

**A BILL**

**FOR**

AN ACT TO AMEND THE FEDERAL ROAD SAFETY COMMISSION  
(ESTABLISHMENT) ACT 2007, TO MAKE PROVISIONS FOR LICENCING  
PROCEDURE, REGULATION OF DRIVING SCHOOLS, AND TO ALSO AMEND  
THE THIRD SCHEDULE AND FOR RELATED MATTERS 2016

*Sponsored by Hon. Ehiozuwa Johnson Agbonayinma*

[ ] Commencement

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

- 1           1. The Federal Road Safety Commission (Establishment) Act      Cap. Act 2007  
2           2007 hereinafter referred to as the Principal Act is amended as set out below:      LFN
- 3           Section 10 of the Principal Act is amended by inserting immediately after  
4           subsection (1) the following new subsection (2) and re-arranging the  
5           subsequent subsections accordingly.
- 6           2. Section 10 of the Principal Act is amended by inserting a New      Amendment of  
7           Sub-Rule 2 (d) as follows:      Section 10
- 8           (d) Ensuring that All Driving Schools are certified by the Federal  
9           Road Safety Commission (FRSC) irrespective of its Registration at the  
10          Corporate Affairs Commission (CAC) under this Bill.
- 11          Notwithstanding the provisions of any other enactment, the Corps shall to  
12          the exclusion of any other authority be the sole authority responsible for:
- 13               (a) issuing driver's licence of all categories,  
14               (b) developing the curriculum for drivers' education,  
15               (c) testing of applicants for driver's licence,  
16               (d) testing applicant's visual and hearing acuity;  
17               (e) capturing applicants digital photographic image;  
18               (f) processing all matters necessary and incidental to granting an  
19          application for a driver's licence.

1     The Principal Act is amended by inserting immediately after section 10 the  
2     following new section 11 and re-arranging the subsequent sections  
3     accordingly.

4             (1) An applicant for a driver's licence shall be required to:

5             (a) undertake a compulsory driver education in an accredited and  
6     approved driving school to provide the applicant with sufficient education to  
7     guarantee that he possesses the necessary attitudes, knowledge and abilities as  
8     may be specified in the driving curriculum;

9             (b) pass the theoretical and practical test conducted by a duly  
10    authorised officer of the Corps to verify that the applicant has attained the level  
11    of competence specified in the driving curriculum;

12            (2) without prejudice to the power of the Commission to make  
13    regulations under this Act, the compulsory driver education, practical and  
14    theoretical tests specified in this section shall be in substantial compliance with  
15    the provisions of the third schedule to this Act.

16            (3) The Corps shall not issue a driver's licence to an applicant unless  
17    the applicant further undertakes the following tests conducted by a duly  
18    authorised officer of the Corps:

19            (a) Sight (vision acuity test);

20            (b) hearing acuity test;

21            (c) general medical fitness test;

22            (d) written / oral test.

23            (4) The Corps shall duly certify any applicant that passes any of the  
24    tests conducted by a duly authorised officer of the Corps pursuant to this  
25    section.

26            (5) The minimum requirement for a driver's licence shall be the first  
27    school leaving certificate or its equivalent.

28            (6) The Corp shall maintain a driving Data record of all drivers duly  
29    issued with a driver's licence.

30            (7) Nothing in this Act shall be construed as empowering the Corps to

1 establish driving schools and also certified and regulate all Driving Schools.

2 3. Section 11 of the Principal Act is amended by inserting  
3 immediately after subsection (1) the following new sub-section (2) and  
4 subsequent Sub-Section re-numbered accordingly.

Amendment of  
Section 11

5 (2) The Corps shall for the purposes of this Act engage the services  
6 of qualified medical practitioners and such other officers necessary to effect  
7 the provisions of this Act.

8 4. Section 23 of the Principal Act is amended by inserting  
9 immediately after subsection (2) the following new subsection (3) and (4):

Amendment of  
Section 23

10 (3) No officer of the Corps shall issue a driver's licence to an  
11 applicant unless the applicant furnishes:

12 (a) evidence of Practical Driving Training Test at an approved  
13 driving school;

14 (b) driving test certificate;

15 (c) hearing acuity test certificate;

16 (d) Sight Test (Visual acuity) test certificate;

17 (e) certificate of general medical fitness;

18 (f) First school leaving certificate or its equivalent;

19 (g) Witten or Oral Test.

