

# A BILL

## FOR

AN ACT TO REPEAL THE NIGERIAN RAILWAY CORPORATION ACT, CAP N129, LAWS OF THE FEDERATION OF NIGERIA, 2004, AND ENACT THE NIGERIAN RAILWAY ACT, TO PROVIDE FOR THE REGULATION OF THE RAILWAY SECTOR, AND FOR RELATED MATTERS

*Sponsored by Hon. Gideon L. Gwani*

[ ] Commencement

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

1 PART I - OBJECTIVE AND APPLICATION

2 1. The objectives of this Act are to: Objectives

3 (a) Promote and regulate the efficient and sustainable development  
4 and operation of the railway sector;

5 (b) facilitate the development of competitive markets for services  
6 in the railway sector;

7 (c) promote the provision of safe, reliable and efficient railway  
8 services;

9 (d) increase the network of railway services and accessibility to  
10 railway infrastructure nationwide;

11 (e) encourage and promote private sector, state and local  
12 governments participation in the provision of railway infrastructure,  
13 operation and services; and

14 (f) ensure the provision of a conducive environment for the  
15 protection of the rights and interests of operators, customers and other  
16 persons operating in the railway sector.

17 2. The provisions of this Act shall apply to all activities within or Application and  
18 associated with the railway sector and to all persons conducting railway and Scope  
19 related activities in Nigeria.

## 1 PART II - ESTABLISHMENT OF THE NIGERIAN RAILWAY AUTHORITY

Establishment  
of the Nigerian  
Railway Authority2 3. -(1) There is hereby established a body to be known as the Nigerian  
3 Railway Authority (in this Act referred to as "the Authority").

4 (2) The Authority:

5 (a) shall be a body corporate with perpetual succession and a common  
6 seal;

7 (b) may sue and be sued in its corporate name; and

8 (c) may acquire, hold and dispose of any property, moveable or  
9 immoveable in its corporate name.Governing Board  
of the Authority10 4. -(1) There is established for the Authority a governing Board (in  
11 this Act referred to as "the Board") which shall be responsible for policy  
12 formulation for the Authority in line with general policy guidelines issued  
13 pursuant to Section 24 of this Act and superintending over the affairs of the  
14 Authority.

15 (2) The members of the Board shall consist of:

16 (i) a non-executive Chairman;

17 (ii) the Managing Director of the Authority;

18 (iii) the three executive Directors of the Authority;

19 (iv) six part time members drawn from each of the six geo - political  
20 zones of the country;21 (v) a representative of the Ministry not below the rank of a Director;  
22 and

23 (vi) a representative of the Nigerian Ports Authority;

24 (3) The Secretary of the Authority shall function as secretary to the  
25 board and shall:26 (a) make arrangements for meetings of the Board and prepare the  
27 agenda and minutes of such meetings;28 (b) communicate the decisions of the Board to members of the Board  
29 and keep records of the Board's meetings and proceedings;

30 (c) not be a member of the board or count towards forming a quorum

1 or have voting rights.

2 5. -(a) The Chairman and members of the Board referred to in  
3 paragraph (iv) of subsection (2) of section 4 shall be appointed by the  
4 President on the recommendation of the Minister;

Appointment and  
Qualification of  
members of the  
Board

5 (b) The chairman and members of the Board shall be persons of  
6 integrity and with not less than fifteen years cognate experience in one or  
7 more of the following fields:

8 (i) railway engineering;

9 (ii) transport technology;

10 (iii) any other engineering field;

11 (iv) transport and logistics management;

12 (v) law;

13 (vi) finance or accounting;

14 (vii) economics;

15 (viii) public administration; or

16 (ix) business administration.

17 6. -(1) The Chairman and other members of the Board shall each  
18 hold office for a term of four years and may be reappointed for a further term  
19 of four years and no more.

Tenure and  
removal from  
office of a  
Board member

20 (2) Subject to section 6 of this Act, a person shall cease to hold  
21 office as a member of the Board where he:

22 (a) is certified by a medical practitioner to be of unsound mind and  
23 is incapacitated from performing his duties;

24 (b) becomes an un-discharged bankrupt;

25 (c) is convicted criminal offence involving fraud or dishonesty or  
26 has been found guilty of contravening the Code of Conduct or has been  
27 dismissed from any office;

28 (d) is guilty of misconduct in relation to his duties.

29 (3) The conflict of interests provisions contained in the Second  
30 Schedule to this Act shall apply to all members of the Board.

Functions of  
the Board

- 1                   7. The Board shall:
- 2                   (a) provide general policy guidelines relating to the functions of the
- 3 Authority;
- 4                   (b) manage and superintend the policies of the Authority;
- 5                   (c) subject to the provisions of this Act, make, alter or revoke rules and
- 6 regulations for carrying on the functions of the Authority;
- 7                   (d) determine the terms and conditions of service of the employees of
- 8 the Authority;
- 9                   (e) with the approval of the salaries income and wages commission,
- 10 fix and review from time to time, the remuneration, allowances and benefits of
- 11 staff and employees of the Authority; and
- 12                   (f) do such things which in its opinion are necessary to ensure the
- 13 efficient performance of the Authority and are not inconsistent with the
- 14 provisions of this Act.

Vacancy on the  
Board

- 15                   8. -(1) Where a member of the Board ceases to hold office for any
- 16 reason whatsoever before the expiration of the term for which he is appointed,
- 17 another person shall be appointed to the vacant office by the President on the
- 18 recommendation of the Minister.
- 19                   (2) Where a vacancy arises as a result of the death, removal or
- 20 resignation of a member, any person so appointed as his replacement shall hold
- 21 office for the unexpired term of office of his predecessor.

Remuneration  
and allowances  
of members of  
the Board

- 22                   9. All payments, allowances and benefits howsoever called, payable
- 23 to the Board members including the Managing Director and Executive
- 24 Directors of the Authority shall be determined by the Board in accordance with
- 25 extant Federal Government guidelines.

Proceedings of  
the Board

- 26                   10. -(1) The supplementary provisions set out in the Third Schedule to
- 27 this Act shall have effect with respect to the proceedings of the Board and the
- 28 other matters contained therein.
- 29                   (2) Subject to sub-section (1) of this section, the Board shall have

1 power to make standing orders for the regulation of its proceedings and  
2 meetings.

3 PART III - MANAGEMENT AND STAFF OF THE AUTHORITY

4 11. -(1) There shall be for the Authority a Management structure (in Management  
5 this Act referred to as "the Management") which shall be responsible for the  
6 day-to-day management and supervision of the activities of the Authority  
7 and shall be headed by the Managing Director.

8 (2) The Managing Director shall be:

9 (a) appointed by the President on the recommendation of the  
10 Minister;

11 (b) the Chief Executive and Accounting Officer of the Authority;  
12 and

13 (c) responsible for the:

14 (i) execution of the policy and the day-to-day administration of the  
15 Authority; and

16 (ii) direction, supervision and control of all other employees of the  
17 authority and subject to such restrictions as the Board may impose, for  
18 disposing all questions relating to the service of the employees, their pay,  
19 allowances and benefits.

20 (3) The Managing Director shall hold office:

21 (a) for a term of four years and may be re-appointed for a further  
22 term of four years and no more; and

23 (b) on such terms and conditions, as may be specified in his letter of  
24 appointment.

25 (4) Despite the provisions of sub-section (3) of this section, the  
26 Managing Director may:

27 (b) resign his appointment by notice in writing under his hand,  
28 addressed to the President through the Board; or

29 (c) be removed by the President for inability to discharge the  
30 functions of his office whether arising from infirmity of mind or body or any

1 other or for misconduct or corruption.

2 (5) Where the Managing Director is unable to perform the functions  
3 of his office due to any temporary incapacity which is likely to be prolonged,  
4 the President on the recommendation of the Minister may appoint a substitute  
5 to act with the full powers of the Managing Director until such time as the  
6 Minister determines that the incapacity has ceased.

7 (6) The President shall appoint for the Authority, three Executive  
8 Directors to assist the Managing Director in the performance of his functions  
9 under this Act.

10 (7) The Executive Directors shall each hold office:

11 (a) for a term of four years and may be re-appointed for a further term  
12 of four years and no more; and

13 (b) on such terms and conditions, as may be specified in his letter of  
14 appointment.

15 (8) (a) There shall be three directorates each to be headed by an  
16 Executive Director;

17 (b) The structure and functions of the directorates shall be determined  
18 by the Board.

19 (9) There shall be such number of departments and districts as may be  
20 determined by the Management for the effective and efficient discharge of its  
21 functions under this Act.

22 (10) The Managing Director and the Executive Directors shall be  
23 persons who possess relevant and adequate professional qualifications in any  
24 of the fields listed in section 5 (b) with not less than 15 years cognate  
25 experience.

Removal of a  
Director

26 12. -(1) Subject to the provision of subsections (2), (3) and (4) of this  
27 section, a Director shall only be suspended or removed from office by the  
28 President on the recommendation of the Minister if he:

29 (a) is found to have been unqualified for appointment as a Director  
30 contrary to the provision of section 5(b) or is in breach of the provision of this

1 section after his appointment;

2 (b) has demonstrated inability to effectively perform the duties of  
3 his office;

4 (c) has been absent from three consecutive meetings of the Board  
5 without written notification to the Chairman except where he shows good  
6 reason for such absence; or

7 (d) is guilty of serious misconduct in relation to his duties as a  
8 Director;

9 (e) in the case of a person possessed of professional qualifications,  
10 is disqualified or suspended from practising his profession in any part of the  
11 world by a competent authority; or

12 (f) is in breach of the conflict of interest Rules set out in the Third  
13 Schedule to this Act.

