

NIGERIA RAILWAY AUTHORITY BILL, 2015

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SCHEDULES



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 Senator Andy Uba

[] Commencement

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

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PART I - OBJECTIVE AND APPLICATION

1. The objectives of this Act are to:

Objectives

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

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

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

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

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

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

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

Application and Scope

1 PART II - ESTABLISHMENT OF THE NIGERIAN RAILWAY AUTHORITY

Establishment
of the Nigerian
Railway Authority

2 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 Authority

10 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 exant 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

30 power to make standing orders for the regulation of its proceedings and

1 meetings.

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

3 **11. -(1) There shall be for the Authority a Management structure (in Management**
4 **this Act referred to as “the Management”) which shall be responsible for the**
5 **day-to-day management and supervision of the activities of the Authority**
6 **and shall be headed by the Managing Director.**

7 **(2) The Managing Director shall be:**

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

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

12 **(c) responsible for the:**

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

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

19 **(3) The Managing Director shall hold office:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Removal of a
Director

25 ~~12~~ (1) Subject to the provision of subsections (2), (3) and (4) of this
26 section, a Director shall only be suspended or removed from office by the
27 President on the recommendation of the Minister if he:

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

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

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

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

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

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

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

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

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

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

26 13. -(1) The Authority shall have a Secretary who shall be the Head
27 of the Legal Department with at least ten years post call experience.

Appointment of
Secretary

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

30 (a) keeping the seal and corporate records of the Authority;

1 (b) arranging for payments of fees and allowances of meetings and all
2 other matters affecting members of the Board; and

3 (c) such other duties affecting the Authority as the Board may from
4 time to time direct.

Other employees
of the Authority

5 **14. -(1) The Authority shall have powers to employ such number of**
6 **persons as it may deem necessary for the effective discharge of its duties,**
7 **functions, and regulations made under this Act.**

8 (2) The Authority shall be responsible for determining the job
9 description, title, terms, qualifications and salaries including allowances of the
10 employees in accordance with extant Federal Government laws.

11 (3) Employees of the Authority shall be subject to the Conflicts of
12 Interest provision contained in the Third Schedule to this Act.

13 (4) Service in the Authority shall be approved service for the purpose
14 of the Pension Act, and accordingly, an officer and other persons employed in
15 the Authority shall in respect of their service in the Authority be entitled to
16 pensions, gratuities and other retirement benefits as are applicable in the
17 Authority.

18 (5) Nothing in subsection (4) of this section shall exclude the
19 Authority from employing staff on non-pensionable terms and conditions.

20 Part IV - Functions Of The Authority

Functions of
the Authority

21 **15. -(1) The Authority shall:**

22 (a) be responsible for the development and expansion of Railway
23 infrastructure in accordance with the Master Plan or any revised version
24 thereof;

25 (b) own and manage all railway infrastructure of the Federal
26 Government subject to the provisions of this Act;

27 (c) procure private investment in railway operations through the grant
28 of concessions in accordance with the provisions of Part VII of this Act;

29 (d) supervise and ensure the implementation of all concessions
30 granted by the Authority;

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

23 (2) The Authority shall at all times, carry out its functions and
24 duties in a transparent and non-discriminatory manner.

25 PART V- FINANCIAL PROVISIONS

26 16. -(1) The Authority shall establish and maintain a Fund which
27 shall consist of:

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

30 (b) concession fees, rents, levies, penalties and other charges from

Fund of the
Authority

1 services provided by the Authority;
2 (c) gifts, loans and grants from national, bilateral and multilateral
3 agencies;
4 (d) proceeds from the sale of assets that may accrue to the Authority;
5 and
6 (e) all other funds which may, from time to time, accrue to the
7 Authority.

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

Power to
accept gifts

10 17. -(1) The Authority may accept gifts of land, grants of money, aid
11 or other property from national, bilateral or multilateral organizations upon
12 such terms and conditions, if any, as may be agreed upon between the donor
13 and the Authority.

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

Application of
the Fund of the
Authority

17 18. -(1) The Authority may, from time to time, apply the proceeds of
18 the fund established in pursuance of subsection (1) of section 14 of this Act for
19 the following purposes:

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

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

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

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

30 (e) for purposes of investment; and

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

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

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

Borrowing
power

11 **20.** -(1) The Authority shall not later than four (4) months to the end
12 of the financial year, prepare and present to the Minister for consideration
13 and presentation to the National Assembly for approval, a statement of
14 estimated income and expenditure for the following financial year.