20 (4) Any officer of the Corps who violates the provisions of  
21 subsection 3 of this section shall on conviction be liable to 3 years  
22 imprisonment or a fine of Six Hundred Thousand Naira N600,000.00.

23 5. Section 25 of the Principal Act is amended by inserting  
24 immediately after subsection (1) the following new subsection (2), (3) and  
25 (4) and re-arranging the subsequent subsections accordingly.

Amendment of  
Section 25

26 (2) The Corp shall within 30 days of the occurrence of a road  
27 accident publish a report as to the circumstances that lead to the accident.

28 (3) Where a holder of a driver's licence duly issued by the Corps is  
29 involved in an accident, the accident report shall contain a report as to the

1 validity or otherwise of the said driver's licence and the driving record of the  
2 said driver.

3 (4) Where an accident report indicates that a driver's licence was not  
4 issued in compliance with the provisions of Section 11 of this Act, the officer  
5 who authorised the issuance of the licence shall be prosecuted in accordance  
6 with the provisions of this Act.

Amendment of  
Section 28

7 6. Section 28 of the Principal Act is amended by inserting  
8 immediately Amendment of after subsection (2) a new subsection (3) as  
9 follows:

10 (3) Where the driving record of a driver shows that he has been  
11 involved in certain number of minor or major accidents, and other traffic  
12 violations which in the opinion of the Corps Marshall constitutes potential  
13 danger to other road users, the driver's licence may be revoked permanently or  
14 withdrawn for such length of period as may be determined by the Corps  
15 Marshall.

Interpretation

16 7. Section 30 of the Principal Act is amended by adding the following  
17 new definitions:

18 "Corporate Affairs Commission (CAC)" means autonomous body charged  
19 with the responsibility to regulate the formation and management of  
20 companies in Nigeria.;

21 "First School Leaving Certificate or its equivalent", for the purposes of this Act  
22 shall include the ability to understand and communicate in English Language  
23 to the satisfaction of the Corps or any other certificate acceptable to the Corps".

Citation

24 8. This Bill may be cited as the Road Safety Commission  
25 (Establishment) Act (Amendment) Bill, 2016.

26 THIRD SCHEDULE

27 *Part I - Compulsory Driver Education:*

28 1.-(1) The applicant must have a thorough knowledge of the Highway  
29 Code and motoring laws as well as a thorough understanding of the  
30 responsibilities of a driver. This means that the student must have real concern

1 for the safety of him-/herself, pedestrians and other road users.

2 The applicant is also informed to make sure that the instructor fully covers  
3 the curriculum. Listed below are the eight items that the student needs to  
4 attend to and show that he or she is able to perform in order to pass the  
5 practical test.

6 *(b) Car controls, equipment and components*

7 The applicant must understand the function of the accelerator, clutch, gears,  
8 footbrake, handbrake and steering. The applicant must also be able to use  
9 these competently, understand the meaning of the gauges and other displays  
10 on the instrumental panel and know the function of other controls and  
11 switches in the car that have a bearing on road safety and use them  
12 competently. Further the applicant must be able to carry out routine safety  
13 checks concerning oil and coolant levels, tyre pressure, steering and brakes.

14 *(b) Road user behavior*

15 (i) The applicant must know the most common causes of accidents;  
16 know which road users are most at risk and how to reduce that risk. The  
17 applicant must also know the rules, risks and effects of drinking and driving  
18 and know the effect of fatigue, illness and drugs on driving performance;

19 (ii) The applicant must also be aware of any age-related problems  
20 among other road users, especially among children, teenagers and the  
21 elderly. In addition he or she has to be alert and able to anticipate the likely  
22 actions of other road users and be able to take appropriate precautions and be  
23 aware that courtesy and consideration towards other road users are essential  
24 for safe driving.

