

FEDERAL CAPITAL TERRITORY TRANSPORT AUTHORITY
(ESTABLISHMENT) BILL, 2015
ARRANGEMENT OF SECTIONS

Section:

PART I - LAND TRANSPORT POLICY

1. Minister to prescribe policy
2. Role of the Transport Secretariat
3. Ministerial Directives

PART II - ESTABLISHMENT OF THE FEDERAL CAPITAL TERRITORY

- 1 TRANSPORT AUTHORITY
- 2 4. Establishment of the Authority
 - 3 5. Purpose of the Authority
 - 4 6. Operating Principles of the Authority
 - 5 7. General Functions and Duties of the Authority
 - 6 8. Functions of the Authority relating to road transport
 - 7 9. Functions of the Authority relating to rail transport
 - 8 10. Functions of the Authority relating to water transport
 - 9 11. Powers of the Authority
 - 10 12. Appeals against decisions of the Authority

11 PART III - INSTITUTIONAL ARRANGEMENTS

- 12 13. Governing Body of the Authority
- 13 14. Disqualification of Members
- 14 15. Functions of the Board
- 15 16. Appointment of Committees and Delegation of Powers
- 16 17. Chief Executive Officer
- 17 18. Functions of the Chief Executive Officer

18 PART IV - CONSULTATIVE PROCEDURES

- 19 19. Obligation to consult

20 PART V - CORPORATE GOVERNANCE INSTRUMENTS

- 21 20. Authority's Business Plan

21. Annual Report
22. Accounting and auditing

PART VI - FINANCIAL ARRANGEMENTS

- * 23. Financial Year
24. Funds of the Authority
25. Borrowing Powers
26. Accounting Procedures

PART VII - ETHICS AND GOOD INSTITUTIONAL PRACTICE

27. Declaration of Interests
28. Code of Ethics

PART VIII - TRANSITIONAL ARRANGEMENTS

29. Transitional Provisions
30. Transfer of Functions to the Authority

PART IX - MISCELLANEOUS PROVISIONS

31. Power to make regulations
32. Liability of officers of the Authority
33. Legal proceedings
34. Notices
35. Execution of judgements
36. Repeal and Savings
37. Stamp Duty
38. Power to make by-laws
39. Interpretation
40. Short Title.

First Schedule - Constitution and Proceedings of the Board

Second Schedule - Amendment of Laws

A BILL

FOR

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A TRANSPORT AUTHORITY FOR THE FEDERAL CAPITAL TERRITORY AND FOR MATTERS RELATED THERETO

Sponsored by Senator Philip Tanimu Aduda

[] Commencement

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

1 PART I - LAND TRANSPORT POLICY

2 1. -(1) The Minister shall prescribe a land transport policy for the
3 Federal Capital Territory which:

Minister to
prescribe policy

4 (a) promotes an integrated approach to the provision of public
5 transport;

6 (b) encourages and facilitates private investment in transport
7 infrastructure and services;

8 (c) promotes regulated competition between and within modes;

9 (d) prioritises user needs in terms of accessibility, affordability and
10 reliability;

11 (e) promotes the safety of passengers and other transport users;

12 (f) ensures that the money available for land transport is applied in
13 an efficient, economic, equitable and transparent manner;

14 (g) encourages public transport over private transport use;

15 (h) encourages efficiency and entrepreneurial behaviour on the
16 part of transport service providers;

17 (i) promotes the efficient use of energy resources; and

18 (j) limits adverse environmental impacts.

19 (2) The Minister shall publish the policy as approved by the
20 Federal Executive Council in the Gazette.

1 (3) Within 3 years after the coming into force of this Act, the Minister
2 shall review; Minister to prescribe policy progress with the implementation of
3 the policy or cause to have the policy reviewed. Thereafter, the Minister shall
4 ensure that the policy is reviewed every three years.

5 (4) The Minister may, from time to time, publish updates to the policy
6 and shall, after a review, amend the policy to implement any recommendations
7 that are approved by the Federal Executive Council.

Role of the
Transport
Secretariat

8 2.-(1) The Transport Secretariat shall assist the Minister in
9 developing and monitoring the implementation of the land transport policy of
10 the Federal Capital Territory.