Budget and
Annual Estimates

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

19 **21.** -(1) The financial year of the Authority shall start on the 1st day
20 of January of each year and end on the 31st day of December of the same
21 year.

Accounts and
Audit

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

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

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

28 (3) The Board shall have the power to appoint external auditors,
29 provided that, such auditors are on the list of auditors approved from time to
30 time by the Auditor-General of the Federation.

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

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

Annual Reports

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

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

15 PART VI - CONCESSIONS

Power to grant
concessions

16 23. -(1) The Authority shall have the power to grant a concession to
17 any person.

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

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

Transfer of
Concessions

26 24. -(1) Rights arising from a concession may, subject to the approval
27 of the Authority and the Minister be assigned, wholly or partially sub-leased,
28 pledged, mortgaged or hypothecated.

29 (2) A concession agreement shall contain the terms upon which the
30 concession may be transferred to a third party.

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

6 PART VII - POLICY AND REGULATION OF RAILWAY TRANSPORT

7 25. -(1) The general responsibilities and functions of the Minister
8 under this Act shall include the following:

The role of the
Minister

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

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

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

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

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

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

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

Power of the
Minister to give
Directives

26 PART VIII - STATE, FEDERAL CAPITAL TERRITORY AND LOCAL

27 GOVERNMENT RAILWAYS

28 27. -(1) The Government of a State, Federal Capital Territory and
29 Local Government may subject to the approval of the Authority construct
30 Railway infrastructure for the provision of Railway Services within its area

Development of
State, Federal
Capital Territory
and Local
Government
Railways

1 of jurisdiction.

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

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

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

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

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

Licensing

20 **28.** -(1) The approval by the Authority of an application received
21 pursuant to subsection (2) of section 24 shall entitle the applicant to the
22 issuance of a Licence to operate the Railway and to provide Railway Services.

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

Right to enter
into Agreements

26 **29.** -(1) The holder of a Licence issued by the Authority may enter into
27 agreements with other persons for the provision of Railway Services and
28 Railway infrastructure whether by means of a concession, joint venture,
29 public-private partnership or other means.

30 (2) Any agreement entered into pursuant to sub-section (1) of this

1 section shall be subject to the approval of the Authority.

2 PART IX - SERVICE DISCONTINUATION AND PUBLIC SERVICE

3 OBLIGATIONS

4 30.-(1) Any Railway Operator providing a Railway Service on an Commercially
unviable Railway
Services
5 unprofitable route within the national railway network may recommend to
6 the Authority that the service concerned:

7 (a) be discontinued; or

8 (b) become subject to a Public Service Obligation.

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

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

17 (a) continued;

18 (b) discontinued; or

19 (c) continued subject to a Public Service obligation.

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

23 31. -(1) Subject to sub-section (2) and (3) of this section, where the Public Service
Obligations
24 provision of Passenger Services along any route within the national railway
25 network is determined by the Authority to be unprofitable but the provision
26 of Passenger Services along such route is essential to communities serviced
27 by that route, or where there is no alternative mode of transport for the
28 service of that route, the Minister may upon the recommendation of the
29 Authority, declare a Public Service Obligation in respect of the provision of
30 Passenger Services along that route.

