15 classification of roads and the prohibition of any act that may lead to damage  
16 to roads;

17 (l) advise the Minister on the types, sizes, and usage of vehicles on  
18 national roads and the laden and axle weight of vehicles for the purpose of  
19 protecting national roads from damage;

20 (m) advise the Minister on the development and training of human  
21 resources, research and studies necessary or required for maintenance,  
22 rehabilitation and development of roads;

23 (n) advise the Minister on appropriate road signs, and other road  
24 agencies on the location of road signs on public roads;

25 (o) recommend to the Minister, from time to time, appropriate  
26 levels of charges, fines, penalties, levies or any sum required to be collected  
27 under this Act and paid into the Road Fund;

28 (p) provide technical regulations on road development and usage;

29 (q) recommend to the National Roads Fund Board from time to  
30 time, such reviews in road user charges as are necessary for the purpose of

1 the Road Fund;

2 (r) liaising with the Federal Road Safety Commission or any other  
3 body charged with matters relating to safety of persons on the road;

4 (s) plan and develop strategies towards ensuring efficient and  
5 effective movement of traffic on the federal road network and ensure their  
6 implementation;

7 (t) identify and recommend to the Minister, donor funding for the  
8 construction, maintenance, rehabilitation and reconstruction of federal roads;

9 (u) develop an appropriate Road Management System;

10 (v) prepare and publish reports on the Authority's projects funded by  
11 the National Roads Fund;

12 (w) make policy recommendations to the Federal Government on  
13 matters relating to the construction, rehabilitation, reconstruction and  
14 maintenance of Federal roads; and

15 (x) carry out other functions which in the opinion of the Board are  
16 necessary to ensure the efficient performance of the functions of the Authority.

Powers of the  
Authority

17 **13.** The Authority shall, in order to fulfill its functions under this Act,  
18 have the power in respect of federal trunk roads:

19 (a) to consider applications for concessions and other forms of PPPs  
20 and to issue and if necessary extend and renew any concessions or contracts;

21 (b) to, subject to extant regulations and laws carry out inquiries, tests,  
22 audits or investigations and take such other steps as may be necessary to  
23 monitor the activities of concessionaires and other PPPs and to secure and  
24 enforce compliance with the provisions of this Act or any subsidiary  
25 legislation, concession, terms, contracts or conditions made pursuant to this  
26 Act;

27 (c) where it considers it to be in the public interest, to compel a  
28 concessionaire or other PPPs to provide any information or any document  
29 concerning activities notwithstanding that such information or document may  
30 contain business secrets; provided that any such information or documents

1 shall be restricted to those that a person can be legally compelled to produce  
2 as evidence by a court of law in Nigeria;

3 (d) to publish information received in the course of exercising its  
4 powers and functions under this Act or to require concessionaires and other  
5 PPPs to publish certain information if it is satisfied that the publication is  
6 consistent with the objects of this Act provided that the Authority shall  
7 consider the commercial interests of the parties to whom the information  
8 relates before publishing the information;

9 (e) to undertake consultations with members of the public, road  
10 operators and industry participants affected by or with an interest in its  
11 directions and to consider any responses to the consultations;

12 (f) to enter into contracts and incur obligations;

13 (g) to acquire, hold, mortgage, purchase and deal howsoever with  
14 property whether moveable or immovable, real or personal;

15 (h) subject to section 16 of this Act borrow such sums as it may  
16 require for the performance of its functions under this Act;

17 (i) subject to the provisions in relevant treasury and establishment  
18 circulars, approve the award and termination of contracts to consider  
19 applications for concession and other forms of Public Private Partnership  
20 contracts and to issue, extend, renew, modify, suspend and if necessary,  
21 revoke any concession or contracts;

22 (j) to carry out inquiries, tests, audits or investigations and take  
23 such other steps as may be necessary to monitor the activities of  
24 concessionaires and other Public Private Partnerships and to secure and  
25 enforce compliance with the provisions of this Act or any subsidiary  
26 legislation, concession, terms, contracts or conditions made pursuant to this  
27 Act;