11 (2) Without limiting the generality of the foregoing, the Transport
12 Secretariat shall:

13 (a) monitor the implementation of the policy by the Federal Capital
14 Territory Transport Authority (as established by section 4 of this Act) and Area
15 Councils;

16 (b) monitor compliance with directives, if any, issued by the Minister;

17 (c) conduct investigations into matters arising from the policy and
18 make recommendations to the Minister regarding adjustments, if any, to the
19 policy;

20 (d) assist Area Councils that lack the necessary staff or resources in
21 meeting their responsibilities and performing their functions and duties with
22 regard to land transport;

23 (e) support the Minister to coordinate between the Federal Capital
24 Territory Administration and other Federal Ministries, Departments and
25 Agencies to encourage the development of an integrated transport system and
26 to avoid a duplication of effort and resources;

27 (f) assist the Minister in preparing recommendations to the President
28 on the appointment of members to the Board of the Authority;

29 (g) advise the Minister in reviewing the Business Plan of the
30 Authority;

1 (h) advise the Minister in reviewing the Authority's Annual
2 Report and audited financial statements; and

3 (i) perform such functions as may be assigned to it by the Minister
4 or by any other law.

5 3. -(1) Subject to this Act and any other law, the Minister may issue
6 directives in writing to the Authority and an Area Council regarding the
7 implementation of the approved land transport policy.

Ministerial
Directives

8 (2) The Minister shall not issue any directive requiring the
9 Authority:

10 (a) to perform an act which the Authority is not required to perform
11 by virtue of this Act;

12 (b) to refrain from performing an act which the Authority is
13 required to perform by virtue of this Act.

14 (3) Where compliance with any directive issued by the Minister
15 entails any expenditure or use of resources not provided for in the
16 Authority's budget as contained in its approved business plan, the
17 Authority shall not be required to comply with such directive until such time
18 as the Minister has provided it with the necessary funds or resources.

19 PART II - ESTABLISHMENT OF THE FEDERAL CAPITAL TERRITORY

20 TRANSPORT AUTHORITY

21 4. -(1) There is established a body to be known as the Federal
22 Capital Territory Transport Authority (in this Act referred to as "the
23 Authority").

Establishment of
the Authority

24 (2) The Authority:

25 (a) shall be a body corporate with perpetual succession and a
26 common seal;

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

28 (c) may, subject to the provisions of the Land Use Act, 1978, and
29 for the purpose for which it is established, acquire, hold or dispose of any
30 real or personal property.

1 (3) Any person acting judicially, quasi-judicially or administratively
2 shall take judicial notice of the common seal of the Authority affixed to a
3 document and presume that it was duly affixed.

4 (4) The headquarters of the Authority shall be located in the Federal
5 Capital Territory, Abuja.

Purpose of the
Authority

6 5. The purpose of the Authority is to implement the land transport
7 policy of the Federal Capital Territory and to contribute to an effective and
8 efficient land transport system which supports the social, economic,
9 environmental and cultural well-being of the Federal Capital Territory and its
10 inhabitants.

Operating
Principles of
the Authority

11 6. In meeting its purpose, the Authority must:

12 (a) operate in a financially-responsible manner;

13 (b) manage its assets and liabilities prudently to ensure that the
14 Authority maintains long-term financial viability and continues to act as a
15 successful going concern;

16 (c) use its revenue efficiently and effectively and in a manner which
17 ensures value for money;

18 (d) ensure that revenue and expenditure are accounted for in a
19 transparent manner;

20 (e) recruit staff members subject to remuneration and conditions of
21 service that attract highly-qualified individuals and contribute towards the
22 development of a stable and competent professional cadre;

23 (f) act in a transparent manner in taking decisions related to its
24 functions and responsibilities;

25 (g) perform its functions in a neutral manner with due regard to
26 stakeholders interests; and

27 (h) regularly account for its actions to the Minister.

General functions
and duties of the
Authority

28 7. -(1) The functions of the Authority are to give effect to the approved
29 land transport policy of the Federal Capital Territory.

