

FCT TRAFFIC MANAGEMENT AND ENFORCEMENT AUTHORITY BILL, 2016

ARRANGEMENT OF CLAUSES

Clause:

**PART I - ESTABLISHMENT OF FCT TRAFFIC MANAGEMENT AND
ENFORCEMENT AUTHORITY**

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2. **Governing Board**

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17. **Procedure and limitation of suit against the Authority**
18. **Service of process**
19. **Indemnity of members etc.**
20. **Acquisition of property**

- 1 (c) issuing general guidelines for the operations of the Authority;
2 (d) approving projects and programmes of the Authority;
3 (e) recommending the appointment of Commandant of Road Traffic
4 of the Authority;
5 (f) appointment of staff from grade level 7 and above;
6 (g) determining Authority number of the staff of the Authority and
7 how it will be used;
8 (h) approving the regulation made by the Authority; and
9 (i) carrying out such other activities that are incidental to the
10 attainment of its objectives under this Bill.

11 PART II - FUNCTIONS OF THE AUTHORITY

Functions of the
Authority

- 12 4. The Authority shall be responsible for-
13 (a) Regulating, Controlling, Managing and Enforcing FCT Traffic
14 and National Traffic Laws in the FCT; and
15 (b) any other matter that the Minister or the Board may from time to
16 time assigned to the Authority.

17 PART III - STAFF OF THE AUTHORITY

Chief Commandant
and Secretary of
the Authority

- 18 5.-(1) There shall be appointed for the Authority, a Chief
19 Commandant of Road Traffic, by the Honourable Minister, on the
20 recommendation of the Board, who shall possess appropriate qualification and
21 cognate working experience.
22 (2) The Chief Commandant of Road Traffic shall-
23 (a) be the Chief -Executive and accounting officer of the Authority
24 and shall be responsible for-
25 (i) matters relating to day-to-day management and operations of the
26 Authority, and
27 (ii) determining structure of ranks for staff of the Authority.
28 (b) hold office for a term of four years and renewable, subject to
29 satisfactory performance, for further term of years, and no more;

1 (c) be answerable to the Board and general directives of the
2 Minister; and

3 (d) with approval of the Board and the Minister, determine nature,
4 colour and number of uniform to be used by the Authority.

5 (3) There shall be appointed for the Authority, by the Minister on
6 the recommendation of the Chief Commandant of Road Traffic, a Secretary
7 for the Authority who shall qualify as a legal practitioner and was so
8 qualified for a period of not less-than 15 years.

9 (4) The Secretary shall be-

10 (a) a legal adviser of the Authority and Secretary of all the
11 Committees to be established by the Management Committee; and

12 (b) answerable to the Chief Commandant of Road Traffic of the
13 Authority.

14 6.-(1) The staff of the Authority other than those mentioned in this
15 Bill shall be employed according to the procedure stipulated by the Board.

Other staff of the
Authority

16 (2) The Staff can be on permanent or provisional appointment on
17 the terms which precludes the grant of pension and gratuity.

18 (3) The Staff of the Authority shall be uniformed as prescribed by
19 the Authority.

20 (4) The staff of the Authority who qualify as a legal practitioner,
21 within the meaning of Legal Practitioners Act, working under Legal
22 Services Department of the Authority, shall in addition to other function,
23 enter appearance to prosecute or defend any matter in any court involving
24 the Authority.

Cap. L11 LFN,
2004

25 (5) The Staff of the Authority shall bear such ranks and badges as
26 may be assigned to them by the Management Committee in the following
27 order:

Schedule

28 (i) Chief Commandant of Road Traffic;

29 (ii) Deputy Chief Commandant of Road Traffic;

30 (iii) Asst. Chief Commandant of Road Traffic;

- 1 (iv) Chief Commandant of Road Traffic;
2 (v) Deputy Commandant of Road Traffic;
3 (vi) Asst. Commandant of Road Traffic;
4 (vii) Chief Superintendent of Road Traffic;
5 (viii) Superintendent of Road Traffic;
6 (ix) Deputy Superintendent of Road Traffic;
7 (x) Asst. Superintendent of Road Traffic I;
8 (xi) Asst. Superintendent of Road Traffic II;
9 (xii) Asst. Road Traffic Inspector I;
10 (xiii) Asst. Road Traffic Inspector II;
11 (xiv) Asst. Road Traffic Inspector III;
12 (xv) Road Traffic Assistant III;
13 (xvi) Road Traffic Assistant II;
14 (xvii) Road Traffic Assistant I.