14 (2) A Director shall not be removed from office under the provision  
15 of subsection (1) of this section, unless the Minister has duly served on the  
16 Director prior written notification of the intention to suspend or remove him  
17 from office and the reasons for such suspension or removal.

18 (3) Upon the receipt by the Director of the notice referred to in sub-  
19 section(2) of this section, he shall be given reasonable opportunity to make  
20 written submissions to the Minister within fourteen days from the date of the  
21 receipt of the notice.

22 (4) The Director may, within the days specified in the notice,  
23 deliver a written submission to the Minister.

24 (5) The Minister shall also, upon the receipt of the submission  
25 referred to in sub-section, (4) of this section, provide the Director the  
26 opportunity to make oral representations on the submissions made.

27 **13.**-(1) The Authority shall have a Secretary who shall be the Head  
28 of the Legal Department with at least ten years post call experience.

Appointment of  
Secretary

29 (2) The Secretary shall in addition to section 4(3) of this Act, report  
30 to the Managing Director and be responsible for:

- 1 (a) keeping the seal and corporate records of the Authority;
- 2 (b) arranging for payments of fees and allowances of meetings and all
- 3 other matters affecting members of the Board; and
- 4 (c) such other duties affecting the Authority as the Board may from
- 5 time to time direct.

Other employees  
of the Authority

6 14. -(1) The Authority shall have powers to employ such number of

7 persons as it may deem necessary for the effective discharge of its duties,

8 functions, and regulations made under this Act.

9 (2) The Authority shall be responsible for determining the job

10 description, title, terms, qualifications and salaries including allowances of the

11 employees in accordance with extant Federal Government laws.

12 (3) Employees of the Authority shall be subject to the Conflicts of

13 Interest provision~ contained in the Third Schedule to this Act.

14 (4) Service in the Authority shall be approved service for the purpose

15 of the Pension Act, and accordingly, an officer and other persons employed in

16 the Authority shall in respect of their service in the Authority be entitled to

17 pensions, gratuities and other retirement benefits as are applicable in the

18 Authority.

19 (5) Nothing in subsection (4) of this section shall exclude the

20 Authority from employing staff on non-pensionable terms and conditions.

#### 21 Part IV - Functions Of The Authority

Functions of  
the Authority

22 15. -(1) The Authority shall:

23 (a) be responsible for the development and expansion of Railway

24 infrastructure in accordance with the Master Plan or any revised version

25 thereof;

26 (b) own and manage all railway infrastructure of the Federal

27 Government subject to the provisions of this Act;

28 (c) procure private investment in railway operations through the grant

29 of concessions in accordance with the provisions of Part VII of this Act;

30 (d) supervise and ensure the implementation of all concessions



- 1 granted by the Authority;
- 2 (e) monitor the investment obligations of concessionaires;
- 3 (f) provide railway services at the end of a concession period or in  
4 the event of an early termination of a concession or abandonment of a  
5 concession by a concessionaire;
- 6 (g) prepare and publish guidelines consistent with the provisions of  
7 the guidelines issued in accordance with Infrastructure Concession  
8 Regulatory Commission Act for the selection of concessionaires;
- 9 (h) acquire and own land as it may require for the purposes of a  
10 railway or in connection with any of its obligations under this Act;
- 11 (i) ensure the provision of essential rail services through grants,  
12 other assistance or where necessary by direct operation;
- 13 (j) implement strategic programmes and plans for the development  
14 of the railway sector as may be consistent with the Master Plan;
- 15 (k) procure funding for investments in Railway infrastructure;
- 16 (l) propose, adopt, publish and enforce technical specifications and  
17 standards for the design, construction, installation, alteration and operation  
18 of Railway infrastructure in Nigeria and for connecting and interconnecting  
19 Railway infrastructure;
- 20 (m) undertake studies and research related to railway development  
21 and operations; and
- 22 (n) carry out such other activities as are necessary or conducive for  
23 the attainment of the functions and duties of the Authority under this Act.
- 24 (2) The Authority shall at all times, carry out its functions and  
25 duties in a transparent and non-discriminatory manner.

26 PART V- FINANCIAL PROVISIONS

27 16. -(1) The Authority shall establish and maintain a Fund which  
28 shall consist of:

Fund of the  
Authority

- 29 (a) such moneys as may be appropriated to the Authority from time  
30 to time by the Government;

1 (b) concession fees, rents, levies, penalties and other charges from  
2 services provided by the Authority;

3 (c) gifts, loans and grants from national, bilateral and multilateral  
4 agencies;

5 (d) proceeds from the sale of assets that may accrue to the Authority;  
6 and

7 (e) all other funds which may, from time to time, accrue to the  
8 Authority.

9 (2) The Fund shall be managed in accordance with extant Financial  
10 Regulations applicable in the Public Service and rules made by the Board.

Power to  
accept gifts

11 17. -(1) The Authority may accept gifts of land, grants of money, aid  
12 or other property from national, bilateral or multilateral organizations upon  
13 such terms and conditions, if any, as may be agreed upon between the donor  
14 and the Authority.

15 (2) The Authority shall not accept any gift if the conditions attached  
16 by the person or organisation making the gift are inconsistent with the  
17 objectives and functions of the Authority or any other law in Nigeria.

Application of  
the Fund of the  
Authority

18 18. -(1) The Authority may, from time to time, apply the proceeds of  
19 the fund established in pursuance of subsection (1) of section 14 of this Act for  
20 the following purposes:

21 (a) to meet the administrative and operating costs of the Authority;

22 (b) the reimbursement of members of the Board or any Committee set  
23 up by the Board or the Authority for such expenses as may be authorised in  
24 accordance with the rates approved by the Government of the Federation;

25 (c) the payments of salaries, wages, fees and other remunerations or  
26 allowances and retirement benefits payable to members of the Board,  
27 employees, experts or professionals appointed by the Authority;

28 (d) for the purchase or acquisition of property, equipment and other  
29 capital expenditure and for maintenance of any property acquired or vested in  
30 the Authority;

1 (e) for purposes of investment; and

2 (f) for any matter connected with the functions of the Authority  
3 under this Act.

4 (2) Any excess of the Authority's revenue for any year over the  
5 approved expenditure for that year shall be remitted to the Consolidated  
6 Revenue Fund.

7 19. The Authority may, with the prior consent of its Board and in Borrowing  
8 power  
9 accordance with the applicable laws, rules and regulations governing  
10 borrowings by public bodies, borrow such sums of money or raise capital,  
11 otherwise than from the Government as the Authority may require in the  
12 exercise of its functions under this Act,

13 20. -(1) The Authority shall not later than four (4) months to the end Budget and  
14 Annual Estimates  
15 of the financial year, prepare and present to the Minister for consideration  
16 and presentation to the National Assembly for approval, a statement of  
17 estimated income and expenditure for the following financial year.

18 (2) Notwithstanding the provisions of sub-section (1), the  
19 Authority may also in any financial year, submit supplementary or adjusted  
20 statements of estimated income and expenditure to the Minister for  
21 approval.

22 21. -(1) The financial year of the Authority shall start on the 1st day Accounts and  
23 Audit  
24 of January of each year and end on the 31st day of December of the same  
25 year.

26 (2) The Authority shall keep proper accounts and records of its  
27 receipts, payments, assets and liabilities in respect of each year and shall:

28 (a) cause the accounts to be audited within three months from the  
29 end of each financial year; and

30 (b) prepare a Statement of Account in such form as the Board may  
direct, in respect of each year.

(3) The Board shall have the power to appoint external auditors,  
provided that, such auditors are on the list of auditors approved from time to

1 time by the Auditor-General of the Federation.

2 (4) Auditors appointed by the Board may be reappointed on an annual  
3 basis.

4 (5) An auditor appointed pursuant to sub-section (3) of this section  
5 shall have access to all accounts and other records relating to such accounts  
6 which are kept by the Authority or its agents and shall have the power to require  
7 from any member of the Board or employee or agent of the Authority such  
8 information and explanation as in the auditors opinion are necessary for the  
9 purpose of the audit.

Annual Reports

10 22. -(a) The Authority shall prepare and submit to the Minister, not  
11 later than three months after the include therein the Authority's audited  
12 accounts for the year under review together with the auditor's report;

13 (b) The Minister may require the Authority to obtain from its auditors,  
14 such other reports, statements or explanations in connection with the  
15 Authority's operations, funds and such requirement.

16 PART VI - CONCESSIONS

Power to grant  
concessions

17 23. -(1) The Authority shall have the power to grant a concession to  
18 any person.

19 (2) The grant of a concession under this Act shall be subject to the  
20 provisions of the Infrastructure Concession Regulatory Commission Act , the  
21 Public Procurement Act and such other laws, regulations or guidelines  
22 approved and published by the Federal Government from time to time relating  
23 to or governing concessions and procurements.

24 (3) Without prejudice to the provisions of the Freedom of Information  
25 Act, the Authority shall within thirty days after the grant of a concession.  
26 publish a summary of the concession in at least two national daily newspapers.

Transfer of  
Concessions

27 24. -(1) Rights arising from a concession may, subject to the approval  
28 of the Authority and the Minister be assigned, wholly or partially sub-leased,  
29 pledged, mortgaged or hypothecated.

30 (2) A concession agreement shall contain the terms upon which the

1 concession may be transferred to a third party.