30 (2) Without limiting the generality of the foregoing, the Authority

1 shall be vested with the following responsibilities:

2 (a) to plan, design, construct, concession, manage, maintain and
3 fund road infrastructure in the Territory;

4 (b) to exercise the prescribed functions of owner of the railway
5 infrastructure assets;

6 (c) to plan and regulate public rail and road transport services;

7 (d) to develop and maintain a register of road and rail assets in the
8 Federal Capital Territory;

9 (e) to develop and implement an integrated rail and road public
10 transport plan for the Federal Capital Territory;

11 (f) to enter into concessions and other forms of public-private
12 partnership for the provision of road and rail passenger transport services
13 and to monitor their implementation subject to the Infrastructure
14 Concession Regulatory Commission Act and Public Procurement Act;

15 (g) to develop and implement road traffic management strategies;

16 (h) to regulate railway safety;

17 (i) to regulate the safety of road passenger transport services
18 offered for hire or reward;

19 (j) to conduct research, monitor transport system performance and
20 disseminate information; and

21 (k) to consult with Ministries, Departments and Agencies of the
22 Federal Government relating to road and rail transport in the Territory to
23 ensure that its activities are co-ordinated with those of the Federal
24 Government.

25 **8. The functions of the Authority in relation to road transport are:**

26 (a) to improve the safety and quality of road transport services by:

27 (i) collaborating with the transport industry to develop and
28 implement a system of operator licensing for passenger and freight transport
29 to raise professional standards with regard to technical skills, financial
30 standing and operational capacity;

Functions of the
Authority relating
to road transport

- 1 (ii) collaborating with the transport industry to develop model codes
2 of conduct for operators, drivers and conductors regarding service standards
3 and driver and vehicle safety;
- 4 (iii) reviewing transport industry training requirements, setting
5 training standards for operators and accrediting training providers; and
- 6 (iv) developing and managing a road transport operator database
7 which captures prescribed data relating operators; vehicles; drivers; offences
8 and violations; and any other matter as may be prescribed.
- 9 (b) to ensure the balanced provision of public transport services by
10 authorising passenger transport services, managing the supply of and demand
11 for public transport services and ensuring equitable competition and an
12 adequate revenue stream for operators;
- 13 (c) to manage competition by:
- 14 (i) regulating bus fares through a transparent and predictable
15 procedure which allows for regular reviews and fare adjustments to provide
16 operators with a reasonable rate of return;
- 17 (ii) implementing a procedure providing for the filing of minibus and
18 taxi fares to enable the Authority to monitor fare levels;
- 19 (iii) monitoring freight tariffs;
- 20 (iv) investigating complaints regarding violations of regulated fares,
21 overpricing or fare gouging and to impose prescribed penalties;
- 22 (v) monitoring anti-competitive behaviour by transport operators and
23 to implement the prescribed measures to penalize anti-competitive conduct.
- 24 (d) to support traffic law enforcement by:
- 25 (i) collaborating with the agency responsible for law enforcement to
26 develop and implement targeted law enforcement campaigns to strictly enforce
27 road traffic rules and standards; and
- 28 (ii) regulating parking and the provision and operation of parking
29 facilities.
- 30 (e) to perform such other functions as may be prescribed.
-

Powers of the
Authority

1 where necessary to prevent monopolistic pricing; and

2 (d) to perform such functions as may be prescribed.

3 **11. -(1)** In order to fulfil its functions, the Authority may carry on such
4 activities as appear to the Authority to be advantageous, necessary or
5 convenient for it to carry on for or in connection with the discharge of its
6 functions and duties under this Act or any other written law, and in particular
7 may exercise any of the following powers:

8 (a) to grant licences or permits for land transport purposes, formulate
9 licence conditions, to supervise and enforce compliance with the provisions of
10 such licences; and suspend or withdraw licences for prescribed violations;

11 (b) to authorise passenger transport services;

12 (c) to open and break up any road and to take possession of and use
13 any road or portion thereof;

14 (d) to make bylaws, subject to the approval of the Minister;

15 (e) to utilise all property of the Authority, movable and immovable, in
16 such manner as the Authority may think expedient, including the raising of
17 loans by mortgaging such property;

18 (f) to lease or let, with or without taking a premium, any property
19 vested in or acquired by it or to grant easements, rights of way, temporary
20 licences or other rights or privileges over, under, through or in respect of any
21 land or buildings belonging to or vested in the Authority upon such terms and
22 conditions as the Authority may think fit;