15 (6) The provisions of Pension Reform Act, shall apply to the
16 Authority, accordingly the staff of the Authority shall benefits under the
17 provision of the Act.

Staff regulations

18 7.-(1) The Board may subject to the provision of this Bill, make staff
19 regulation relating generally to the condition of Authority , such regulation
20 may provide for the appointment, promotion, discipline and appeals for the
21 staff of the Authority .

22 (2) The staff regulation made under sub-section (1) of this section
23 shall not have effect until it is approved by the Board.

24 (3) The staff of the Authority shall be paid such salary and
25 allowances as may be determined by the Board with approval of salaries and
26 wages commission.

27 PART IV - STRUCTURE OF THE AUTHORITY

Departments of
the Authority

28 8.-(1) There shall be established for the Authority, such number of
29 Departments as the Authority may, with the approval of the Board, deem
30 necessary.

1 (e) fees, if any, charged by the Authority for Authority services
2 rendered.

Application and
management of
the Fund

3 12. The Authority shall manage and apply its Fund in accordance
4 with the general guidelines made by the Management Committee, particularly
5 on-

6 (a) cost of payment of allowances to the cost of administration of the
7 Authority;

8 (b) payment of salaries and other allowances for the staff of the
9 Authority;

10 (c) maintenance of any property vested in the Authority ; and

11 (d) payment of the Authority fees payable for procurement and
12 consultancy Authority is made for the benefits of the Authority.

Annual budget
of the Authority

13 13. The Authority shall not later than 30th September each year or
14 other date stipulated by law or policy, submit to the Federal Capital Territory
15 Administration an estimate of expenditure or income of the Authority as
16 approved by the Board and for the next fiscal year for incorporation into the
17 National budget.

Reports

18 14. The Authority shall submit to the Board quarterly report of the
19 activities of the Authority and the Board shall submit annual report of its
20 activities to the Minister.

Power to accept
gift

21 15. The Authority may accept gift and bequests upon such terms that
22 do not compromise its capability to fulfill its functions under this Bill.

23 PART VI - MISCELLANEOUS PROVISIONS

Offences,
Punishment

24 16.-(1) Any person who-

25 (i) made wrong overtaking;

26 (ii) violates traffic light;

27 (iii) drives vehicle under the influence of drugs;

28 (iv) create road hazard without adequate warning;

29 (v) tampered with road traffic signs;

30 (vi) deterring and apprehending road traffic offenders

- 1 (vii) conducting highly visible day and night patrols to enforce
2 traffic rules and regulations and clear the highways of obstruction;
- 3 (viii) reducing the incidence and severity of road traffic accidents;
- 4 (ix) enforcing the use of bus stops and bus terminals;
- 5 (x) identifying, developing, promoting and maintaining new or
6 alternative methods of traffic management and road safety;
- 7 (xi) providing an effective communication network that is
8 accessible to emergency towing services for breakdown vehicles;
- 9 (xii) maintaining a register of traffic violators;
- 10 (xiii) employing mobile and random breath testing methods to
11 deter drunk driving;
- 12 (xiv) safeguarding school children through school children
13 crossing and school site zones;
- 14 (xv) safeguarding motor vehicles, motorcyclists, cyclists and
15 pedestrians at railway level crossing;
- 16 (xvi) safeguarding vehicles and pedestrians in the construction
17 zones and highways and streets;
- 18 (xvii) co-operating with Local, National, International bodies,
19 Agencies or groups engaged in road safety activities or in the prevention of
20 accidents on the highways;
- 21 (xviii) entering into agreement with any person for the supply,
22 construction, manufacture, maintenance or repair of any property whether
23 moveable or immovable, which is necessary or appropriate for the purpose
24 of the Authority;
- 25 (xix) doing anything for the purpose of advancing the skill of
26 persons employed by the authority of the manner in which the equipment is
27 operated including the provision of facilities for training, education and
28 research;
- 29 (xx) carries excess goods or projected load or passengers;
- 30 (xxi) drives on the road without valid vehicle particulars, driving