28 (k) to work in partnership with similar agencies at the States and  
29 Local Government levels by providing policy advice, guidance and  
30 technical support for the efficient and effective rehabilitation,

1 reconstruction and maintenance of road networks; and

2 (l) to do all things necessary or convenient to be done for or in  
3 connection with the performance of its functions and to enable it to achieve its  
4 objectives under this Act; and

5 PART V - FINANCIAL PROVISIONS

Fund of the  
Authority

6 **14.** The Authority shall establish and maintain a fund which shall  
7 comprise:

8 (a) an initial take off grant or subvention as may be appropriated to the  
9 Authority by the National Assembly;

10 (b) such moneys as may be appropriated to the Authority from time to  
11 time by the National Assembly through the national budgetary process;

12 (c) allocations from the National Roads Fund;

13 (d) concession fees, levies and other charges imposed by the  
14 Authority;

15 (e) international vehicles transit charges as may be determined by the  
16 Minister in charge of Roads on the advice of the Board of the Authority;

17 (f) gifts, loans and grants from national, bilateral and multilateral  
18 agencies;

19 (g) proceeds from the sale of assets that may accrue to the Authority;

20 and

21 (h) rents, toll fees and other internally generated revenues from  
22 services provided by the Authority.

Application of  
Fund of the  
Authority

23 **15.** The Authority may from time to time apply its funds:

24 (a) to road construction, rehabilitation, reconstruction and  
25 maintenance expenditure;

26 (b) to the development and maintenance of roads deemed to be federal  
27 roads within the meaning of this Act;

28 (c) to the administration of the Authority;

29 (d) to the paying of the emolument, allowances and benefits of  
30 members of the Board and for reimbursing members of the Board or of any

1 Committee set up by the Board for such expenses as may be expressly  
2 authorized by the Board;

3 (e) to the payment of the salaries fees or other remuneration or  
4 allowances and Pensions, and other benefits payable to the officers and  
5 other employees of the Authority, so however that no payment of any kind  
6 under this paragraph (except such as may be expressly authorized by the  
7 Board) shall be made to any person who is in receipt of emoluments from the  
8 Federal or State Government;

9 (f) for the development and maintenance of any property vested in  
10 or owned by the Authority; and

11 (g) for any other payment in connection with all or any of its  
12 functions under this Act.

13 16.-(1) The Authority may, with the consent of the Minister  
14 responsible for Finance, borrow such money as the Board may require in the  
15 exercise of its functions under this Act.

Borrowing  
powers, gifts, etc.

16 (2) The Authority may accept gifts, grants of money, aid or other  
17 property from national, bilateral or multilateral organizations and upon such  
18 terms and conditions as may be agreed upon between the donor and the  
19 Authority provided that any conditions attached to such gifts are not  
20 inconsistent with the objectives and functions of the Authority under this  
21 Act.

22 17. The Board shall:

23 (a) receive and review annual reports from the management of the  
24 Authority and submit same to the President and the National Assembly,  
25 through the Minister in the first quarter of every year and the report shall be  
26 on the activities of the Authority during the immediately preceding calendar  
27 year, and shall include a copy of the audited accounts of the Authority for  
28 that calendar year;

Reports, budgets  
and audited  
accounts

29 (b) submit not later than four months to the end of each year to the  
30 Minister an estimate of the expenditure and income of the Authority for the

1 next succeeding year; and

2 (c) keep proper accounts of the Authority in respect of each year and  
3 proper records in relation thereto and shall cause the accounts to be audited not  
4 later than 3 months after the end of each year by professionally qualified and  
5 licensed auditors appointed by the Board with the approval of the Auditor-  
6 General of the Federation.