2 (3) Where a concession or any rights therein is assigned, wholly or  
3 partially sub-leased, pledged, mortgaged or hypothecated to a third party,  
4 any Licence to which such concession is subject, shall, subject to section 28  
5 of this Act, be deemed to be assigned, sub-leased, pledged, mortgaged or  
6 hypothecated to that third party.

7 PART VII - POLICY AND REGULATION OF RAILWAY TRANSPORT

8 25. -(1) The general responsibilities and functions of the Minister  
9 under this Act shall include the following:

The role of the  
Minister

10 (a) to formulate, modify and issue policies for the railway sector to  
11 ensure the attainment of the objectives referred to in section 2 of this Act;

12 (b) to facilitate the establishment of international protocols on  
13 Railway Services;

14 (c) to facilitate the conclusion of agreements with foreign  
15 governments and international organisations for the provision of Railway  
16 Services;

17 (d) to encourage co-operation within the ECOWAS region for the  
18 adoption of common standards, safety practices and interconnection of  
19 National Railway Networks;

20 (e) to receive and review records and reports submitted by the  
21 Authority pursuant to this Act;

22 (f) upon consultation with the Authority, to declare new railway  
23 routes as may be provided for, from time to time.

24 25. The Minister may give directives of a general nature to the  
25 Authority relating to performance by the Authority of any of its functions  
26 under this Act.

Power of the  
Minister to give  
Directives

27 PART VIII - STATE, FEDERAL CAPITAL TERRITORY AND LOCAL

28 GOVERNMENT RAILWAYS

29 27. -(1) The Government of a State, Federal Capital Territory and  
30 Local Government may subject to the approval of the Authority construct

Development of  
State, Federal  
Capital Territory  
and Local  
Government  
Railways

1 Railway infrastructure for the provision of Railway Services within its area of  
2 jurisdiction.

3 (2) The agency of a State Government, Federal Capital Territory and  
4 Local Government vested with the responsibility to develop a Railway to  
5 which this section applies shall obtain the prior approval of the Authority in  
6 respect of the construction of a Railway or the development of Railway  
7 infrastructure.

8 (3) An application made pursuant to sub-section (2) of this section  
9 shall be accompanied with a plan of the proposed Railway or as the case may  
10 be, the extension or alteration thereof, together with particulars of the proposed  
11 Railway Works and such other information as the Authority may require.

12 (4) In considering an application made pursuant to sub-section (2) of  
13 this section, the Authority may direct the applicant to make such amendments  
14 as it deems necessary.

15 (5) Where the Railway to which this section applies is required to  
16 interconnect with the national railway network, the Authority shall issue  
17 technical specifications and standards in respect of the connection.

18 (6) Notwithstanding the provisions of section 24(1) the Authority  
19 shall have power to regulate or enforce technical specifications for the design,  
20 construction, installation or alteration of state transit railways.

Licensing

21 **28.** -(1) The approval by the Authority of an application received  
22 pursuant to subsection (2) of section 24 shall entitle the applicant to the  
23 issuance of a Licence to operate the Railway and to provide Railway Services.

24 (2) An application for the issuance of a Licence under sub-section (1)  
25 of this section shall be made to the Authority in the prescribed form and shall be  
26 accompanied by the prescribed documents.

Right to enter  
into Agreements

27 **29.** -(1) The holder of a Licence issued by the Authority may enter into  
28 agreements with other persons for the provision of Railway Services and  
29 Railway infrastructure whether by means of a concession, joint venture,  
30 public-private partnership or other means.

1 (2) Any agreement entered into pursuant to sub-section (1) of this  
2 section shall be subject to the approval of the Authority.

3 PART IX - SERVICE DISCONTINUATION AND PUBLIC SERVICE

4 OBLIGATIONS

5 30.-(1) Any Railway Operator providing a Railway Service on an  
6 unprofitable route within the national railway network may recommend to  
7 the Authority that the service concerned:

Commercially  
unviable Railway  
Services

- 8 (a) be discontinued; or  
9 (b) become subject to a Public Service Obligation.

10 (2) The Authority shall publish a notice in any daily newspaper of  
11 wide circulation in the affected communities, informing the public of the  
12 recommendation under sub-section (1) of this section, and stating the period  
13 within which objections or representations in connection with the  
14 recommendation may be made to the Authority.

15 (3) The Authority shall, after due consideration of views of  
16 interested persons, make a recommendation to the Minister that the Railway  
17 Service referred to in sub-section (1) of this section be:

- 18 (a) continued;  
19 (b) discontinued; or  
20 (c) continued subject to a Public Service obligation.

21 (4) Where a recommendation is made to discontinue the Railway  
22 Service under sub-section (3) of this section, the Minister shall make a  
23 declaration and publish same in the gazette.

24 31.-(1) Subject to sub-section (2) and (3) of this section, where the  
25 provision of Passenger Services along any route within the national railway  
26 network is determined by the Authority to be unprofitable but the provision  
27 of Passenger Services along such route is essential to communities serviced  
28 by that route, or where there is no alternative mode of transport for the  
29 service of that route, the Minister may upon the recommendation of the  
30 Authority, declare a Public Service Obligation in respect of the provision of

Public Service  
Obligations

1 Passenger Services along that route.

2 (2) The Authority shall grant a direct subsidy to a Railway Operator to  
3 enable it to fulfill the Public Service Obligation declared by the Minister and  
4 the sum required for the funding of such subsidy shall be provided to the  
5 Authority by the Ministry.

6 (3) The subsidy required pursuant to sub-section (4) above shall be  
7 determined by the Authority in consultation with the Minister and the  
8 Commission.

9 (4) The Authority shall continue to provide a subsidy pursuant to this  
10 section for as long as the circumstances that justify the Public Service  
11 Obligation continue to exist.

12 (5) The Authority shall through the Minister, forward the list of  
13 Railway Operators operating under the provisions of this section to the  
14 Minister of Finance within thirty days after the grant of a direct subsidy to  
15 enable the creation of contingent facilities and budgeting.

16 PART X - DUTIES AND POWERS OF RAILWAY OPERATORS

17 32. A Railway Operator shall, in respect of a Railway operated by it:

18 (a) furnish, at the point of origin, at the point of junction of its Railway  
19 Track with another Railway Track and at all points of stopping established for  
20 that purpose, adequate and suitable accommodation for the receiving and  
21 loading of all Traffic offered for carriage on the Railway;

22 (b) furnish adequate and suitable accommodation for the carriage,  
23 unloading and delivering of the Traffic;

24 (c) without delay and with due care and diligence, receive, carry and  
25 deliver the Traffic;

26 (d) furnish and use all proper equipment, accommodation and means  
27 necessary for receiving, loading, carrying, unloading and delivering the  
28 Traffic; and

29 (e) furnish any other service incidental to railway transportation that  
30 is customary or usual in connection with the business of a Railway Service or



1 Railway infrastructure provider.

2 33. -(1) In carrying out railway operations, it shall be the general  
3 duty of every Railway Operator to ensure the security and safety of persons  
4 and goods affected by the operation of its Railway and in this regard, a  
5 Railway Operator shall have power to:

Duty to ensure  
Safety and  
Security

6 (a) enter upon any land adjoining the Railway for the purpose of  
7 preventing any accident or repairing any damage resulting from any  
8 accident and to do all such works as may be necessary for that purpose;

9 (b) cut down or remove any tree or other obstruction, not being a  
10 building, which obscures the view of any fixed signal or which is likely to  
11 cause any obstruction or any danger to any rail transport service.

12 (2) Any person exercising the powers under sub-section (1) of this  
13 section shall ensure that as little damage as possible is caused and he shall be  
14 liable to pay compensation to any person who sustains loss or damage from  
15 the exercise of his powers.

16 34. Subject to the provisions of this Act, every Railway Operator  
17 shall publish and publicly display at its offices and at Railway Stations  
18 where it provides railway services, the schedule of its freight tariffs and  
19 passenger fares and any modifications thereto.

Duty to publish  
tariffs

#### 20 PART XI - RAILWAY SAFETY

21 35. -(1) The Authority shall appoint an Inspector of Railways who  
22 shall:

The Inspector  
of Railways

23 (a) be a civil engineer; and

24 (b) shall have at least fifteen years' service in one or more large  
25 railway systems, ten years of which shall have been served in cognate  
26 engineering or safety work, on lines open to Traffic.

27 (2) The Inspector of Railways shall:

28 (a) undertake the safety regulatory functions of the Authority with  
29 respect to Railway Safety;

1 (b) advise the Authority on the safety competence of Railway  
2 Operators;

3 (c) introduce and ensure compliance with the safety standards in  
4 respect of railway operations and Railway infrastructure;

5 (d) by himself or such other inspectors or persons employed or  
6 authorised by the Authority, carry out inspections to determine compliance  
7 with applicable safety and environmental regulations and guidelines; and  
8 discharge any other functions as may be specified from time to time by the  
9 Authority or by this Act.