1 license or permit required by law;
 2 (xxii) is driving right hand driving vehicle;
 3 (xxiii) drives vehicle in excess of speed limit;
 4 (xxiv) fails to observe the right of way;
 5 (xxv) contravene the one way lane
 6 (xxvi) park vehicle or carcasses of vehicle illegally on the road;
 7 (xxvii) refuse or neglect to answer any question or to produce any
 8 piece of information or document to the personnel of the Authority;
 9 (xxviii) obstruct the officers of the Authority in carrying out the
 10 functions of the Authority under this Bill; and
 11 (xxix) any other matter which this Bill has prohibited.

12 (2) A construction company shall not undertake any road
 13 constructions, or any other construction that is likely to obstruct smooth flow of
 14 traffic without adequate safety cautions sign to road users.

15 (3) Any individual or body corporate that violates any of the
 16 provisions of this Bill or its regulations pursuant, commits an offence and shall
 17 be liable to pay a penalty as provided in the regulation.

Procedure and
 limitation of suit
 against the
 Authority

18 17. A person who has a cause of action against the Authority must-
 19 (a) give the Authority three months' notice, in writing, of intention to
 20 commence an action, disclosing the cause of action and serve the processes to
 21 the principal office of the Authority; and

22 (b) commence the legal action within two years from the date the
 23 cause of action arose.

Service of process

24 18. Any document, summons, notices, process or any other thing
 25 required or authorized to be served to the Authority shall be served by
 26 delivering same to the office of the Chief Commandant of the Authority.

Indemnity of
 members etc.

27 19.-(1) Every member of the Board, agents or employees of the
 28 Authority shall be indemnified from the Fund of the Authority against any
 29 liability incurred in defending any proceeding brought against the persons
 30 under this Clause, in the person's capacity as member of the Board or employee

1 of the Authority.

2 (2) For the purpose of official functions of members and staff of the
3 Authority, the members and the staff of the Authority shall enjoy the
4 provisions of Public Officers Protection Act.

Cap. L5 LFN,
2004

5 20. The Authority may subject to the provisions of Land Use Act
6 and any other applicable law, have powers to lease, rent or acquire an
7 interest in land and other properties.

Acquisition of
property Cap. L40
LFN 2004

8 21. The Authority shall adopt and enforce the regulations made
9 by FCT Directorate of Road Traffic and Motor Vehicle Administration
10 Service for-

Regulations

11 (a) Road Traffic Management;

12 (b) issuance and withdrawal of licenses and roadworthiness
13 certificate;

14 (c) issuance and withdrawal of vehicle number plate and other
15 vehicle particulars; and

16 (d) prescribing fees for Authority s to be rendered by the Authority
17 and penalty for violation of any of the provisions of the Bill and
18 regulations.

19 22. The Minister may give to the Authority directives dealing with
20 matters of general policy and administration.

Directives by the
Minister

21 23. The Chief Commandant or officer of the Authority shall have
22 power to-

Powers of officer
of the Authority

23 (a) summon or arrest, with or without warrant, an individual that
24 violate or is likely to violate any of the provisions of this Bill pending
25 conclusion of an investigation; and

26 (b) impound, and detain any vehicles which-

27 (i) is declared to be off the road,

28 (ii) fails to obey instructions of the Authority personnel,

29 (iii) is used in violating any of the provisions of this Bill,

30 (iv) is suspected to have been stolen and bring same to the attention

1 of the police, or which was parked in a manner that causes obstruction, or

2 (v) the driver fails to provide sufficient vehicle particulars,, and bring

3 same to the attention of the police.

Establishment of
Road Traffic
Mobile Court

4 **24.** The Road Traffic Mobile Court established under FCT

5 Directorate of Road Traffic and Motor Vehicle Administration Services shall

6 be responsible for determining matters relating to this Bill.

Interpretation

7 **25.** In this Bill-

8 "Minister" means Minister responsible for Federal Capital Territory.