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

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

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

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

15 PART X - DUTIES AND POWERS OF RAILWAY OPERATORS

Accommodation
for traffic

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

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

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

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

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

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

- 1 **33. -(1) In carrying out railway operations, it shall be the general**
 2 **duty of every Railway Operator to ensure the security and safety of persons**
 3 **and goods affected by the operation of its Railway and in this regard, a**
 4 **Railway Operator shall have power to:**
 5 **(a) enter upon any land adjoining the Railway for the purpose of**
 6 **preventing any accident or repairing any damage resulting from any**
 7 **accident and to do all such works as may be necessary for that purpose;**
 8 **(b) cut down or remove any tree or other obstruction, not being a**
 9 **building, which obscures the view of any fixed signal or which is likely to**
 10 **cause any obstruction or any danger to any rail transport service.**
 11 **(2) Any person exercising the powers under sub-section (1) of this**
 12 **section shall ensure that as little damage as possible is caused and he shall be**
 13 **liable to pay compensation to any person who sustains loss or damage from**
 14 **the exercise of his powers.**
- 15 **34. Subject to the provisions of this Act, every Railway Operator**
 16 **shall publish and publicly display at its offices and at Railway Stations**
 17 **where it provides railway services, the schedule of its freight tariffs and**
 18 **passenger fares and any modifications thereto.**
- 19 **PART XI - RAILWAY SAFETY**
- 20 **35. -(1) The Authority shall appoint an Inspector of Railways who**
 21 **shall:**
 22 **(a) be a civil engineer; and**
 23 **(b) shall have at least fifteen years' service in one or more large**
 24 **railway systems, ten years of which shall have been served in cognate**
 25 **engineering or safety work, on lines open to Traffic.**
 26 **(2) The Inspector of Railways shall:**
 27 **(a) undertake the safety regulatory functions of the Authority with**
 28 **respect to Railway Safety;**
 29 **(b) advise the Authority on the safety competence of Railway**
 30 **Operators;**

Duty to ensure
Safety and
Security

Duty to publish
tariffs

The Inspector
of Railways

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

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

Powers of the
Inspector of
Railways

8 36.-(1) For the purpose of the exercise of his functions under this Act,
9 the Inspector of Railways may by himself or such other inspectors or Persons
10 employed or authorised by the Authority:

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

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

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

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

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

29 (f) direct that any property under the control of a Railway Operator or
30 any part thereof and anything therein shall be left undisturbed for as long as it is

1 reasonably necessary, for the purpose of any examination or inquiry under
2 this Act;

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

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

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

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

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

18 (i) examine or arrange for its examination;

19 (ii) ensure that it is not tampered with before its examination is
20 completed; and

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

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

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

29 37. Where an Inspector or an authorised person enters any property
30 under the control of a Railway Operator pursuant to section 33, any

Duty to Assist
an Inspector of
Railways

1 employee of the Railway Operator found therein shall assist the Inspector or
2 authorised person by providing him with such information and facilities as he
3 may require.

Power of an
Inspector of
Railways to deal
with unsafe
conditions

4 **38.** -(1) Where an Inspector believes that a condition or activity is a
5 threat or might be a threat to railway safety, the Inspector may issue a notice to
6 any Person responsible for that condition or activity to the effect that:

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

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

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

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

Safety and
Environmental
Plan

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

General Duties

19 **40.** -(1) It shall be the general duty of every Person, including a person
20 employed by a Railway Operator, being on or near Railway infrastructure or on
21 a train to conduct himself in such a way as to ensure that no person or property
22 is exposed to danger as a consequence of his act or omission.

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

26 **PART XII - INVESTIGATION OF RAILWAY ACCIDENTS**

Cooperation
between Railway
Operators

27 **41.** -(1) Subject to any Regulations dealing with the preparation of
28 Safety and Environmental Plans that may be issued by the Authority, where the
29 activities of two or more Railway Operators overlap, the Railway Operators
30 concerned shall be under a duty to co-operate with one another with respect to

1 safety systems and procedures regarding their railway operations and may
2 enter into an agreement for such purpose.

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

6 **42.** -(1) The Authority shall make Regulations in relation to any
7 matter that is necessary to give effect to its functions relating to safety by
8 prescribing:

Regulations on
Railway Safety

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

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

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

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

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

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

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

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

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

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

30 (v) the establishment of training programs for those persons and

- 1 standards applicable to such programmes.
- 2 (g) the establishment of a scheme for licensing persons employed in
3 positions referred to in paragraph (f) and prescribing fees for the Licences;
- 4 (h) in respect of crossing works:
- 5 (i) safety barriers and operating procedures at level crossings; and
- 6 (ii) requiring a Railway Operator, road authority or other person who
7 has rights relating to a road crossing, to conduct a safety review of the road
8 crossing following an accident of the type prescribed.
- 9 (i) the rules for carriage of dangerous goods and substances;
- 10 (j) the security of railway transportation;
- 11 (k) in respect of non-railway operations, insofar as it affects railway
12 safety, including:
- 13 (i) fencing;
- 14 (ii) mines and other excavations;
- 15 (iii) drainage;
- 16 (iv) land use, insofar as it impacts on any drainage affecting a
17 Railway;
- 18 (v) any construction activities above, below or adjacent to a Railway;
- 19 (vi) the size of, and location of access to Railway Stations from
20 property adjoining a Railway Station;
- 21 (vii) the development of property adjoining a Station; and
- 22 (l) any other matter which the Authority considers necessary for the
23 promotion of railway safety.
- 24 **43.-(1)** A Railway Operator shall make internal rules for the
25 management, control and operation of its Railway activities and without
26 prejudice to the generality of the foregoing, make rules in relation to anyone or
27 more of the following matters:
- 28 (a) the times of arrival and departure of Trains;
- 29 (b) the prevention of the commission of any nuisance that may affect
30 the safe operation of its Railway or in or upon any Train;