10 36.-(1) For the purpose of the exercise of his functions under this Act,  
11 the Inspector of Railways may by himself or such other inspectors or Persons  
12 employed or authorised by the Authority:

13 (a) enter, inspect, examine and search at all times, any property under  
14 the control of a Railway Operator;

15 (b) take with him any member of the police force, any other  
16 person or any equipment or materials required for any purpose for which the  
17 power of entry is being exercised;

18 (c) make such examination and inquiry as may be necessary to  
19 ascertain whether the provisions of this Act or Conditions for a Licence are  
20 being complied with;

21 (d) require the production of any relevant books, registers, records,  
22 certificates, notices, documents, maps and plans, required to be kept by this Act  
23 or any Regulations made under it or any other necessary document for the  
24 purposes of any examination or inquiry under this Act and inspect, examine  
25 and retain copies;

26 (e) where there exists reasonable cause, require any person who is  
27 reasonably expected to be in a position to provide information relevant to any  
28 examination or inquiry under this Act, to answer either alone, or in the presence  
29 of any other person as he thinks fit, such questions with respect to matters under  
30 this Act, and to sign a declaration of the truth of the answers given;

1 (f) direct that any property under the control of a Railway Operator  
2 or any part thereof and anything therein shall be left undisturbed for as long  
3 as it is reasonably necessary, for the purpose of any examination or inquiry  
4 under this Act;

5 (g) take samples, or require the Railway Operator or any member  
6 of staff, or other person engaged by the Railway Operator, or any person  
7 who appears to him to be in possession of the article or substance, to produce  
8 the article or substance for test, examination or analysis;

9 (h) cause any article or substance found in the vicinity of a Railway  
10 which appears to him to have caused or to be likely to cause danger to safety  
11 or health, to be dismantled and removed or subjected to any process or test;

12 (i) take any measurements or photographs or make any recordings  
13 considered necessary for the purposes of this Act;

14 (j) require any person to afford him such facilities and assistance  
15 within that person's control or responsibilities as shall be reasonably  
16 necessary to enable him to exercise any of the powers conferred on him by  
17 this Act;

18 (k) take possession of and detain any article or substance referred  
19 to in paragraph (h) for all or any of the following purposes, namely to:

20 (i) examine or arrange for its examination;

21 (ii) ensure that it is not tampered with before it examination is  
22 completed; and

23 (iii) ensure that it is available for use as evidence in any  
24 proceedings.

25 (2) For the purposes of sub-section (1) (e) of this section, a  
26 declaration of truth shall in all respects have the same force and effect as a  
27 statement made under oath.

28 (3) Any article, equipment or substance removed by an Inspector  
29 pursuant to this section shall be returned to its owner if it is not used in  
30 evidence within a reasonable time.

Duty to Assist  
an Inspector of  
Railways

1                   37. Where an Inspector or an authorised person enters any property  
2 under the control of a Railway Operator pursuant to section 33, any employee  
3 of the Railway Operator found therein shall assist the Inspector or authorised  
4 person by providing him with such information and facilities as he may require.

Power of an  
Inspector of  
Railways to deal  
with unsafe  
conditions

5                   38. -(1) Where an Inspector believes that a condition or activity is a  
6 threat or might be a threat to railway safety, the Inspector may issue a notice to  
7 any Person responsible for that condition or activity to the effect that:

8                   (a) the activity be restricted or suspended, and the Inspector may place  
9 conditions on that activity; or

10                  (b) action be taken within a specified time by the person concerned to  
11 remove the threat.

12                  (2) Any person issued with a notice under sub-section (1) of this  
13 section shall comply with it within the specified period.

14                  (2) Any person who fails to comply with a notice issued under sub-  
15 section (1) of this section shall be guilty of an offence and liable on conviction  
16 to a fine not less than Two Hundred Thousand Naira (N200,000.00) or six  
17 months imprisonment.

Safety and  
Environmental  
Plan

18                  39. Every Railway Operator shall prepare a Safety and  
19 Environmental Plan for the approval of the Inspector of Railway.

General Duties

20                  40. -(1) It shall be the general duty of every Person, including a person  
21 employed by a Railway Operator, being on or near Railway infrastructure or on  
22 a train to conduct himself in such a way as to ensure that no person or property  
23 is exposed to danger as a consequence of his act or omission.

24                  (2) Any person who contravenes sub-section (1) of this section  
25 commits an offence and is liable on conviction to a fine not exceeding Two  
26 Hundred Thousand Naira or six months imprisonment or both.

27                                   PART XII - INVESTIGATION OF RAILWAY ACCIDENTS

Cooperation  
between Railway  
Operators

28                  41. -(1) Subject to any Regulations dealing with the preparation of  
29 Safety and Environmental Plans that may be issued by the Authority, where the  
30 activities of two or more Railway Operators overlap, the Railway Operators

1 concerned shall be under a duty to co-operate with one another with respect  
2 to safety systems and procedures regarding their railway operations and  
3 may enter into an agreement for such purpose.

4 (2) A Railway Operator who conducts himself in a manner  
5 contrary to sub-section (1) of this section commits an offence and is liable on  
6 conviction to a fine not exceeding Five Million Naira.

7 42. -(1) The Authority shall make Regulations in relation to any  
8 matter that is necessary to give effect to its functions relating to safety by  
9 prescribing:

Regulations on  
Railway Safety

10 (a) environmental and safety standards for the construction,  
11 manufacture, maintenance and operation of railway infrastructure and  
12 rolling stock;

13 (b) requirements and procedures for the construction of new  
14 Railway infrastructure;

15 (c) the form and content of a Safety and Environmental Plan;

16 (d) the circumstances under which a Railway Operator may be  
17 required to revise or amend a Safety and Environmental Plan and the period  
18 within which a Safety and Environmental Plan shall be reviewed;

19 (e) in respect of railway accidents or incidents, requirements  
20 relating to the reporting by Railway Operators, the form of reporting and the  
21 classification of accidents and incidents to be reported;

22 (f) the following matters in so far as they relate to railway safety, in  
23 relation to persons employed in the prescribed positions:

24 (i) the training of those persons, both before and after appointment  
25 to those positions;

26 (ii) hours of work and rest periods to be observed by those persons;

27 (iii) minimum medical, including audiometric and optometric,  
28 standards to be met by those persons;

29 (iv) the control or prohibition of alcoholic beverages and the use of  
30 drugs by those persons; and

1 (v) the establishment of training programs for those persons and  
2 standards applicable to such programmes.

3 (g) the establishment of a scheme for licensing persons employed in  
4 positions referred to in paragraph (f) and prescribing fees for the Licences;

5 (h) in respect of crossing works:

6 (i) safety barriers and operating procedures at level crossings; and

7 (ii) requiring a Railway Operator, road authority or other person who  
8 has rights relating to a road crossing, to conduct a safety review of the road  
9 crossing following an accident of the type prescribed.

10 (i) the rules for carriage of dangerous goods and substances;

11 (j) the security of railway transportation;

12 (k) in respect of non-railway operations, insofar as it affects railway  
13 safety, including:

14 (i) fencing;

15 (ii) mines and other excavations;

16 (iii) drainage;

17 (iv) land use, insofar as it impacts on any drainage affecting a  
18 Railway;

19 (v) any construction activities above, below or adjacent to a Railway;

20 (vi) the size of, and location of access to Railway Stations from  
21 property adjoining a Railway Station;

22 (vii) the development of property adjoining a Station; and

23 (l) any other matter which the Authority considers necessary for the  
24 promotion of railway safety.

Power of Railway  
Operators to  
make Internal  
Safety Rules

25 43.-(1) A Railway Operator shall make internal rules for the  
26 management, control and operation of its Railway activities and without  
27 prejudice to the generality of the foregoing, make rules in relation to anyone or  
28 more of the following matters:

29 (a) the times of arrival and departure of Trains;

30 (b) the prevention of the commission of any nuisance that may affect

1 the safe operation of its Railway or in or upon any Train;

2 (c) the prevention of accidents;

3 (d) the carriage of goods and persons on Trains; and

4 (e) the safe custody and redelivery or disposal of any property  
5 found on or in any Train or property of a Railway Operator and the fixing of  
6 tariffs in respect thereof.

7 (2) Rules made under this section may contain such ancillary  
8 provisions as are reasonably necessary or expedient for the operations of the  
9 Railway Operator.

10 (3) Every Railway Operator that intends to make rules under the  
11 provisions of sub-sections (1) and (2) of this section shall submit drafts of  
12 the proposed rules to the Authority which shall, within sixty (60) days,  
13 approve, modify or reject such rules.

14 (4) The Authority may at any time direct a Railway Operator to  
15 modify, any rule previously submitted for its approval and the Railway  
16 Operator shall comply within thirty (30) days.

17 **44. There shall be established a Railway Accident Investigating**  
18 **Unit in the Federal Ministry of Transport which shall be headed by a**  
19 **Railway Accident Investigator.**

Appointment of  
Railway Accident  
Investigators

20 **45. The Railway Accident Investigating Unit shall:**

21 (a) Conduct investigation in any Railway accident;

22 (b) Issue a summons requiring the attendance of any person  
23 including persons in the employment of the Authority or the production of  
24 any evidence at a hearing of the Accident Investigation Unit to be specified  
25 in the summons;

26 (c) Administer the Prescribed oath;

27 (d) Examine witnesses; and

28 (e) Detain anything which may be material to the investigation.

Functions of the  
Railway Accident  
Investigating  
Unit

29 **46.-(1) For the purpose of conducting an investigation, the**  
30 **Railway Accident Investigating Unit shall have the power:**

Investigation of  
Accidents

1 (a) to constitute an Accident Investigation Panel for the purpose of  
2 conducting a public inquiry;

3 (b) to issue a summons requiring the attendance of any person  
4 including persons in the employment of the Authority or the production of any  
5 evidence at a hearing of the Accident Investigation Unit to be specified in the  
6 summons;

7 (c) to administer the Prescribed oath;

8 (d) to examine witnesses; and

9 (e) to detain anything which may be material to the investigation.

10 (2) Any person required to appear before the Railway Accident  
11 Investigation Unit shall be entitled to be represented by a legal practitioner of  
12 his choice.