23 (g) to form or participate in the formation of any company or
24 corporation, or enter into any joint venture or partnership;

25 (h) to enter into all such contracts for the supply of goods, services or
26 materials or for the execution of works or any other contract as may be
27 necessary for the discharge of its duties and functions under this Act;

28 (i) to appoint consultants to advise the Authority in the carrying out of
29 its functions;

30 (j) to impose fees or charges for services rendered by the Authority;

1 (k) to impose prescribed fines and penalties for violations of
2 license conditions and other prescribed contraventions of the Act;

3 (l) to appoint authorised officers to undertake inspections, verify
4 compliance with license conditions, issue infringement notices and fines
5 and perform such other functions and exercise such powers as may be
6 prescribed, including but not limited to powers to enter premises, request
7 documents, and seize any thing which provides evidence of a contravention
8 under this Act or an infringement of licence conditions;

9 (m) to convene public hearings for the purposes of consultation in
10 developing a public transport plan for the Federal Capital Territory,
11 developing industry standards and developing systems of operator
12 accreditation;

13 (n) to conduct investigations in response to complaints about anti-
14 competitive conduct; to hear evidence from parties involved in the
15 complaint; to mediate disputes between parties and to seek the amicable
16 resolution of disputes;

17 (o) to provide training for employees of the Authority and to award
18 scholarships or otherwise pay for such training;

19 (p) to receive donations and contributions from any source,
20 provided that no donations or contribution may be accepted if conditions are
21 attached that are inconsistent with the objects of the Authority or the
22 provisions of this Act;

23 (q) to raise funds by all lawful means; and

24 (r) to do anything incidental to any of its powers.

25 (2) This section shall not be construed as limiting any power of the
26 Authority conferred by or under any other written law.

27 **12. -(1) Any person who is aggrieved by a decision of the Authority**
28 to:

Appeals against
decisions of the
Authority

29 (a) grant, refuse, suspend or withdraw a licence;

30 (b) impose a penalty or fine;

1 may, within a period of 3 months after the such person has been informed of the
2 decision, appeal against such decision to the Minister by lodging the prescribed
3 notice of appeal.

4 (2) The Minister shall not hear any appeal if the period for lodging an
5 appeal has expired.

6 (3) The Minister's decision shall be subject to review by the High
7 Court established under section 255 (1) of the 1999 Constitution (as amended).

8 PART III - INSTITUTIONAL ARRANGEMENTS

Governing
Body of the
Authority

9 **13.** -(1) The governing body of the Authority shall be a Board of part-
10 time Directors (in this Act referred to as "the Board").

11 (2) The Board comprises:

12 (a) no fewer than three and no more than five members appointed by
13 the President upon recommendation of the Minister with extensive experience
14 in transport planning, transport and traffic engineering, public finance,
15 transport economics and transport and traffic law;

16 (b) one member appointed by the President selected from a list of
17 nominees proposed by the Abuja Chamber of Commerce;

18 (c) one member appointed by the President selected from a list of
19 nominees proposed by transport sector trade unions; and

20 (d) two members appointed by the President selected from a list of
21 nominees proposed by the organized transport industry respectively
22 representative of the road and rail transport sectors.

23 (3) The Chief Executive Officer shall be a member of Board ex-
24 officio and may participate in all Board deliberations, but shall not vote.

25 (4) The First Schedule shall govern the constitution and proceedings
26 of the Board.

Disqualification
of members

27 **14.** No person may be appointed a member of the Board if he or she:

28 (a) is an unrehabilitated insolvent;

29 (b) is incapacitated by physical or mental illness;

30 (c) holds any other office of profit under the Authority;

1 (d) has been convicted at any time by any court of law in Nigeria or
2 elsewhere for fraud or any offence for which a sentence of imprisonment has
3 been imposed without the option of a fine;

4 (e) has any interest, financial or otherwise, in any contract with the
5 Authority whether individually or as an owner, principal, director, officer or
6 shareholder of any enterprise party to such contract, including any
7 enterprise of which close relatives (spouses, parents, full and half siblings,
8 children, aunts, uncles, nieces, nephews and domestic partners) are owners,
9 directors, officers or shareholders;

10 (f) holds elected office under the Federation, any State or Area
11 Council (unless he or she forthwith resigns such office upon appointment);

12 (g) he or she is disqualified from serving as a director by virtue of
13 the Companies and Allied Matters Act, 1990.