Power of Railway
Operators to
make Internal
Safety Rules

1 (c) the prevention of accidents;
2 (d) the carriage of goods and persons on Trains; and
3 (e) the safe custody and redelivery or disposal of any property
4 found on or in any Train or property of a Railway Operator and the fixing of
5 tariffs in respect thereof.

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

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

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

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

Appointment of
Railway Accident
Investigators

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

20 (a) Conduct investigation in any Railway accident;

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

25 (c) Administer the Prescribed oath;

26 (d) Examine witnesses; and

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

Functions of the
Railway Accident
Investigating
Unit

28 **46.-(1)** For the purpose of conducting an investigation, the
29 Railway Accident Investigating Unit shall have the power:

Investigation of
Accidents

30 (a) to constitute an Accident Investigation Panel for the purpose of

1 conducting a public inquiry;

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

6 (c) to administer the Prescribed oath;

7 (d) to examine witnesses; and

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

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

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

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

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

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

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

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

Conflict of
Interest

25 **47.-(1)** A Railway Accident Investigator shall not, directly or
26 indirectly, as owner, shareholder, director, officer, partner or otherwise:

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

28 (b) have an interest in a railway undertaking or business or an interest
29 in the manufacture or distribution of railway plant or equipment, except where
30 the distribution is merely incidental to the general merchandising of goods.

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

3 PART XIII - ACQUISITION OF LAND AND RAILWAY WORKS

4 48. -(1) Subject to the provisions of the Land Use Act, whenever it
5 appears to the Authority that any land in any locality is required for the
6 purposes of a Railway, the Authority may by its servants or agents, together
7 with all necessary workmen, enter upon any land in any locality and:

Surveys and
Inspections

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

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

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

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

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

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

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

24 49. -(1) Where any Person desires to construct, extend or alter any
25 Private Railway, such person shall apply to the Authority for its approval to
26 the proposed construction, extension or alteration and furnish the Authority
27 with a plan of the proposed Railway together with particulars showing the
28 manner and position in which the Railway infrastructure in respect thereof is
29 intended to be constructed, extended, altered and carried on and any other
30 information as the Authority may require.

Private Railways

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

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

Notice

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

Approval for
the Operation
of a Railway

12 **51.** -(1) No Railway infrastructure shall be commissioned or operated
13 without the issuance of a Safety Certificate by the Inspector of Railway stating
14 that:

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

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

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

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

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

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

29 (4) Where the Inspector of Railway fails to issue a Safety Certificate
30 within a period of one month from receipt of the Railway Operator's certificate,

1 he shall inform the Railway Operator of his reason(s) for not issuing it and
2 of any requirements to be complied with prior to the issuance of the
3 Certificate.

4 52.-(1) The Inspector of Railways may at any time withdraw a
5 Safety Certificate where it appears to him that the Railway infrastructure
6 fails to meet the conditions prescribed under this Act.

Withdrawal of
Safety Certificates

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

10 53. -(1) Subject to the approval of the Authority, any Person who
11 desires to construct, extend or alter any Railway infrastructure or other
12 works connected therewith, may enter upon any land and:

General Powers
of Railway
Operators

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

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

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

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

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

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

30 (3) Any person exercising the powers under sub-section (1) of this

1 section shall ensure that as little damage as possible is caused and he shall be
2 liable to pay compensation to any person who sustains loss or damage from the
3 exercise of his powers.