25 A New (b) iii is inserted as follows:

26 (iii) The condition and age limit for a trailer driver shall be between  
27 35 to 60 years, this is considered to be a mature and responsible age for  
28 anyone to drive a trailer on the highway.

29 (c) Vehicle characteristics:

30 (i) The applicant must know the important principles concerning

Amendment of  
Third Schedule  
Part I (1) (b)



1     braking distance and road holding under various road and weather conditions;

2             (ii) The applicant must also know the handling characteristics of other  
3     vehicles with regard to stability, speed, braking and maneuverability. In  
4     addition the applicant must be able to assess the risks caused by the  
5     characteristics of other vehicles and suggest precautions that can be taken and  
6     know that some vehicles are less easily seen than others.

7             (d) Road and weather conditions:

8             (i) The applicant must know the particular hazards in both daylight  
9     and the dark and on different types of roads. It's important that the applicant  
10    gains driving experience on urban and higher speed roads (not on highways) in  
11    both daylight and the dark and know which road surfaces provide the better or  
12    poorer grip when braking;

13            (ii) The applicant must also know the hazards caused by bad weather  
14    and be able to assess the risks caused by road and traffic conditions, be aware of  
15    how the conditions may cause others to drive unsafely, and be able to take  
16    appropriate precautions.

17            (e) Traffic signs, rules and regulations:

18    The applicant must have sound knowledge of the meaning of traffic signs and  
19    road markings, for example speed limits, parking restrictions and zebra and  
20    pelican crossings.

21            (f) Car control and road procedure:

22    The applicant must have the knowledge and skills to carry out the following  
23    tasks safely and competently practicing the proper use of mirrors, observation  
24    and signals:

25            (i) Take the necessary precautions before getting in or out of the  
26    vehicle;

27            (ii) Before starting the engine, carry out safety checks on doors, seat  
28    and head restraints, seat belts and mirrors;

29            (iii) Start the engine and move off;

30            (iv) Select the correct road position for normal driving;

- 1 (v) Use proper observation in all traffic conditions;
- 2 (vi) Drive at speed suitable for road and traffic conditions;
- 3 (vii) Change gear promptly to all risks;
- 4 (viii) Change traffic lanes;
- 5 (ix) Pass stationary vehicles;
- 6 (x) Meet, overtake and cross the path of other vehicles;
- 7 (xi) Turn right and left at junctions, including crossroads and
- 8 roundabouts;
- 9 (xii) Drive ahead at crossroads and roundabouts;
- 10 (xiii) Keep a safe separation distance when following other traffic;
- 11 (xiv) Act correctly at pedestrian crossings;
- 12 (xv) Show proper regard for the safety of other road users with
- 13 particular care towards the most vulnerable;
- 14 (xvi) Drive on both urban and rural roads, and where possible on
- 15 dual carriageways, keeping up with the flow of the traffic where it is safe and
- 16 proper to do so;
- 17 (xvii) Comply with traffic regulations and traffic signals given by
- 18 the police, traffic wardens and other road users;
- 19 (xviii) Stop the vehicle safely, normally and in an emergency,
- 20 without locking the wheels;
- 21 (xix) Turn the vehicle in the road to face the opposite way using the
- 22 forward and reverse gears;
- 23 (xx) Reverse the vehicle into a side road keeping reasonably close
- 24 to the kerb;
- 25 (xxi) Parallel parking while driving in a reverse gear;
- 26 (xxii) Park the vehicle in a multi-storey car park or other parking
- 27 bay, on the level, uphill and downhill, both in forward and reverse
- 28 directions;
- 29 (xxiii) Cross all types of railway crossings.
- 30 (2) The applicant must also know the importance of correct tyre

1 pressures, the actions needed to avoid and correct skids and how to drive  
2 through floods and flooded areas. The applicant must also know what to do if  
3 involved in an accident or breakdown, including the special arrangements for  
4 accidents or break-down on a highway etc.

5 (3) The applicant must gain a sound knowledge of the special rules,  
6 regulations and driving techniques for highway driving before taking the  
7 driving test. After passing the test, lessons are recommended with an approved  
8 driving instructor before driving unsupervised on motorways.