7 PART VI - REGULATION OF ROAD SECTOR

Role of the  
Minister

8 **18.**-(1) The Minister shall:

9 (a) formulate, determine and monitor the general policy for the road  
10 sector in Nigeria to ensure, amongst others, the utilization of the sector as a  
11 platform for the economic and social development of Nigeria;

12 (b) provide general policy guidelines, specifications and standards for  
13 the construction, reconstruction, rehabilitation and maintenance of Federal  
14 Roads in Nigeria; and

15 (2) The Minister may give directives to the Authority relating to the  
16 performance by the Authority of any of its functions under this Act provided  
17 that such directives are not inconsistent with the objectives and functions of  
18 the Authority under this Act.

19 (3) The Minister shall prior to the formulation or review of policies for  
20 the roads sector, consult with and have due regard to the representations of  
21 relevant stakeholders in the sector, including, but not limited to, the Authority,  
22 industry participants and the general public.

23 PART VII - ROADS PLAN

Preparation of  
Roads Plan

24 **19.**-(1) The Authority shall, within the first year of its establishment,  
25 prepare a five year Rolling Roads Plan (hereinafter referred to as the "Plan")  
26 for the fulfillment of its responsibilities under this Act.

27 (2) The Plan made pursuant to the provisions of subsection (1) of this  
28 section shall be broken into yearly Action Programmes and shall contain such  
29 information, amongst others, that would allow determination of the Authority's  
30 proposed activities over the Plan period in respect of each element of the

1 Federal Roads network.

2 (3) The Authority shall submit the Plan to the National Roads Fund  
3 Board within six months of its establishment in the case of the first Plan and  
4 within four months before the start of the Authority's financial year for the  
5 year of submission in the case of subsequent Plans, together with its five-  
6 year funding programmes and the database for the service level for the Plan  
7 period relative to the road network for which the Authority has  
8 responsibility.

9 (4) The National Roads Fund Board shall review the Plan and the  
10 funding submissions of the Authority against set financial, economic and  
11 social criteria for the achievement of the objects of the National Roads Fund  
12 Board; and shall upon satisfying itself of the integrity of the Plan and the  
13 submissions of the Authority, approve the programme contained in the Plan  
14 for funding from the Roads Fund.

15 (5) The Authority shall keep the Plan under review and update it  
16 annually, with appropriate input and approval of the National Roads Fund  
17 Board, within the five year rolling plan cycle.

18 PART VIII - MISCELLANEOUS

19 20. Subject to the provisions of this Act, the provisions of the  
20 Public Officers Protection Act shall apply in relation to any suit instituted  
21 against an officer or employee of the Authority.

Application of  
the Public Officers  
Protection Act

22 21. A notice, summons or other documents required or authorized  
23 to be served upon the Authority under the provisions of this Act or any other  
24 enacted law may be served by delivering it to the Managing Director or by  
25 sending it by registered post addressed to the Managing Director at any of  
26 the principal offices of the Authority or by electronic means through e-mail  
27 or website of the Authority.

Notices

28 22. No civil action shall be commenced against the Authority or its  
29 authorised officers before the expiration of a period of 30 days after written  
30 notice of intention to commence the suit shall have been served on the

Legal  
Proceedings

1 Authority by the intending plaintiff or his agent, and the notice shall clearly and  
2 explicitly state the:

- 3 (a) cause of action;
- 4 (b) particulars of the claim;
- 5 (c) name and place of abode of the intending plaintiff; and
- 6 (d) relief sought.

Indemnity of  
officers of the  
Authority

7 **23.** A member of the Board, the Managing Director, any officer or  
8 employee of the Authority shall be indemnified out of the assets of the  
9 Authority against any liability incurred by him in defending any proceeding,  
10 whether civil or criminal, in which judgment is given in his favour or in which  
11 he is acquitted, where such proceeding is brought against him in his capacity as  
12 a member of the Board, the Managing Director, officer or an employee of the  
13 Authority.