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

Exemption of
Railway land

8 **54. The provisions of any Act or Law:**

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

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

12 **PART XIV - OFFENCES AND PENALTIES**

Endangering
Safety

13 **55. -(1) Any person who by any unlawful, wilful, negligent or**
14 **careless act or omission:**

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

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

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

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

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

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

30 (g) does or causes to be done any other thing with intent to obstruct,

1 upset, overthrow, damage or destroy any Rolling Stock using a Railway;

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

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

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

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

13 **56. -(1) Any employee of a Railway Operator who whilst on duty:**

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

15 (b) has any responsibility related to:

16 (i) the movement of Traffic;

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

19 (iii) the repairs of any Rolling Stock,

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

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

29 (3) Where an employee having any of the responsibilities
30 described under sub-section (1) of this section does not submit to a breath

Drunkness
while on
Locomotive, etc

1 test or provide a blood or urine sample when requested to do so, such employee
2 commits an offence and shall be liable on conviction to a fine not exceeding
3 One Million Naira or to imprisonment for a term not less than two years or to
4 both such fine and imprisonment.

Trespass Related
Offences

5 57. Any person who:

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

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

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

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

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

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

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

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

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

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

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

30 (vii) smokes in any part of such premises or Rolling Stock bearing a

- 1 notice that smoking is prohibited in that part;
- 2 (c) defaces the writing on any board or any notice maintained upon
3 any premises occupied by a Railway Operator or any of its Rolling Stocks;
- 4 (d) writes, draws or affixes any profane, obscene, indecent or
5 abusive word, matter, graffiti, presentation or character upon any premises
6 occupied by a Railway Operator or upon any of its Rolling Stocks;
- 7 (e) damages or without lawful excuse interferes with any property
8 of a Railway Operator;
- 9 (f) without lawful excuse, enters or leaves the Rolling Stock of a
10 Railway Operator while it is still in motion or at a place other than that
11 appointed by the Railway Operator for passengers to embark or disembark
12 or opens any outer door of any train while it is still in motion;
- 13 (g) permits or allows any animal for which the person is
14 responsible to stray on any fenced premises occupied by a Railway
15 Operator;
- 16 (h) fails at the earliest possible opportunity to present to any
17 authorised employee of a Railway Operator any property which there is
18 reason to believe has been lost or forgotten and is found by that person on
19 any premises, Rolling Stock of the Railway Operator;
- 20 (i) wilfully obstructs or impedes an employee or agent of a
21 Railway Operator in the performance of his duties;
- 22 (j) throws from a Rolling Stock any article or substance likely to be
23 a source of danger to, or cause injury to any other person;
- 24 (k) without prior approval of the Railway Operator concerned,
25 takes or sends or attempts to take or send upon a Railway any dangerous
26 substances or goods, or any dangerous animal not under proper control or
27 any animal suffering from any contagious or infectious disease;
- 28 (l) being an employee of a Railway Operator, receives from any
29 passenger, or from any other person delivering goods to such Railway
30 Operator for carriage or warehousing, or from any other person making use

1 of the facilities provided by such Railway Operator any money and fails within
2 a reasonable time not exceeding half an hour to issue a ticket or other receipt in
3 respect of such money; or

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

Refusal to pay
fare or use of
unauthorised or
fake ticket

10 **58.** Any person who:

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

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

Unauthorised
sale of Tickets

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

False returns

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

Employees
demanding
improper fare

29 **61.** Any employee of a Railway Operator who, with intent to defraud,
30 demands, solicits or receives from any passenger or from any person delivering

1 goods for carriage or warehousing or from any person making use of the
2 Railway Operator's facilities any greater or lesser amount than he should
3 demand or receive, commits an offence and shall be liable on conviction to a
4 fine of not less than Five Hundred Thousand Naira or to imprisonment for a
5 term not less than twelve months or to both such fine and imprisonment.

6 PART XV - MISCELLANEOUS

7 **62.** -(1) The Authority shall maintain a Register of all matters that Register
8 are required to be registered under this Act and any Regulations made under it.

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

12 (3) Subject to the provisions of the Freedom of Information Act,
13 2011, any person may, on the payment of a charge as may be considered
14 appropriate by the Authority, inspect the Register and make a copy of, or
15 take extracts from the Register.