14 **15.** The functions of the Board are:

Functions of the
Board

15 (a) to strategically guide the Authority;

16 (b) to appoint the Chief Executive Officer subject to approval by
17 the Minister and the conclusion of a performance agreement between the
18 Board and Chief Executive Officer;

19 (c) to approve the annual business plan of the Authority and
20 recommend its approval to the Minister;

21 (d) to approve the Annual Report and audited financial statements
22 of the Authority and submit the same to the Minister;

23 (e) to approve the staffing plan prepared by the Chief Executive
24 Officer;

25 (f) to approve the remuneration and conditions of service of the
26 Chief Executive Officer and staff of the Authority; and

27 (g) to monitor the Authority's performance and progress in
28 meeting its key performance indicators.

29 **16.** -(1) The Board may appoint from among its own members or
30 other persons who are not members such number of committees as it thinks

Appointment of
committees and
delegation of
powers

1 fit consisting of members or other persons or members and other persons for
2 purposes which, in the opinion of the Board, would be better regulated and
3 managed by means of such committees.

4 (2) The Board may, subject to such conditions or restrictions as it
5 thinks fit, delegate to any such committee or to any member, officer or
6 employee of the Authority, any of the functions or powers of the Authority
7 under this Act or any other written law, except the power of delegation
8 conferred by this section.

9 (3) No delegation under this section shall prevent the performance or
10 exercise of any function or power by the Board.

Chief Executive
Officer

11 17. -(1) The Board must, subject to the provisions of subsection (3),
12 appoint a Chief Executive Officer of the Authority within one month after the
13 date of commencement of this Act.

14 (2) For the purpose of subsection (1), the Board must invite
15 applications for the post of Chief Executive Officer by publishing an
16 advertisement in two or more international and national news publications.

17 (3) The Chief Executive Officer shall devote himself full time to the
18 affairs of the Authority and may not occupy any other office or undertake any
19 other paid employment, save that he may, with the approval of the Board, act as
20 a member of a committee, board or commission established by the
21 Government.

22 (4) The Chief Executive Officer must:

23 (a) have at least ten years corporate management experience of which
24 at least five years must have been gained in an executive capacity;

25 (b) be knowledgeable about public transport affairs; and

26 (c) be a Nigerian citizen, unless expressly exempted by the Board
27 from this requirement.

28 (5) The disqualifications applicable to members of the Board listed in
29 section 14 apply, mutatis mutandis, to the Chief Executive Officer.

30 (6) The appointment of the Chief Executive Officer is subject to the

1 conclusion of a performance contract between such officer and the Board.

2 (7) A Chief Executive Officer is appointed for a period of five
3 years, whereafter the post must be re-advertised in the manner specified in
4 subsection (2).

5 (8) A Chief Executive Officer may apply for re-appointment after
6 the expiration of the period of appointment referred to in subsection (7).

7 (9) The Chief Executive Officer holds office on such terms and
8 conditions, including remuneration and allowances as the Board determines
9 in writing, with the concurrence of the Minister.

10 **18. -(1)** The Chief Executive Officer manages and controls the day
11 to day affairs of the Authority in terms of a business plan approved by the
12 Board.

Functions of
Chief Executive
Officer

13 (2) Without limiting the generality of the foregoing, the Chief
14 Executive Officer shall perform the following functions:

15 (a) Annually prepare the draft business plan of the Authority for
16 ensuing financial year and submit the plan to the Board for approval;

17 (b) Within three months after his or her appointment, submit the
18 Authority's draft organisational plan to the Board for approval;

19 (c) Recommend to the Board a scheme containing the proposed
20 remuneration of the Authority's staff and their service conditions based on
21 the approved business plan;

22 (d) Supervise the recruitment and appointment of staff;

23 (e) Measure the performance of the Authority's departments,
24 divisions and sections against approved key performance indicators;

25 (f) Attend meetings of the Board and regularly apprise the Board of
26 the Authority performance;

27 (g) Ensure compliance with measures approved by the Board to
28 ensure good governance, including but not limited to the completion of the
29 Declaration of Interests Register and the compliance with the Ethics Code.