13 (3) A hearing conducted under this section shall be open to the public;

14 (4) At the conclusion of the investigation, the Railway Accident  
15 Investigator shall present Report to the Minister which shall:

16 (a) record the findings of the investigation; and

17 (b) recommend corrective action, including, where necessary, the  
18 issuance or amendment of any Regulations in order to prevent a recurrence of  
19 similar accidents.

20 (5) A Report presented to the Minister pursuant to sub-section (4) of  
21 this section shall be published in the gazette within six (6) months.

22 (6) A Railway Accident Investigator shall not consider or determine  
23 liability in connection with any accident or incident, provided that he may  
24 report on the cause of an accident or incident whether or not, blame or liability  
25 is likely to be inferred from the report.

Conflict of  
Interest

26 47.-(1) A Railway Accident Investigator shall not, directly or  
27 indirectly, as owner, shareholder, director, officer, partner or otherwise:

28 (a) be engaged in a railway undertaking or business; or

29 (b) have an interest in a railway undertaking or business or an interest  
30 in the manufacture or distribution of railway plant or equipment, except where



1 the distribution is merely incidental to the general merchandising of goods.

2 (2) A Railway Accident Investigator shall not carry on any activity  
3 inconsistent with the performance of his duties under this Act.

4 PART XIII - ACQUISITION OF LAND AND RAILWAY WORKS

5 48. -(1) Subject to the provisions of the Land Use Act, whenever it  
6 appears to the Authority that any land in any locality is required for the  
7 purposes of a Railway, the Authority may by its servants or agents, together  
8 with all necessary workmen, enter upon any land in any locality and:

9 (a) survey and take levels of such land;

10 (b) dig or bore under the sub-soil;

11 (c) do all other acts necessary to ascertain whether the land is  
12 adapted for the purposes of a Railway;

13 (d) clearly set out and mark the boundaries of the land in respect of  
14 which it is proposed to acquire for railway works;

15 Provided that, no such servants, agents or workmen shall enter any land,  
16 building or upon any enclosed court or garden attached to a dwelling house  
17 except with the consent of the owner or occupier thereof, which consent  
18 shall not be unreasonably withheld, and unless at least fourteen days' notice  
19 of the intended entry shall have been given to such owner or occupier.

20 (2) The Authority shall pay compensation for any damage arising  
21 out exercise of the power conferred on it by sub-section (1) of this section.

22 (3) Where there is any dispute as to the amount of compensation  
23 payable under this section, the amount of the compensation shall be  
24 determined in the manner provided by Law.

25 49. -(1) Where any Person desires to construct, extend or alter any  
26 Private Railway, such person shall apply to the Authority for its approval to  
27 the proposed construction, extension or alteration and furnish the Authority  
28 with a plan of the proposed Railway together with particulars showing the  
29 manner and position in which the Railway infrastructure in respect thereof is  
30 intended to be constructed, extended, altered and carried on and any other

Surveys and  
Inspections

Private Railways

1 information as the Authority may require.

2 (2) The Authority shall in considering an application received  
3 pursuant to sub-section (1) of this section, ensure that the proposed Railway  
4 Works do not conflict with the Master Plan and may direct the applicant to  
5 make such amendments as it deems necessary.

6 (3) Where the Private Railway is to interconnect with the national  
7 railway network, the Authority shall issue technical specifications regarding  
8 the interconnection.

Notice

9 **50.** Prior to the commencement of any proposed Railway Works,  
10 notice shall be served on any agency charged with the responsibility for town  
11 planning matters and on such other Person or Persons required to receive such  
12 notice under any law in force in Nigeria.

Approval for  
the Operation  
of a Railway

13 **51.** -(1) No Railway infrastructure shall be commissioned or operated  
14 without the issuance of a Safety Certificate by the Inspector of Railway stating  
15 that:

16 (a) he has made a careful inspection of the Railway infrastructure;

17 (b) he has received from the Railway Operator, a certificate signed by  
18 an engineer employed by the Railway Operator for that purpose, stating that the  
19 Railway infrastructure is in compliance with the environmental and safety  
20 standards prescribed by the Authority;

21 (c) the Railway Operator has complied with applicable safety  
22 standards and regulations;

23 (d) he has satisfied himself that the Railway infrastructure can be used  
24 for the purposes intended without danger to the public.

25 (2) For the purposes of this section, the Inspector of Railway shall  
26 carry out periodic inspections and, may request alterations to, or the demolition  
27 of Railway infrastructure which constitutes a danger to public safety.

28 (3) Upon the issuance of a Safety Certificate, the Railway Operator  
29 may proceed to commission and operate the Railway infrastructure.

30 (4) Where the Inspector of Railway fails to issue a Safety Certificate

1 within a period of one month from receipt of the Railway Operator's  
2 certificate, he shall inform the Railway Operator of his reason(s) for not  
3 issuing it and of any requirements to be complied with prior to the issuance  
4 of the Certificate.

5 **52.-(1)** The Inspector of Railways may at any time withdraw a  
6 Safety Certificate where it appears to him that the Railway infrastructure  
7 fails to meet the conditions prescribed under this Act.

Withdrawal of  
Safety Certificates

8 (2) Where a Safety Certificate is withdrawn pursuant to sub-  
9 section 1 of this section, the Inspector of Railways shall give reasons for the  
10 withdrawal.

11 **53.-(1)** Subject to the approval of the Authority, any Person who  
12 desires to construct, extend or alter any Railway infrastructure or other  
13 works connected therewith, may enter upon any land and:

General Powers  
of Railway  
Operators

14 (a) make or construct tunnels, embankments, aqueducts, bridges,  
15 roads, conduits, drains, piers, arches, cuttings, fences, electric power,  
16 telegraph or telephone lines across or along a Railway, water course, canal  
17 or road that adjoins or intersects the Railway;

18 (b) divert or alter the course of a watercourse or public road, in  
19 order to carry it more conveniently across or" along the Railway;

20 (c) make drains or conduits into, through or under land adjoining  
21 the Railway for the purpose of conveying water from or to the Railway;

22 (d) divert or alter the position of a water pipe, gas pipe, sewer or  
23 drain, or telegraph, telephone or electric power line, wire or pole across or  
24 along the Railway; and

25 (e) do all other acts necessary for constructing, maintaining,  
26 altering or repairing and operating the Railway.

27 (2) The powers exercisable under sub-section (1) of this section  
28 shall be subject to the provisions of any other law for the time being in force  
29 which requires the issuance of a notice or the procurement of a permit from a  
30 government department or ministry prior to the exercise of that power.

1 (3) Any person exercising the powers under sub-section (1) of this  
2 section shall ensure that as little damage as possible is caused and he shall be  
3 liable to pay compensation to any person who sustains loss or damage from the  
4 exercise of his powers.

5 (4) Where a Person diverts or alters anything mentioned in sub-  
6 section (1) (b) or (d) of this section, the Person shall restore it as nearly as  
7 possible to its former condition, or shall put it in a condition that does not  
8 substantially impair its usefulness.

Exemption of  
Railway land

9 54. The provisions of any Act or Law:

10 (a) relating to town or country planning; or

11 (b) regulating the construction, alteration, repair or demolition of  
12 buildings, shall not apply in relation to any Railway land.

13 PART XIV - OFFENCES AND PENALTIES

Endangering  
Safety

14 55. -(1) Any person who by any unlawful, wilful, negligent or  
15 careless act or omission:

16 (a) obstructs or causes to be obstructed any Rolling Stock using the  
17 Railway;

18 (b) endangers or causes to be endangered the safety of any person in or  
19 upon any Rolling Stock using the Railway;

20 (c) puts, places, casts or throws upon or across any Railway Track any  
21 wood, stone or other matter or thing;

22 (d) takes up, removes or displaces any rail, sleeper or other  
23 component of or any Railway infrastructure;

24 (e) throws or causes to fall or strike at, against, into or upon any  
25 Rolling Stock any wood, stone or other matter or thing with intent to injure or  
26 endanger the safety of any person being in or upon such Rolling Stock;

27 (f) sets fire to, destroys or in any way damages any Railway Track and  
28 appurtenances laid thereon or any Railway Station, engine house, warehouse  
29 or other building, or any Rolling Stock belonging or appertaining to the  
30 Railway or any matter or thing contained therein;

1 (g) does or causes to be done any other thing with intent to obstruct,  
2 upset, overthrow, damage or destroy any Rolling Stock using a Railway;

3 (h) endangers the safety of any person travelling by or being upon a  
4 Railway; or

5 (i) obstructs the Government Inspector of Railway in the execution  
6 of his duties;

7 commits an offence and shall be liable on conviction to a fine not less than  
8 Two Million Naira or to imprisonment for a term not less than two years or to  
9 both.

10 (2) Any person who aids, abets, assists, counsels or procures any  
11 act or omission referred to in sub-section (1) of this section, commits an  
12 offence and shall be liable on conviction to a fine not less than Two Million  
13 Naira or to imprisonment for a term not less than two years or to both.

14 **56.** -(1) Any employee of a Railway Operator who whilst on duty:

15 (a) is present on any Locomotive or in any guard's van; or

16 (b) has any responsibility related to:

17 (i) the movement of Traffic;

18 (ii) the Operation or Maintenance of any railway signalling or  
19 communication equipment; or

20 (iii) the repairs of any Rolling Stock,

21 is found to be under the influence of drugs or alcohol while on duty commits  
22 an offence and shall be liable on conviction to a fine not less than Two  
23 Million Naira or to imprisonment for a term not less than Five years or to  
24 both.

25 (2) For the purpose of ascertaining whether an employee referred  
26 to in sub-section (1) of this section is under the influence of drugs or alcohol,  
27 such employee may at any time be required to submit himself to a breath test  
28 or to provide a blood or urine sample to a medical establishment approved  
29 by the Railway Operator.