Confidentiality

14 **24.** -(1) A member of the Board, or the Board or the Managing  
15 Director or any other officer or employee of the Authority shall:

16 (a) not, for his personal gain, make use of any information which has  
17 come to his knowledge in the exercise of his power or is obtained by him in the  
18 ordinary course of his duty as a member of the Board or as a Managing  
19 Director, officer or employee of the Authority;

20 (b) treat as confidential any information which has come to his  
21 knowledge in the exercise of his power or is obtained by him in the  
22 performance of his duties under this Act;

23 (c) not disclose any information referred to under paragraph (b) of this  
24 sub-section, except where required to do so by a Court or in such other  
25 circumstances as may be prescribed by the Board from time to time.

26 (2) Any person who contravenes any of the provisions of sub-section  
27 (1) of this section commits an offence and shall be liable on conviction to a fine  
28 of not less than N200,000.00 or imprisonment for a term not exceeding two  
29 years or both such fine and imprisonment.

Regulations

30 **25.** The Board may, with the approval of the Minister make such



1 regulations as in its opinion, are necessary or expedient for giving full effect  
2 to the provisions of the Act and for the due administration of its provisions.

3 26. -(1) The Federal Roads Maintenance Agency (Establishment  
4 etc.) Act, 2002 and the Federal Roads Maintenance Agency (Amendment,  
5 etc) Act, 2007 are hereby repealed.

Repeal, savings  
and transitional  
Provisions

6 (2) Any provision of the Federal Highways Act Cap F13 Laws of  
7 the Federation of Nigeria, 2004 which is inconsistent with the provisions of  
8 this Act shall to the extent of the inconsistency, be void and the provisions of  
9 this Act shall prevail.

10 (3) Without prejudice to section 6 of the Interpretation Act, the  
11 repeal of the Act specified in subsection (1) of this section, shall not affect  
12 anything done under or pursuant to the Act.

13 (4) Every regulation, order, requirement, certificate, appointment  
14 with tenure, notice, direction, decision, authorization, consent, application,  
15 request or thing made, issued, given or done under the repealed Acts shall, if  
16 in force at the commencement of this Act, continue to be in force and have  
17 effect as if made, issued, given or done under the corresponding provisions  
18 of this Act.

19 (5) All assets, funds, resources and other movable and immovable  
20 property which, immediately before the commencement of this Act, vested  
21 in Agencies established under the repealed Acts shall by virtue of this Act  
22 and without further assurance be vested in the Authority established under  
23 this Act.

24 (6) The Statutory functions, rights, interest, obligations and  
25 liabilities of the Federal Roads Maintenance Agency and the Department of  
26 the Ministry responsible for construction, rehabilitation and maintenance of  
27 Federal Roads before the commencement of this Act under any contract,  
28 rights of way, concessions or instrument shall by virtue of this Act be  
29 deemed to have been assigned to, transferred or vested in the Authority.

30 (7) Nothing in subsection (1) of this section shall be construed to

	1	preclude the power of the Ministry to engage in the construction of roads.
The Role of the National Council on Privatization	2	<b>27.</b> The National Council on Privatization shall, in consultation with
	3	the Minister in charge of roads, not later than three months after the coming into
	4	force of this Act, take such steps as are necessary to bring into being the
	5	institutional structures of the Authority.
Interpretation	6	<b>28.</b> In this Act except the context otherwise requires:
	7	“Authority” means the Federal Roads Authority established under section 2 of
	8	this Act;
	9	“base camps” means the outfit or unit office established by the Authority along
	10	Federal Roads;
	11	“Board” means the Governing Board of the Authority established under
	12	section 3 of this Act;
	13	“COREN” means Council for the Registration of Engineers;
	14	“Federal Roads” means roads and bridges owned by the Federal Government
	15	and as gazette;
	16	“function” includes power and duty;
	17	“geo-political zones” means the six geo-political units of the Federation;
	18	“member” means a member of the Board and includes the Chairman;
	19	“Minister” means Minister in charge of Federal Road Infrastructure;
	20	“Ministry” shall be construed accordingly;
	21	“PPP” means Public Private Partnership;
	22	“President” means the President of the Federal Republic of Nigeria;
	23	“Power” includes functions and duty.
Short title	24	<b>29.</b> This Act may be cited as the Federal Roads Authority Bill, 2015.