Citation

9 **26.** This Bill is cited as FCT Traffic Management and Enforcement

10 Authority Bill, 2016.

SCHEDULE

TRAFFIC OFFENCES AND PENALTIES

Violation		Code	Penalty		
			Point	Fine	Additional
Licence Conditions (General)					
1.	Driving without a Driver's Licence	LCG-01	2	2,000	Impound vehicle
2.	Driving of any vehicle by person under 18	LCG-02	2	2,000	Impound vehicle
3.	Leaner driving without learner's permit	LCG-03	2	2,000	Dislodge driver
4.	Leaner driving on major highway	LCG-04	3	2,000	Dislodge driver
5.	Leaner driving and unaccompanied by a licensed driver	LCG-05	3	2,000	Impound vehicle
6.	Driving an unlicensed vehicle	LCG-06	3	2,500	Impound vehicle
7.	Driving with fake number plates	LCG-07	4	4,000	Impound vehicle
8.	Driving a vehicle with unauthorized or defective reflective number plate	LCG-08	2	2,000	Impound vehicle
Licence Conditions (Commercial)					
9.	Not painting a commercial vehicle in approved colours	LCC-01	4	5,000	Enforce painting
10.	Violation of route by commercial vehicle	LCC-02	2	2,000	
11.	Non-display of route and route Number on vehicle	LCC-03	2	2,000	
Traffic signs and Markings					
12.	Disobeying traffic control personnel or traffic signs	TSM-01	1	2,000	
13.	Disobeying traffic lights	TSM-02	4	5,000	
14.	Parking on yellow line on any public highway	TSM-03	2	2,000	
15.	Vehicle crossing double yellow line	TSM-04	3	5,000	
16.	Staying within the yellow junction box (off-side rule)	TSM-05	2	2,000	
17.	Failure to yield to right of way of pedestrians at a zebra crossing	TSM-06	4	5,000	
18.	Failure to give way to traffic on the left at a roundabout	TSM-07	2	2,500	
Miscellaneous Traffic Fines					
19.	Assault on a Traffic Officer	MTF-01	4	5,000	Prosecute in court
20.	Driving in a direction prohibited by the Road Traffic Law	MTF-02	4	25,000	Impound
21.	Illegal U-turns	MTF-03	2	2,000	Driver training
22.	Wrongful overtaking of other vehicles	MTF-04	2	2,000	Driver training
23.	Overloading of a commercial vehicle or trailer	MTF-05	2	2,000	Dislodge excess
24.	Driving on the highway/walkways or kerbs	MTF-06	4	10,000	Move away

25.	Parking on the highway/walking or kerbs	MTF-07	2	5,000	
26.	Parking or stopping to pick passengers by a commercial vehicle other than at a designated bus-stop	MTF-08	2	20,000	Driver training
27.	Bullion vehicle driving in a direction prohibited by the Road Traffic Law	MTF-09	4	50,000	Impound
28.	Abandoned vehicle on highway	MTF-10	4	5,000	Impound
29.	Causing obstruction on highway	MTF-11	3	2,500	Impound
30.	Commuter hanging on tailboard of moving vehicle	MTF-12	3	5,000	Dislodge
31.	Driving vehicles with doors left open	MTF-13	2	2,500	
32.	Making or receiving phone calls when driving	MTF-14	2	2,500	
33.	Driving without a strapped seat belt for both driver and front seat passengers	MTF-15	1	1,000	Strap on seat belt
34.	Failure to display reflective warning triangle sign at point of breakdown	MTF-16	4	10,000	
35.	Motorist resisting arrest	MTF-17	4	10,000	
	Storage and Custody charges				
36.	Storage charges for impounded cars, jeeps and mini-buses per day			500	
37.	Storage charges for impounded motorcycles and 3-wheelers per day			200	
38.	Storage charges for all other impounded vehicles			1,000	
39.	Towing an impounded car, jeep and mini-buses			2,500	
40.	Towing a trailer or tanker (empty)			10,000	
41.	Towing a trailer or tanker (loaded)			20,000	
42.	Towing tippers and lorries			5,000	
43.	Towing high capacity buses			10,000	
44.	Hire of heavy duty recovery equipment				At hire cost

EXPLANATORY MEMORANDUM

This Bill seeks to establish FCT Traffic Management and Enforcement Authority (TMEA) to be saddled with the responsibility of enforcement of road traffic violations within the Federal Capital Territory (FCT).