30 (3) Where an employee having any of the responsibilities

Drunkenness  
while on  
Locomotive, etc

1 described under sub-section (1) of this section does not submit to a breath test  
2 or provide a blood or urine sample when requested to do so, such employee  
3 commits an offence and shall be liable on conviction to a fine not exceeding  
4 One Million Naira or to imprisonment for a term not less than two years or to  
5 both such fine and imprisonment.

Trespass Related  
Offences

6 **57.** Any person who:

7 (a) not being specifically authorised in that behalf or not being 8f1  
8 employee of a Railway Operator:

9 (i) trespasses into any premises occupied by a Railway Operator;

10 (ii) is found in any areas designated by a Railway Operator as  
11 dangerous or restricted by the erection of notice boards to that effect; or

12 (iii) refuses to leave premises occupied by a Railway Operator or any  
13 of its Rolling Stocks after being lawfully requested to do so by any employee of  
14 the Railway Operator or police officer.

15 (b) being on any premises occupied by a Railway Operator or any of  
16 its Rolling Stocks:

17 (i) refuses to give his name or address, or gives a false name and  
18 address when called upon by an employee of the Railway Operator or police  
19 officer;

20 (ii) is in a state of intoxication and behaves in a violent or offensive  
21 manner to any other person;

22 (iii) discharges any firearm or does anything which may cause injury  
23 to any person on such premises or upon such Rolling Stock;

24 (iv) commits any nuisance or act of indecency or uses profane,  
25 obscene, indecent or abusive language resulting in a breach of public peace;

26 (v) without lawful excuse contravenes any direction lawfully given  
27 by an employee of the Railway Operator;

28 (vi) except with the permission of an authorised employee of the  
29 Railway Operator hawks, sells or, exposes for sale any article or touts, applies  
30 for, or solicits for customer of any description; or

1 (vii) smokes in any part of such premises or Rolling Stock bearing  
2 a notice that smoking is prohibited in that part;

3 (c) defaces the writing on any board or any notice maintained upon  
4 any premises occupied by a Railway Operator or any of its Rolling Stocks;

5 (d) writes, draws or affixes any profane, obscene, indecent or  
6 abusive word, matter, graffiti, presentation or character upon any premises  
7 occupied by a Railway Operator or upon any of its Rolling Stocks;

8 (e) damages or without lawful excuse interferes with any property  
9 of a Railway Operator;

10 (f) without lawful excuse, enters or leaves the Rolling Stock of a  
11 Railway Operator while it is still in motion or at a place other than that  
12 appointed by the Railway Operator for passengers to embark or disembark  
13 or opens any outer door of any train while it is still in motion;

14 (g) permits or allows any animal for which the person is  
15 responsible to stray on any fenced premises occupied by a Railway  
16 Operator;

17 (h) fails at the earliest possible opportunity to present to any  
18 authorised employee of a Railway Operator any property which there is  
19 reason to believe has been lost or forgotten and is found by that person on  
20 any premises, Rolling Stock of the Railway Operator;

21 (i) wilfully obstructs or impedes an employee or agent of a  
22 Railway Operator in the performance of his duties;

23 (j) throws from a Rolling Stock any article or substance likely to be  
24 a source of danger to, or cause injury to any other person;

25 (k) without prior approval of the Railway Operator concerned,  
26 takes or sends or attempts to take or send upon a Railway any dangerous  
27 substances or goods, or any dangerous animal not under proper control or  
28 any animal suffering from any contagious or infectious disease;

29 (l) being an employee of a Railway Operator, receives from any  
30 passenger, or from any other person delivering goods to such Railway

1 Operator for carriage or warehousing, or from any other person making use of  
2 the facilities provided by such Railway Operator any money and fails within a  
3 reasonable time not exceeding half an hour to issue a ticket or other receipt in  
4 respect of such money; or

5 (m) without the permission of an authorised employee, travels in or  
6 upon any part of a Rolling Stock of a Railway Operator other than the part  
7 ordinarily provided for passengers during travel,  
8 commits an offence against this Act, and shall be liable on conviction to a fine  
9 not exceeding One Million Naira or to imprisonment for a term not exceeding  
10 nine months or to both.

Refusal to pay  
fare or use of  
unauthorised or  
fake ticket

11 **58.** Any person who:

12 (a) wilfully refuses to pay the fare or excess charge which on demand,  
13 he is liable to pay; or

14 (b) travels on a train with an unauthorised or fake ticket,  
15 commits an offence and shall be liable on conviction to imprisonment for a  
16 term not less than three months and to pay to the Railway Operator the fare and  
17 any excess charge, in addition to a fine not less than ten times the value of the  
18 ticket.

Unauthorised  
sale of Tickets

19 **59.** Any person who sells any unauthorised or fake ticket or free pass,  
20 or any portion thereof, in order to enable any other person to travel therewith on  
21 a train, shall be guilty of an offence under this Act, and on conviction shall be  
22 liable to a fine of not less than Two Hundred Thousand Naira or to  
23 imprisonment for a term not less than six months or to both.

False returns

24 **60.** Any person who makes, either knowingly or recklessly, any  
25 statement which is false in any material particular in any return, claim or other  
26 document which is required or authorised to be made to a Railway Operator,  
27 commits an offence and shall be liable on conviction to a fine not less than Five  
28 Hundred Thousand Naira or to imprisonment for a term of not less than twelve  
29 months or to both such fine and imprisonment.



1                   **61.** Any employee of a Railway Operator who, with intent to  
2 defraud, demands, solicits or receives from any passenger or from any  
3 person delivering goods for carriage or warehousing or from any person  
4 making use of the Railway Operator's facilities any greater or lesser amount  
5 than he should demand or receive, commits an offence and shall be liable on  
6 conviction to a fine of not less than Five Hundred Thousand Naira or to  
7 imprisonment for a term not less than twelve months or to both such fine and  
8 imprisonment.

Employees  
demanding  
improper fare

9                   PART XV - MISCELLANEOUS

10                   **62.** -(1) The Authority shall maintain a Register of all matters that  
11 are required to be registered under this Act and any Regulations made under it.

Register

12                   (2) The Authority may summarise the contents of material for  
13 inclusion in the Register and exclude aspects of the material if it considers  
14 such exclusion necessary and justified.

15                   (3) Subject to the provisions of the Freedom of Information Act,  
16 2011, any person may, on the payment of a charge as may be considered  
17 appropriate by the Authority, inspect the Register and make a copy of, or  
18 take extracts from the Register.

19                   (4) The Authority shall, from time to time, publish Guidelines in  
20 respect of its various Registers giving details of the Registers and indicating  
21 access processes and procedures for members of the public.

22                   **63.** The Authority shall be exempted from the payment of stamp  
23 duty.

Exemption from  
Stamp Duty

24                   **64.**-(1) No matter done or action taken by a member of the Board or  
25 any officer, employee or agent of the Authority shall, if the matter or action is  
26 done bona fide for executing the functions, powers or duties of the  
27 Authority, can render the member of the Board, officer, employee or agent of  
28 the Authority or any person acting on his directions personally liable to any  
29 action, claim or demand whatsoever.

Liability of the  
Authority

30                   (2) The provisions of sub-section (1) of this section shall not

1 relieve the Authority of the liability to pay compensation or damages to any  
2 person for any injury to him, his property or any of his interests caused by the  
3 exercise of the powers conferred on the Authority by this Act or by any other  
4 written law or by the failure, whether wholly or partially, Of any works.

Limitation of  
suits against the  
Authority

5           **65.** -(1) No suit against the Authority or any servant of the Authority  
6 for any act done in pursuance or intended execution of any Act or Law, or of any  
7 public duty or authority, or in respect of any alleged neglect or default in the  
8 execution of such Act or Law, duty or authority shall lie or be instituted in any  
9 court, unless it is commenced within twelve months next after the act, neglect  
10 or default complained of or, in the case of a continuance of damage or injury,  
11 within twelve months next after the ceasing thereof:

12 Provided that, in the case of a claim for a refund of an overcharge in respect of  
13 goods accepted by the Authority for carriage, or for compensation in respect of  
14 loss, damage, deviation, misdelivery, delay or detention of or to any goods so  
15 accepted, the cause of action shall be deemed to have risen on the day of such  
16 acceptance.

17           (2) No suit shall be commenced against the Authority, until three  
18 months at least after written notice of intention to commence the same, shall  
19 have been served upon the Authority by the intending plaintiff or his agent; and  
20 such notice shall clearly and explicitly state the cause of action, the particulars  
21 of the claim, the name of place of abode of the intending plaintiff and the relief  
22 which he claims.

Service of  
documents

23           **66.** The notice referred to in the last preceding section and any  
24 summons, notice or other document required or authorised to be served upon  
25 the Authority under the provisions of this Act or any other law may, unless in  
26 any case there is express provision to the contrary, be served by delivering the  
27 same to the chairman or secretary of the Authority, or by sending it by  
28 registered post, addressed to the secretary of the Authority at the principal  
29 office of the Authority.

1                   67. -(1) In an action or a suit against the Authority, no execution or  
2 attachment process in any nature thereof shall be issued against the  
3 Authority unless not less than 3 months' notice of the intention to execute or  
4 attach has been given to the Authority.

Restriction on  
execution

5                   (2) Any sum of money which may by the judgment of any court be awarded  
6 against the Authority shall, subject to any direction given by the court, where  
7 no notice of appeal against the said judgment has been given, be paid from  
8 the fund of the Authority.