30 (3) In preparing the organisational plan of the Authority, the Chief

1 Executive Officer shall ensure that the Authority is structured into divisions,
2 departments or sections to comprehensively cover all its functions following
3 good organisational practice.

4 (4) Without limiting the generality of subsection (4), the
5 organisational plan must ensure that the Authority employs staff skilled in
6 transport planning, engineering, transport safety and environmental
7 regulation, tariff and competition regulation and finance.

8 PART IV - CONSULTATIVE PROCEDURES

Obligation to
consult

9 19. -(1) The Authority shall consult widely in performing its functions
10 to ensure that it canvasses the views of transport service providers, users and
11 other stakeholders in planning, managing and regulating the transport sector of
12 the Federal Capital Territory.

13 (2) The Authority shall, in particular, ensure that it consults:

14 (a) during the preparation of its business plan;

15 (b) in developing a public transport plan for the Federal Capital
16 Territory;

17 (c) in developing and introducing professional standards for transport
18 operators;

19 (d) in investigating allegations of anti-competitive conduct and other
20 complaints against transport service providers;

21 (e) prior to the introduction of any user fee; and

22 (f) under such circumstances as may be prescribed.

23 (3) The Authority shall formulate appropriate procedures to ensure
24 that it complies effectively with its obligation to consult, amongst others, by:

25 (a) conducting information campaigns in the media;

26 (b) hosting workshops and seminars; and

27 (c) publishing and updating relevant public information on its
28 website.

29 PART V - CORPORATE GOVERNANCE INSTRUMENTS

Authority's
Business Plan

30 20. -(1) Not later than 60 days before the end of the financial year of

1 the Authority, the Chief Executive Officer must prepare and deliver to the
2 Board for comment, a draft business plan for the following financial year.

3 (2) Notwithstanding subsection (1), the Authority's business plan
4 for its first financial year must be submitted to the Board within 90 days after
5 the entry into force of this Act.

6 (3) The Board must, within 30 days after having received the plan,
7 consider the business plan and:

8 (a) approve the plan;

9 (b) direct the Chief Executive Officer to amend the plan.

10 (4) If the Board directs the Chief Executive Officer to amend the
11 plan, the Chief Executive Officer shall submit an amended plan to the Board
12 within 10 working days.

13 (5) The Chairman of the Board shall submit the business plan to the
14 Minister within 5 working days after its approval by the Board.

15 (6) Subject to the provisions of this Act, the Minister may provide
16 the Board with comments regarding the plan and may direct the Board to
17 amend the business plan to ensure compliance with the land transport policy.

18 (7) A business plan must set out the Authority's proposed
19 operations, projects, activities for the following financial year as well as:

20 (a) the objectives of the Authority for the financial year concerned
21 and for such future financial years as the Board directs;

22 (b) the costs of the proposed operations, projects, activities and
23 other objectives;

24 (c) the manner in which it is proposed to finance them;

25 (d) a statement of the Authority estimated income and expenditure
26 for the following financial year;

27 (e) the extent to which the Authority has consulted or intends to
28 consult with interested parties and the public regarding any proposed
29 operations, projects or activities;

30 (f) the targets and indicators for assessing the performance of the

1 Authority;

2 (g) any other information that maybe prescribed; and

3 (h) any additional information that the Minister may request in
4 writing.

5 (8) The Authority shall publish the approved business plan, or
6 relevant extracts thereof, on its website.

7 (9) This section does not prevent the Authority from undertaking any
8 planning for the longer term.

Annual Report

9 **21.** -(1) Annually, within five months after the end of the financial
10 year, the Authority must submit a report to the Minister about the business,
11 operations, projects, finances, transactions and activities of the Authority
12 during the financial year and its financial position as at the end of that year.