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SCHEDULE I

SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

PROCEEDINGS OF THE BOARD

[Section 3(4)]

1. Subject to this Act and section 27 of the Interpretation Act (which provides for decisions of a statutory body to be taken by a majority of its members and for the person presiding at any meeting, when a vote is ordered to have a second or casting vote), the Board may make standing orders regulating its proceedings or that of any of its Committees.

2. At every meeting of the Board, the Chairman shall preside and in his absence the members present at the meeting shall appoint one of their members to preside.

3. The quorum at a meeting of the Board shall consist of the Chairman or, in an appropriate case, the person presiding at the meeting pursuant to paragraph 2 of this Schedule, and five other members.

4. The Board shall for the purpose of this Act, meet not less than three times in each year and subject, thereto, the Board shall meet whenever it is summoned by the Chairman, and if required to do so, by notice given to the Chairman by not less than eight members, the Chairman shall summon a meeting of the Board to be held within 14 days from the date on which the notice is given.

5. Where the Board desires to obtain the advice of any person on a particular matter, the Board may co-opt him to the Board 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 Board and shall not count towards a quorum.

6. (a) Subject to its standing orders, the Board may appoint such number of standing and ad hoc Committees as it thinks fit to consider and report on any matter with which the Authority is concerned.

(b) A committee appointed under this paragraph shall:

1 (i) consist of such number of persons (not necessarily members of the  
2 Board as may be determined by the Board), and a person other than a member  
3 of the Board shall hold office on the Committee in accordance with the terms of  
4 his appointment; and

5 (ii) be presided over by a member of the Board.

6 (b) The quorum of any Committee set up by the Board shall be as  
7 determined by the Board.

8 (c) A decision of a Committee of the Board shall be of no effect until it is  
9 confirmed by the Board.

10 *Miscellaneous*

11 7. The fixing of the seal of the Authority shall be authenticated by the  
12 signature of the Chairman, the Managing Director, or any other person  
13 generally or specifically authorized by the Board to act for that purpose.

14 8. Any contract or instrument which, if made by a Person not being a  
15 body corporate, would not be required to be under seal may be made or  
16 executed on behalf of the authority by the Managing Director or by any other  
17 person generally or specifically authorized by the Board to act for that purpose.

18 9. Any document purporting to be a contract, instrument or other  
19 document duly signed or sealed on behalf of the Authority shall be received in  
20 evidence and shall, unless the contrary is proved, be presume without further  
21 proof to have been so signed.

22 10. -(1) The validity of any proceedings of the Board or of any of its  
23 Committees shall not be affected by:

24 (a) any vacancy in the membership of the Board, or Committee; or

25 (b) any defect in the appointment of a member of the Board or  
26 Committee.

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SCHEDULE II

EXECUTION OF ROAD MANAGEMENT TASK

*Form of Execution of Road Management Function*

1.-(1) The Board shall carry out its road management function through executing agencies which may be either of road management consultants, road agencies or agents of local government authorities.

(2) It shall be the duty of the Board to prepare and publish guidelines and procedures as to the manner of the discharge of these functions by these executing agencies and the Authority shall ensure that these guidelines and procedures are such as to ensure transparent, accountable and cost-effective performance of their duties by these agencies.

2. -(1) Without prejudice to the foregoing, the guidelines and procedures shall address issues relating to preparation and approval of plans and programmes, procurement of works, financial management of works, disbursement of funds.

(2) It shall be the duty of the Authority to ensure awareness and understanding by the road agencies of these guidelines and procedures and their due implementation.