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

19 **63.** The Authority shall be exempted from the payment of stamp
20 duty. Exemption from Stamp Duty

21 **64.**-(1) No matter done or action taken by a member of the Board or
22 any officer, employee or agent of the Authority shall, if the matter or action is
23 done bona fide for executing the functions, powers or duties of the
24 Authority, can render the member of the Board, officer, employee or agent of
25 the Authority or any person acting on his directions personally liable to any
26 action, claim or demand whatsoever. Liability of the Authority

27 (2) The provisions of sub-section (1) of this section shall not
28 relieve the Authority of the liability to pay compensation or damages to any
29 person for any injury to him, his property or any of his interests caused by the
30 exercise of the powers conferred on the Authority by this Act or by any other

	1	written law or by the failure, whether wholly or partially, Of any works.
Limitation of suits against the Authority	2	65. -(1) No suit against the Authority or any servant of the Authority
	3	for any act done in pursuance or intended execution of any Act or Law, or of any
	4	public duty or authority, or in respect of any alleged neglect or default in the
	5	execution of such Act or Law, duty or authority shall lie or be instituted in any
	6	court, unless it is commenced within twelve months next after the act, neglect
	7	or default complained of or, in the case of a continuance of damage or injury,
	8	within twelve months next after the ceasing thereof:
	9	Provided that, in the case of a claim for a refund of an overcharge in respect of
	10	goods accepted by the Authority for carriage, or for compensation in respect of
	11	loss, damage, deviation, misdelivery, delay or detention of or to any goods so
	12	accepted, the cause of action shall be deemed to have risen on the day of such
	13	acceptance.
		14
	15	months at least after written notice of intention to commence the same, shall
	16	have been served upon the Authority by the intending plaintiff or his agent; and
	17	such notice shall clearly and explicitly state the cause of action, the particulars
	18	of the claim, the name of place of abode of the intending plaintiff and the relief
	19	which he claims.
Service of documents	20	66. The notice referred to in the last preceding section and any
	21	summons, notice or other document required or authorised to be served upon
	22	the Authority under the provisions of this Act or any other law may, unless in
	23	any case there is express provision to the contrary, be served by delivering the
	24	same to the chairman or secretary of the Authority, or by sending it by
	25	registered post, addressed to the secretary of the Authority at the principal
	26	office of the Authority.
Restriction on execution	27	67. -(1) In an action or a suit against the Authority, no execution or
	28	attachment process in any nature thereof shall be issued against the Authority
	29	unless not less than 3 months' notice of the intention to execute or attach has
	30	been given to the Authority.

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

5 **68.** -(1) A person connected with the direct working of a railway
6 shall not be removed under arrest, whether in execution of a warrant of his
7 duties until the head of the department in which he is employed or the officer
8 in immediate charge of the work in which such person is engaged, has been
9 given an opportunity of providing a substitute.

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

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

15 **69.**-(1) As from the commencement of this Act, the Nigerian
16 Railway Corporation Act (hereinafter referred to in this section as Repealed
17 Act) is hereby repealed.

Repeals,
transitional
provisions and
consequential
amendments

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

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

25 (5) Any licence, certificate, authority or permit which was issued
26 pursuant to the Repealed Act and which had effect immediately before the
27 commencement of this Act shall continue to have effect with necessary
28 modifications, for the remainder of its validity as if it had been issued under
29 this Act.

30 (6) Subject to this Act, any permission granted, direction given or

1 other thing whatsoever made, done or commenced which, immediately before
2 the commencement of this Act, had or was capable of acquiring force and effect
3 pursuant to the Repealed Act, shall, on and after the commencement of this Act,
4 continue to have effect, or, as the case may be, to be capable of acquiring force
5 and effect as if it had been granted, given, made, done or commenced, as the
6 case may be pursuant to provisions of this Act.

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

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

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

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

Transfer of
Assets of the
Corporation

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

Transfer of
Employees to
the Authority

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

Interpretation

27 72. In this Act, unless the context indicates otherwise:
28 "Affiliation" means the relationship that exists between two companies where
29 one controls the other or where one is controlled by an entity which controls,
30 the other company;