9                   68. -(1) A person connected with the direct working of a railway  
10 shall not be removed under arrest, whether in execution of a warrant of his  
11 duties until the head of the department in which he is employed or the officer  
12 in immediate charge of the work in which such person is engaged, has been  
13 given an opportunity of providing a substitute.

Stay of arrest and  
procedure in case  
of summon in  
certain cases

14                   (2) A summons issuing from any court, requiring the attendance of  
15 a person connected with the direct working of the railway shall provide for a  
16 sufficient period of time, before such attendance is required, to enable a  
17 substitute for such person to be provided, for the execution of his duties in  
18 the railway.

19                   69.-(1) As from the commencement of this Act, the Nigerian  
20 Railway Corporation Act (hereinafter referred to in this section as Repealed  
21 Act) is hereby repealed.

Repeals,  
transitional  
provisions and  
consequential  
amendments

22                   (3) Without prejudice to the Interpretation Act, nothing in this Act  
23 shall invalidate or otherwise affect anything done or purported to be done  
24 under the repealed Act.

25                   (4) Any regulations and by-laws which, immediately before the  
26 commencement of this Act were in force under the Repealed Act shall  
27 continue to be in force, with necessary modifications, as if they were made  
28 by the Authority under this Act.

29                   (5) Any licence, certificate, authority or permit which was issued  
30 pursuant to the Repealed Act and which had effect immediately before the

1 commencement of this Act shall continue to have effect with necessary  
2 modifications, for the remainder of its validity as if it had been issued under this  
3 Act.

4 (6) Subject to this Act, any permission granted, direction given or  
5 other thing whatsoever made, done or commenced which, immediately before  
6 the commencement of this Act, had or was capable of acquiring force and effect  
7 pursuant to the Repealed Act, shall, on and after the commencement of this Act,  
8 continue to have effect, or, as the case may be, to be capable of acquiring force  
9 and effect as if it had been granted, given, made, done or commenced, as the  
10 case may be pursuant to provisions of this Act.

11 (7) Any person engaged in the Operation of Railway infrastructure  
12 and in the provision of Railway Services prior to the commencement of this Act  
13 shall, within six months of the commencement of this Act, or within such  
14 further period as the Authority may allow, apply in writing to the Authority for  
15 a Licence under the Nigerian Railway Authority Act.

16 (8) The Authority shall grant a Licence contemplated in this Act  
17 unless it finds that the applicant is not capable of or is unwilling to operate any  
18 of the licensed activities in a manner that is consistent with the provisions of  
19 this Act.

20 (9) The relevant provisions of all existing enactments or law shall be  
21 read with such modifications as to bring them into conformity with the  
22 provisions of this Act.

23 (10) The Authority established under this Act shall be a successor to  
24 the Nigerian Railway Corporation established under the repealed Act with  
25 respect to the ownership, operation, maintenance and the provision of Railway  
26 Services in Nigeria.

27 **70.** All assets of the Corporation shall vest in the Authority in  
28 accordance with the transfer provisions set out in the First Schedule to this Act.

29 **71.** The transfer provisions set out in the First Schedule to this Act  
30 shall apply to the transfer of employees of the Corporation to the Authority.

Transfer of  
Assets of the  
Corporation

Transfer of  
Employees to  
the Authority

- 1                   72. In this Act, unless the context indicates otherwise: Interpretation
- 2        "Affiliation" means the relationship that exists between two companies
- 3        where one controls the other or where one is controlled by an entity which
- 4        controls, the other company;
- 5        "Authority" means the Nigerian Railway Authority;
- 6        "Assets" means "All movable and immovable properties owned by the
- 7        Corporation"
- 8        "Board" means the Governing Board of the Authority;
- 9        "Commission" means the National Transport Commission established by
- 10       the National Transport Commission Act;
- 11       "Concession" means a contractual arrangement for a specified period where
- 12       the Authority grants a Person the right to construct or maintain Railway
- 13       infrastructure and to provide Railway Services on behalf of the Authority;
- 14       "Concessionaire" means a Person who has been granted a Concession by the
- 15       Authority;
- 16       "Control" means the possession directly or indirectly of the power to direct
- 17       or secure the direction of the management and policies of a company,
- 18       whether through ownership of voting securities, by contract or otherwise
- 19       and "Controlled" and "Controls" shall be construed accordingly;
- 20       "Corporation" means the Nigerian Railway Corporation established by the
- 21       Nigerian Railway Corporation Act Cap N129 LFN 2004;
- 22       "Court" means a court of law of competent jurisdiction;
- 23       "Customer" means a shipper or a passenger;
- 24       "Direction" means a charge or instruction issued by the Commission to a
- 25       Railway Operator or other Person in the exercise of its powers under this
- 26       Act;
- 27       "ex-officio" means the Managing Director, the Executive Directors and the
- 28       representative of the Ministry;
- 29       "Federal Government" means the Federal Government of Nigeria;
- 30       "Freight Service" means any service for the carriage of goods by rail;

- 1 "Freight Service Operator" means a Person licensed for the time being to  
2 provide Freight Services;
- 3 "Freight Tariff" means the Freight Service Operator's fees, rates, charges  
4 applicable to the provision of Freight Services;
- 5 "Gazette" means the Official Gazette of the Federal Republic of Nigeria;
- 6 "Inspector of Railways" means the Government Inspector of Railways  
7 appointed by the Commission pursuant to section 42 of this Act;
- 8 "Internal Safety Rules" Include safety regulations and manuals;
- 9 "Inter-switching" means to transfer Traffic from the lines of one Railway  
10 Operator to the lines of another Railway Operator in accordance with  
11 Regulations made under section 59 of this Act;
- 12 "Licence" means a Licence issued under Part VII of the National Transport  
13 Commission Act and "Licensee" shall be construed accordingly;
- 14 "Locomotive" means any railway vehicle which has the capacity for self-  
15 propulsion;
- 16 "Managing Director" means the member of the Board appointed pursuant to  
17 section 11 to be the Chief Executive Officer of the Authority and includes any  
18 acting Managing Director of the Authority;
- 19 "Master Plan" means the 25 Year Strategic Vision for Nigerian Railways as  
20 may be amended from time to time;
- 21 "Maintenance" means the works required to keep the Railway in good and safe  
22 use and repair;
- 23 "Minister" means the Minister responsible for railway transportation and  
24 "Ministry" shall be construed accordingly;
- 25 "Misconduct" is a wrongful, improper, or unlawful conduct motivated by  
26 premeditated or intentional purpose or by obstinate indifference to the  
27 consequences of one's acts"
- 28 "Operate" means any act necessary for the management and the control of train  
29 movements on a Railway Track and the terms "Operation" and "Operating"  
30 shall be construed accordingly;

1 "Operational Assets" means assets owned by the Authority that are required  
2 for the provision of Railway Services;

3 "Passenger Service" means any service for the carriage of persons by rail;

4 "Passenger Service Operator" means a person licensed to provide Passenger  
5 Services;

6 "Passenger Fare" means the Passenger Service Operator's schedule of fees,  
7 rates, charges; "Person" includes a body corporate, partnership, joint  
8 venture, co-operative, trust, or other entity that is recognized by the law as a  
9 distinct body with the right to enter into contracts and to own property;

10 "Prescribed" means as stipulated by the Authority by Regulation(s) and  
11 "prescribe" shall be construed accordingly;

12 "Private Railway" means a Railway which is used exclusively to serve a  
13 particular plant, enterprise or industrial firm;

14 "Public Service Obligation" means an obligation to provide essential  
15 Railway Services along the railway routes specified by the Minister in  
16 accordance with a declaration made pursuant to section 26;

17 "Railway" means all moveable and immoveable property required for the  
18 provision of Railway Services;

19 "Railway infrastructure" means any immoveable property necessary for the  
20 provision of Railway Services and includes the Railway Track and related  
21 equipment; terminal facilities; switching yards; Railway Stations and  
22 related equipment; overhead traction power system and line-side  
23 substations; depots; workshops; train management systems;  
24 telecommunications systems; level crossings, bridges, viaducts, tunnels,  
25 culverts, retaining walls, or other structures;

26 "Railway Operator" means a Person licensed for the time being to operate a  
27 Railway, provide Passenger Services, Freight Services or any combination  
28 of the foregoing;

29 "Railway Service" means the provision of either Passenger Services or  
30 Freight Services;

1 "Railway Station" means any area of land or other property designated,  
2 equipped, set apart or commonly used for the arrival and departure of trains and  
3 includes any passenger or freight station or terminal;

4 "Railway Track" means any land other property comprising the permanent way  
5 of any Railway taking together the ballast, sleepers and metals laid thereon to  
6 facilitate the movement of Rolling Stock from one destination to another;

7 "Railway Works" means any new construction, fabrication or erection of  
8 Railway infrastructure other than works in connection with the Maintenance of  
9 existing Railway infrastructure;

10 "Regulations" means the regulations made by the Authority pursuant to tQis  
11 Act;

12 "Related Service" means any service necessary for the facilitation of Railway  
13 Operations and shall include but not be limited to refuelling of Rolling Stock;  
14 repairs and maintenance of Railway infrastructure and Rolling Stock; clearing  
15 of Rolling Stock and Railway Tracks and the provision of freight handling  
16 services;

17 "Rolling Stock" means any Locomotive, coach, wagon or other railway vehicle  
18 used on Railway Tracks;

19 "Safety Certificate" means the certificate issued by the General Inspector  
20 pursuant to section 59 of this Act;

21 "Safety and Environmental Plan" means a document prepared by a Railway  
22 Operator and approved by the General Inspector describing the components of  
23 its safety and environmental management system;

24 "Shipper" means a Person who sends or receives goods through a Freight  
25 Service Operator or intends to do so;

26 "Tariff Regulation" means the power of the Commission to regulate the Freight  
27 Tariff or Passenger Fares of a Railway Operator pursuant to the provisions of  
28 section 34;

29 "Track Access" means the right of a Railway Operator to access the Railway  
30 Track and essential facilities of another Railway Operator for the purpose of



1 providing a Railway Service;

2 "Track Access Charges" means the charges applicable to the grant of Track  
3 Access;

4 "Traffic" means the carriage of freight or passengers including equipment  
5 required for their movement;

6 "Train" means two or more items of Rolling Stock coupled together, at least  
7 one of which is a Locomotive.