3. Any of the above executing agencies may be engaged by the Authority to prepare and submit to the Authority annual work plans covering the road network under its responsibility, not later than four months before the beginning of the next fiscal year.

Preparation and Adoption of Annual Work Plans

4.-(1) The Board will prepare and adopt manuals of procedures defining its way of collaboration with the different types of executing agencies, including financial management systems, maintenance management systems, management information systems, procurement and disbursement procedures, etc. to be adopted by the executing agencies.



1                   6. Nothing in this Act and nothing done as a result of a transfer  
2                   under sub-paragraph (1) of this paragraph shall create any new cause of  
3                   action in favour of:

4                   (a) a holder of a debt instrument that was issued by the Agency  
5                   before the commencement of this Act; and

6                   (b) a party to a contract with the Agency that was entered into  
7                   before the commencement of this Act.

8                   7. Any guarantee or surety-ship given or made by the Federal  
9                   Government or any other person in respect of any debt or obligation of the  
10                  Agency, and which was effective immediately before the transfer of the  
11                  principal debt or obligation, shall remain fully effective against the  
12                  guarantor or surety on and after the transfer date in relation to the payment of  
13                  the debt or the performance of the obligation, as the case may be, by the  
14                  Authority to which the principal debt or obligation was transferred.

15                  Transfer of Employees

16                  8. -(1) Upon the Commencement of this Act, such number of  
17                  persons employed by the Agency as may be required by the Authority shall  
18                  be deemed to be staff of the Authority and shall be transferred to the service  
19                  of the Authority on terms not less favourable than those enjoyed  
20                  immediately prior to the transfer.

21                  (2) The service rendered by an employee transferred pursuant  
22                  to sub-paragraph (1) of this paragraph to the Agency shall be deemed to be  
23                  service with the Authority for the purpose of determining employment  
24                  related entitlements as specified in the relevant laws of employment in  
25                  Nigeria.

26                  (3) Until such time as conditions of service are drawn up by the  
27                  Authority:

28                  (a) the terms and conditions of service applicable to  
29                  employees of the Agency shall continue to apply to every person transferred  
30                  to the Authority as if every such person were still in the service of the

1 Agency; and

2 (b) the Authority shall continue to contribute towards any  
3 pension scheme to which the Agency was contributing in respect of persons in  
4 the employ of the Agency prior to the transfer date.

5 (4) Nothing in this paragraph shall operate so as to prevent any  
6 employee of the Agency from resigning or being dismissed from service.

7 (5) Nothing in this paragraph shall operate so as to create an  
8 entitlement for any employee of the Agency to become an employee of the  
9 Authority.

10 *Directions to the Agency*

11 9. -(1) The Minister may give the members of the Board of the  
12 Agency directions in writing in order to ensure the proper transfer of the assets  
13 of the Agency to the Authority and the Agency shall without delay, comply with  
14 every such direction.

15 (2) Without derogating from sub-paragraph (1) of this paragraph,  
16 directions given under that sub-paragraph may provide for:

17 (a) the cessation of all or any of the functions of the Agency;

18 (b) the termination of any contract entered into between the  
19 Agency and any person, provided that no such direction shall authorise the  
20 Agency to commit an unlawful breach of any such contract; and

21 (c) the production of any report and the provision of any  
22 information concerning the conduct of the Agency or the members of the board  
23 of the Agency or anything done by or on behalf of the Agency or the members  
24 of the Agency.



## EXPLANATORY MEMORANDUM

*(This Memorandum does not form part of the above Bill but is intended to explain its purport)*

This Bill seeks to repeal the Federal Roads Maintenance Agency (Establishment etc.) Act 2002 (as amended) and establish the Federal Roads Authority for the safe and efficient management of the Federal Roads Network to meet the socio-economic demands of the country; promote the sustainable development and operation of the road sector; and facilitate the development of competitive markets and the promotion of enabling environment for private sector participation in the financing, maintenance and improvement of roads in Nigeria.