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

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

- 1 Services;
- 2 "Passenger Fare" means the Passenger Service Operator's schedule of fees,
3 rates, charges; "Person" includes a body corporate, partnership, joint
4 venture, co-operative, trust, or other entity that is recognized by the law as a
5 distinct body with the right to enter into contracts and to own property;
- 6 "Prescribed" means as stipulated by the Authority by Regulation(s) and
7 "prescribe" shall be construed accordingly;
- 8 "Private Railway" means a Railway which is used exclusively to serve a
9 particular plant, enterprise or industrial firm;
- 10 "Public Service Obligation" means an obligation to provide essential
11 Railway Services along the railway routes specified by the Minister in
12 accordance with a declaration made pursuant to section 26;
- 13 "Railway" means all moveable and immoveable property required for the
14 provision of Railway Services;
- 15 "Railway infrastructure" means any immoveable property necessary for the
16 provision of Railway Services and includes the Railway Track and related
17 equipment; terminal facilities; switching yards; Railway Stations and
18 related equipment; overhead traction power system and line-side
19 substations; depots; workshops; train management systems;
20 telecommunications systems; level crossings, bridges, viaducts, tunnels,
21 culverts, retaining walls, or other structures;
- 22 "Railway Operator" means a Person licensed for the time being to operate a
23 Railway, provide Passenger Services, Freight Services or any combination
24 of the foregoing;
- 25 "Railway Service" means the provision of either Passenger Services or
26 Freight Services;
- 27 "Railway Station" means any area of land or other property designated,
28 equipped, set apart or commonly used for the arrival and departure of trains
29 and includes any passenger or freight station or terminal;
- 30 "Railway Track" means any land other property comprising the permanent

- 1 way of any Railway taking together the ballast, sleepers and metals laid thereon
2 to facilitate the movement of Rolling Stock from one destination to another;
- 3 "Railway Works" means any new construction, fabrication or erection of
4 Railway infrastructure other than works in connection with the Maintenance of
5 existing Railway infrastructure;
- 6 "Regulations" means the regulations made by the Authority pursuant to tQis
7 Act;
- 8 "Related Service" means any service necessary for the facilitation of Railway
9 Operations and shall include but not be limited to refuelling of Rolling Stock;
10 repairs and maintenance of Railway infrastructure and Rolling Stock; clearing
11 of Rolling Stock and Railway Tracks and the provision of freight handling
12 services;
- 13 "Rolling Stock" means any Locomotive, coach, wagon or other railway vehicle
14 used on Railway Tracks;
- 15 "Safety Certificate" means the certificate issued by the General Inspector
16 pursuant to section 59 of this Act;
- 17 "Safety and Environmental Plan" means a document prepared by a Railway
18 Operator and approved by the General Inspector describing the components of
19 its safety and environmental management system;
- 20 "Shipper" means a Person who sends or receives goods through a Freight
21 Service Operator or intends to do so;
- 22 "Tariff Regulation" means the power of the Commission to regulate the Freight
23 Tariff or Passenger Fares of a Railway Operator pursuant to the provisions of
24 section 34;
- 25 "Track Access" means the right of a Railway Operator to access the Railway
26 Track and essential facilities of another Railway Operator for the purpose of
27 providing a Railway Service;
- 28 "Track Access Charges" means the charges applicable to the grant of Track
29 Access;
- 30 "Traffic" means the carriage of freight or passengers including equipment

1 required for their movement;

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

4 73. This Act may be cited as the Nigeria Railway Authority Bill, Short title
5 2015.

6 FIRST SCHEDULE

7 TRANSFER PROVISIONS

8 *Transfer of Assets*

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

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

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

24 (4) No action or other proceeding shall be commenced against the
25 Authority in respect of an employee or asset that has been transferred to the
26 Authority, had there been no transfer, the time for commencing the action or
27 other proceeding would have expired.

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

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

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

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

12 *Transfer of Employees*

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

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

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

24 (b) The Authority shall continue to contribute towards any pension
25 scheme to which the Corporation was contributing in respect of persons in the
26 employment of the Corporation prior to the transfer date, until such time as
27 conditions of service are drawn up by the Authority.

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

30 (5) Nothing in this paragraph shall operate so as to create an

1 entitlement for any employee of the Corporation to become an employee of
2 the Authority.

3 *Directions to the Authority*

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

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

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

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

14 (c) the production of any report and the provision of any
15 information concerning the conduct of the Authority or the members of the
16 board of the Authority or anything done by or on behalf of the Authority or
17 the members of the Authority.

18 SECOND SCHEDULE

19 CONFLICT OF INTERESTS

20 1. Subject to the provisions of this schedule, no Member or staff of
21 the Authority shall have direct or indirect financial interest or investment in
22 any railway company throughout the tenure of his office or employment
23 with the Authority.