13 (2) For that purpose the annual report, amongst others, must include
14 the following:

15 (a) the audited financial statements of the Authority for the financial
16 year covered by the annual report;

17 (b) the auditor's report;

18 (c) a synopsis by the Board which, in broad terms, outlines the
19 Authority's business, operations, projects and activities during that financial
20 year and gives the necessary background information, explanations or reasons
21 for anything dealt with in the financial statements, and:

22 (i) setting out the extent to which the Authority has succeeded in
23 achieving or advancing its various detailed objectives as set out in its business
24 and financial plan for that financial year and in its then current strategic plan;
25 and

26 (ii) containing all relevant information about the Authority's
27 performance with a view to determining how far the Authority has succeeded
28 in applying its resources effectively, efficiently and economically during that
29 financial year, as well as a comparison between the planned performance
30 indicators for that financial year as set out in that year's business and financial

1 plan, and the actual performance indicators as at the end of that year;

2 (iii) specifying the amounts of money received by the Authority
3 from the State (if any) and the manner in which it was made available to it
4 and, if any amount was made available by the State for any particular
5 purpose, also the purpose in question; and

6 (iv) specifying any liability incurred or commitment undertaken by
7 the State (if any) for the Authority's benefit.

8 (3) The Authority's annual report must be laid on the table in the
9 National Assembly within 14 days after the Minister has received it, if the
10 National Assembly is sitting then, or, if the National Assembly is not sitting
11 then, within 14 days after the beginning of its next sitting.

12 **22.** -(1) The Authority must keep proper books and records of
13 account for each financial year in accordance with generally accepted
14 accounting practice and procedure, with regard to its income, expenditure
15 and transactions during the financial year and the state of its assets and
16 liabilities during and as at the end of the financial year.

Accounting and
auditing

17 (2) Annually, as soon as possible after the end of each financial
18 year, the Authority must have the following financial statements prepared
19 for that year, namely, a statement of income and expenditure, a cash-flow
20 statement and a balance sheet, which must accurately reflect the Authority's
21 transactions and financial sources, position and state of affairs as if the
22 Authority were incorporated under the Companies and Allied Matters Act.

23 (3) (a) The Authority's books and records of account and financial
24 statements must be audited annually by the Auditor-General for the
25 Federation through an accredited external auditor or audit firm.

26 (b) The Chief Executive Officer must annually, within three
27 months after the end of the financial year, submit the Authority's financial
28 statements as approved by the Board and certified to that effect by the Chief
29 Executive Officer, to the Auditor-General for auditing who, upon
30 completion of the audit, must furnish an auditor's report to the Board

1 through its chairperson.

2 (c) The chairperson must forthwith, on receipt of the auditor's report,
3 convene a meeting of the Board. At that meeting the auditor report must be
4 considered by the Board.

5 (4) The auditor's report must express an opinion, amongst others:

6 (a) as to whether the information contained in the Authority's
7 financial statements has been presented on a basis consistent with that of the
8 previous financial year (where applicable);

9 (b) as to the transactions and activities of the Authority which had
10 come to the auditor's attention in the course of the examination during auditing
11 and which were not authorised (if any), whether by or in terms of this Act or by
12 any directives issued thereunder;

13 (c) as to the transactions and activities of the Authority which so had
14 come to the auditor's attention and which were not consistent with the objects
15 and functions of the Authority in all material respects (if any);

16 (d) as to whether, broadly speaking, there are adequate measures and
17 procedures in place for the proper management of the Authority, that is to say,
18 for managing the Authority effectively, efficiently and according to sound
19 economic principles.

20 (5) The auditor's report in addition must draw attention to any other
21 matters arising from the auditing which, in the auditor opinion, should be
22 brought to the notice of the Minister and the National Assembly in the interest
23 of the public or the national interest.

24 PART VI - FINANCIAL ARRANGEMENTS

Financial Year

25 **23.** The financial year of the Authority commences on - (insert month)
26 and ends on - (insert month).