9 *Part II The Theoretical Test:*

10 2.-(1) The theoretical test should be divided into two parts. One  
11 should be a multiple-choice section, and the test-taker selects the answers. The  
12 multiple-choice section should contain at least 35 test items to be answered in  
13 90 minutes. The test-taker must score at least 86% in order to pass this part of  
14 the test.

15 (2) The theoretical test shall include a test of hazard perception skills,  
16 and after the multiple-choice section there is a 15- minute break before the  
17 hazard perception section starts. This should consists of 14 video clips, each  
18 lasting about one minute, which feature real road scenes and developing  
19 hazards of various types. There should be at least a total of 15 score-able  
20 hazards in the test and the student is assessed on the amount of time needed to  
21 spot the hazards.

22 (3) The sooner the test-taker responds, the higher the score will be the  
23 highest possible score is five points. Thirteen of the clips should contain one  
24 score-able hazard, and one clip contains two hazards. The test-taker should  
25 have only one chance to respond to the hazard perception clips. Those applying  
26 for fresh driving license must score at least 75 % in order to pass the hazard  
27 perception section.

28 *Part III The Practical Test:*

29 3.-(1) The main objective is to determine if the applicant is able to  
30 drive safely and competently in various road and traffic conditions. If the



1 student fails he or she is encouraged to take more training. If the student  
2 passes he or she is provided with a provisional license and the two-year  
3 probationary period starts. In order to be allowed to undergo the practical  
4 test the applicant must pass the theoretical test.

5 (2) The practical test should last for approximately 60 minutes and  
6 starts with an eyesight test. If the applicant is able to pass this test, i.e. able to  
7 read a car number plate in good daylight at 67 feet, approximately 20 metres,  
8 he or she is allowed to undergo the driving test. Then the applicant is  
9 required to drive around one of a number of set driving test routes which  
10 incorporate a range of different hazards and driving situations, generally  
11 representative of normal driving conditions. During the test the examiner  
12 should direct the applicant around the route whilst assessing and marking all  
13 aspects of the applicant's performance. Each examiner is required to use one  
14 of a number of sets and approved driving test routes. Each test centre  
15 normally should use about 20 test routes and examiners are required to use  
16 each of those in equal proportion to the rest.

17 (3) Driving instructors are encouraged to accompany their students  
18 on the test or to listen to the examiner's debriefing at the end of the session.  
19 Apart from general driving, the applicant will be asked to carry out two of  
20 the following manoeuvres during the test:

- 21 (a) Reversing around a corner;
- 22 (b) Turning in the road;
- 23 (c) Reverse parking.

24 (4) The applicant may also be asked to carry out an emergency stop  
25 exercise. If the test-taker commits a number of different faults, he or she  
26 should fail the test.

27 (5) There are three categories of fault:

- 28 (a) Dangerous fault - involving actual danger;
- 29 (b) Serious fault - potentially dangerous or serious errors;
- 30 (c) Driving fault - a significant error in driving technique or

1 incorrect reaction to a situation not assessed as serious.

2 (6) If the applicant commits one dangerous fault, one serious fault or  
3 more than 15 driving faults, this should result in failure. If the test-taker passes  
4 the test he or she shall be on probation for two years. If the driver gets six or  
• 5 more penalty points during this time, he or she shall lose the license. Then he or  
6 she has to re-apply for a provisional license and take all of the tests again.

7 (7) The test-taker should receive the test results and feedback  
8 information within 30 minutes after having finished the test. Feedback is given  
9 on any multiple-choice items answered incorrectly. In order to be approved the  
10 test-taker has to pass both parts of the test. If approved the test-taker will  
11 receive a Theory Test Pass certificate that is valid for two years. If the test-taker  
12 has not passed the practical test within these two years, he or she will have to  
13 retake the theoretical test.

#### EXPLANATORY MEMORANDUM

This Bill seeks to Amend the Federal Road Safety Commission (Establishment) Act to Grant Exclusive Powers to the Federal Road Safety Corps to issue Driver's Licences, Regulate the Activities of All Driving Schools, as well as Make Provisions for the licensing to ensure safety of lives on the highways, to meet International Best Standard.