24 2. Subject to paragraphs (3) and (4) hereof, each Member or staff
25 of the Authority shall on an annual basis present a written declaration
26 affirming the non-existence of any such interest as is specified in paragraph
27 (1) and shall pledge to disclose and inform the Authority of any such
28 relationship or interest that arises or is likely to arise during his tenure or
29 employment with the Authority.

30 3. Serving Members and staff of the Authority as at the

1 commencement date of this Act shall be entitled to a maximum of six (6)
2 months from the said commencement date within which to divest themselves
3 of their direct or indirect financial interests or investment in any railway
4 company, if any.

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

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

13 (a) knowingly has; or

14 (b) knows any member of his immediate family to have;

15 in any aspect of the Nigerian railway sector.

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

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

24 (2) of this schedule to any Member or staff of the Authority if the
25 Board determines that the financial interest of the relevant person is not of a
26 material nature or is minimal.

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

30 (a) the revenue, investments, profits and managerial effort of the

1 relevant company or other entity in regard to its railway activities compared
2 with other aspects of the company's or such entity's businesses;

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

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

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

10 **9.** The Board may at any time review and reverse its decision under
11 paragraph (7) of this schedule and direct the application of the prohibitions
12 contained in this Schedule to the affected Member or staff of the Authority
13 and the Board shall not be under any obligation to disclose the reason(s) or
14 basis for its review to the affected Member or staff.

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

22 **11.** For the purposes of this schedule:

23 (a) "company" includes partnerships and any other form of
24 undertaking;

25 (b) "immediate family" means a person's spouse and children who
26 are under the age of 18 years;

27 (c) "Member" means a member of the governing board of the
28 Authority.

- 1 THIRD SCHEDULE
- 2 SUPPLEMENTARY PROVISIONS RELATING TO THE GOVERNING BOARD
- 3 *Proceedings of the Board*
- 4 1. Subject to the provisions of this Act and section 27 of the
- 5 Interpretation Act, the Board may make standing orders regulating its
- 6 proceedings or that of any of its committees.
- 7 2. The Chairman shall preside at every meeting of the Board and in
- 8 his absence the members present at that meeting shall appoint one of their
- 9 members to preside at the meeting.
- 10 3. The quorum for any meeting of the Board shall be a simple majority
- 11 of the members for the time being constituting the Board provided that, such
- 12 simple majority shall include a minimum of two Executive Directors.
- 13 4. The Board shall meet not less than four (4) times in each calendar
- 14 year and on such other occasions as the Board considers necessary.
- 15 5. A member of the Board who directly or indirectly has an interest of
- 16 a personal nature (including but not limited to financial interests) in any matter
- 17 being deliberated upon by the Board, or is personally interested in any contract
- 18 made or proposed to be made by the Authority shall, so soon after the facts of
- 19 the matter of his interests have come to his knowledge disclose his interest and
- 20 the nature thereof at a meeting of the Board.
- 21 6. A disclosure under paragraph (5) of this schedule shall be recorded
- 22 in the minutes of meetings of the Board and the member concerned:
- 23 (a) shall not, after the disclosure, take part in any deliberation or
- 24 decision of the Board or vote on the matter; and
- 25 (b) shall be excluded for the purpose of constituting a quorum of any
- 26 meeting of the Board for any deliberation or decision, with regard to the subject
- 27 matter in respect of which his interest is so disclosed.
- 28 *Committees*
- 29 7. -(1) Subject to its standing orders, the Board may appoint such
- 30 number of standing or ad hoc committees as it thinks fit to consider and report

1 on any matter with which the Authority is concerned.

2 (2) A Committee appointed under this paragraph shall:

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

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

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

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

12 *Miscellaneous*

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

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

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

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

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

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

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

30 **12.** No member of the Board or committee of the Board shall be

- 1 personally liable for any act or omission done or made in good faith while
- 2 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.

CRIME AND CRIMINAL TRACKING SYSTEM BILL, 2015

ARRANGEMENT OF CLAUSES

1. National criminal history database
2. Analysis of crimes data
3. Networking of the police
4. Provision for portal for inter-security agencies connectivity
5. Management and control of front end and back end of the System
6. Custody of criminal records
7. Law Enforcement Data Exchange
8. Access to record
9. Purpose of the System
10. Police character certificate
11. Refusal of certificate
12. Inspection of criminal records
13. Funding
14. Parties to the project and their responsibilities
15. Return on investment
16. Drawing of MOU by the parties
17. Interpretation
18. Citation