8 73. This Act may be cited as the Nigeria Railway Authority Bill, Short title  
9 2015.

10 FIRST SCHEDULE

11 TRANSFER PROVISIONS

12 *Transfer of Assets*

13 (1) All Assets and funds which immediately before the  
14 commencement of this Act were vested in the Corporation shall by virtue of  
15 this Act be vested in the Authority.

16 (2) All bonds, hypothecations, securities, deeds, contracts,  
17 instruments, documents, and working arrangements with respect to the  
18 assets transferred, that subsisted immediately before the commencement of  
19 this Act and to which the Corporation was a party shall be as fully effective  
20 and enforceable against or in favour of the Authority as if, instead of the  
21 Corporation the Authority had been named therein.

22 (3) Any cause of action or proceeding which existed or was  
23 pending with respect to the assets transferred by or against the Corporation  
24 immediately before commencement of this Act, shall be enforced or  
25 continued, as the case may be, by or against or in favour of the Authority in  
26 the same way that it might have been enforced or continued by or against the  
27 Corporation had this Act not been passed.

28 (4) No action or other proceeding shall be commenced against the  
29 Authority in respect of an employee or asset that has been transferred to the  
30 Authority, had there been no transfer, the time for commencing the action or

1 other proceeding would have expired.

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

5 (a) a holder of a debt instrument that was issued by the Corporation  
6 before the commencement of this Act;

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

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

16 *Transfer of Employees*

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

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

25 (3) (a) The terms and conditions of service applicable to employees of  
26 the Corporation shall continue to apply to every person transferred to the  
27 Authority as if those transferred were still in the service of the Corporation; and

28 (b) The Authority shall continue to contribute towards any pension  
29 scheme to which the Corporation was contributing in respect of persons in the  
30 employment of the Corporation prior to the transfer date, until such time as

1 conditions of service are drawn up by the Authority.

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

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

8 *Directions to the Authority*

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

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

15 (a) the cessation of all or any of the functions of the Corporation;

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

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

23 **SECOND SCHEDULE**

24 **CONFLICT OF INTERESTS**

25 **1.** Subject to the provisions of this schedule, no Member or staff of  
26 the Authority shall have direct or indirect financial interest or investment in  
27 any railway company throughout the tenure of his office or employment  
28 with the Authority.

29 **2.** Subject to paragraphs (3) and (4) hereof, each Member or staff  
30 of the Authority shall on an annual basis present a written declaration

1 affirming the non-existence of any such interest as is specified in paragraph (1)  
2 and shall pledge to disclose and inform the Authority of any such relationship  
3 or interest that arises or is likely to arise during his tenure or employment with  
4 the Authority.

5 3. Serving Members and staff of the Authority as at the  
6 commencement date of this Act shall be entitled to a maximum of six (6)  
7 months from the said commencement date within which to divest themselves  
8 of their direct or indirect financial interests or investment in any railway  
9 company, if any.

10 4. All newly appointed Members and staff of the Authority after the  
11 commencement of this Act shall be entitled to a maximum of six (6) months  
12 from their respective dates of appointments within which to divest themselves  
13 of their direct or indirect financial interests or investments in any railway  
14 company, if any.

15 5. Each Member or staff of the Authority shall declare on appointment  
16 or at the commencement of employment and annually thereafter, for as long as  
17 he serves the Authority, any interest or investment that he:

- 18 (a) knowingly has; or  
19 (b) knows any member of his immediate family to have;  
20 in any aspect of the Nigerian railway sector.

21 6. Where a Member or staff of the Authority contravenes the  
22 provisions of paragraphs (1) and (2) of this schedule, or gives false information  
23 under paragraph 5 of this schedule, he shall be liable, on conviction, to the  
24 payment of a fine not exceeding N100,000 (one hundred thousand Naira) or  
25 imprisonment for a term not exceeding one (1) year or to both such fine and  
26 imprisonment.

27 7. Subject to paragraph (8) of this schedule, the Board may from time  
28 to time waive the application of the prohibitions specified in paragraph (1) and

29 (2) of this schedule to any Member or staff of the Authority if the  
30 Board determines that the financial interest of the relevant person is not of a

1 material nature or is minimal.

2 8. The Authority in determining whether or not the interest of a  
3 Member or staff of the Authority is minimal or not of a material nature shall  
4 consider factors including:

5 (a) the revenue, investments, profits and managerial effort of the  
6 relevant company or other entity in regard to its railway activities compared  
7 with other aspects of the company's or such entity's businesses;

8 (b) the extent to which the Authority regulates and oversees the  
9 activity of such company or entity;

10 (c) the degree to which the economic interests of such company or  
11 other entity may be affected by an action of the Authority; and

12 (d) the perceptions held or likely to be held by the public regarding  
13 the relevant person's financial interest or investment in that company or  
14 other entity.

15 9. The Board may at any time review and reverse its decision under  
16 paragraph (7) of this schedule and direct the application of the prohibitions  
17 contained in this Schedule to the affected Member or staff of the Authority  
18 and the Board shall not be under any obligation to disclose the reason(s) or  
19 basis for its review to the affected Member or staff.

20 10. In any case in which the Authority exercises the waiver  
21 authority or the review thereof as specified in paragraphs (7) and (9) of this  
22 schedule, the Authority shall so soon thereafter publish the details thereof  
23 and such publication shall include information regarding the identity of the  
24 person who has been granted the waiver or whose waiver grant has been  
25 reviewed, the position held by such person and, the nature of the financial  
26 interests which are the subject of the waiver or the review thereof. "

27 11. For the purposes of this schedule:

28 (a) "company" includes partnerships and any other form of  
29 undertaking;

30 (b) "immediate family" means a person's spouse and children who

1 are under the age of 18 years;

2 (c) "Member" means a member of the governing board of the  
3 Authority.

4 THIRD SCHEDULE

5 SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING BOARD

6 *Proceedings of the Board*

7 1. Subject to the provisions of this Act and section 27 of the  
8 Interpretation Act, the Board may make standing orders regulating its  
9 proceedings or that of any of its committees.

10 2. The Chairman shall preside at every meeting of the Board and in  
11 his absence the members present at that meeting shall appoint one of their  
12 members to preside at the meeting.

13 3. The quorum for any meeting of the Board shall be a simple majority  
14 of the members for the time being constituting the Board provided that, such  
15 simple majority shall include a minimum of two Executive Directors.

16 4. The Board shall meet not less than four (4) times in each calendar  
17 year and on such other occasions as the Board considers necessary.

18 5. A member of the Board who directly or indirectly has an interest of  
19 a personal nature (including but not limited to financial interests) in any matter  
20 being deliberated upon by the Board, or is personally interested in any contract  
21 made or proposed to be made by the Authority shall, so soon after the facts of  
22 the matter of his interests have come to his knowledge disclose his interest and  
23 the nature thereof at a meeting of the Board.

24 6. A disclosure under paragraph (5) of this schedule shall be recorded  
25 in the minutes of meetings of the Board and the member concerned:

26 (a) shall not, after the disclosure, take part in any deliberation or  
27 decision of the Board or vote on the matter; and

28 (b) shall be excluded for the purpose of constituting a quorum of any  
29 meeting of the Board for any deliberation or decision, with regard to the subject  
30 matter in respect of which his interest is so disclosed.

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*Committees*

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

(2) A Committee appointed under this paragraph shall:

(a) consist of such number of persons who may not necessarily be members of the Board as may be determined by the Board, provided that the appointment of a non-Board member as a committee member shall be subject to such terms as would be indicated in his letter of appointment; and

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

(3) The quorum of any committee set up by the Board shall be as may be determined from time to time by the Board.

(4) A decision of a committee of the Board shall be of no effect until it is confirmed by the Board.

*Miscellaneous*

8. The fixing of the seal of the Authority shall be authenticated by the signature of the Secretary and the Managing Director.

9. Any contract or instrument which, if made by a person not being a body corporate, would not be required to be under seal may be made or executed on behalf of the Authority by any person generally or specially authorised by the Board to act for that purpose.

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

11. Subject to the provisions of this Act, the validity of any proceedings of the Board or of any of its committees shall not be affected by:

(a) any vacancy in the membership of the Board or committee;

(b) any defect in the appointment of a member of the Board or committee; or

1 (c) the fact that any person not entitled to do so took part in the  
2 proceedings of the Board or committee.

3 **12.** No member of the Board or committee of the Board shall be  
4 personally liable for any act or omission done or made in good faith while  
5 engaged in the business of the Authority.

EXPLANATORY MEMORANDUM

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

This Bill seeks to repeal the Nigerian Railway Corporation Act Cap N129 LFN 2004 and enact the Nigeria Railway Authority Act to provide for the establishment of the Nigerian Railway Authority, the introduction of private sector participation in the provision of rail services, the regulation of the railway sector and for matters connected therewith.