Funds of the
Authority

27 **24.** The funds, resources and property of the Authority shall consist
28 of:

29 (a) any sum of money not less than N20,000,000,000.00 as take off
30 grant and special intervention fund;

1 (b) such sum as may be appropriated to it by the National
2 Assembly;

3 (c) such sum as appropriated to it annually from the fund of the
4 Federal Capital Territory;

5 (d) any loan granted to the Authority by the Federal Capital
6 Territory Administration from its statutory allocation of the Federation
7 Account or any other person with the approval of the Minister;

8 (e) any sum or property which may in any manner become payable
9 to or vest in the Authority in respect of the performance of its functions;

10 (f) any sum or property which may be donated to the Authority, but
11 the Authority shall not be obliged to accept a donation for a particular
12 purpose unless it approves of the terms and conditions attached to such
13 donation;

14 (g) any sum paid to the Authority by way of grants, subsidies, fees,
15 fines, penalties, subscriptions, rent, interest, and royalties;

16 (h) any sum derived from the sale of any property held by or on
17 behalf of the Authority;

18 (i) any other sum and property lawfully received by the Authority
19 for the purposes of the Authority; and

20 (j) all accumulations of income derived from any such property or
21 money.

22 **25. -(1)** The Board may with the approval of the Minister, in any
23 currency and on such terms and conditions as it thinks fit, borrow or
24 otherwise raise money from time to time in such amounts as the Minister
25 certifies are, in his opinion, necessary for the exercise of its powers or the
26 performance of its functions under this Act.

Borrowing
Powers

27 (2) The Authority may give security over the whole or any part of
28 its assets for the repayment of amount of money borrowed under this section
29 and the payment of interest on amounts so borrowed.

30 (3) The Minister may on behalf of the Authority guarantee the rity

1 repayment by the Authority of amounts borrowed under this section otherwise
2 than from the Federal Capital Territory Administration and the payment of
3 interest on amounts so borrowed.

4 (4) The Authority shall not borrow money except in accordance with
5 this section.

6 (5) In the exercise of the powers conferred on it by this Act, the
7 Authority may purchase property under an agreement providing for the
8 payment of the whole or parts of the purchase price by instalments.

9 (6) The powers conferred by subsection (1) may be exercised to
10 provide the Authority with such sums or credits as it may require for:

11 (a) carrying out the purposes referred to in section 7(2) of this Act;

12 (b) repaying money previously borrowed by it therefore and interest,
13 premium or other charge on such money;

14 (c) repaying sums due to the Federal Capital Territory
15 Administration;

16 (d) discharging the indebtedness arising under subsection (1) and any
17 interest thereon.

18 **26.** -(1) All money belonging to the Authority shall, as soon as
19 practicable after it has come into the hands of the Chief Accountant or other
20 proper officer of the Authority authorized to receive money on behalf of the
21 Authority, be paid into such bank and into such account as the Minister from
22 time to time appoints.

23 (2) No such money shall be withdrawn from the bank except by
24 cheque or other instrument not being a promissory note or bill signed by the
25 Managing Director and countersigned by the Chief Accountant:

26 Provided that it shall be lawful, with the prior consent in writing of the
27 Auditor- General of the Federation, for any money to be withdrawn from the
28 bank by cheque or other such instrument signed by the Managing Director and
29 countersigned by any member of the Board whom the Board, by resolution,
30 from time to time appoints for that purpose.

1 (3) Notwithstanding the provisions of subsection (2) of this
2 section, it shall be lawful, with the prior consent in writing of the Auditor-
3 General of the Federation and subject to such conditions as the Auditor-
4 General of the Federation prescribes, for any cheque bearing facsimiles of
5 the signatures of the persons so authorized to sign and countersign cheques,
6 and every cheque bearing such facsimiles shall be deemed to have been duly
7 signed and countersigned in accordance with that subsection.

8 (4) Every payment of money by the Authority shall be authorized
9 by a prior resolution of the Board or shall be submitted to the Board at its first
10 meeting after the date of payment.

11 PART VII - ETHICS AND GOOD INSTITUTIONAL PRACTICE

12 27. -(1) Within 30 days of being appointed to the Board, each
13 member shall make a declaration of interests as prescribed.

Declaration of
Interests

14 (2) Without limiting the generality of subsection (1), an "interest"
15 shall include:

16 (a) being a member of a body or being in a position of general
17 control or management of a body which is affected by any business of the
18 Authority;

19 (b) being employed by any employer who is affected by any
20 business of the Authority;

21 (c) conducting any business for own account which is affected by
22 any business of the Authority;

23 (d) any company, partnership or body which conducts business in
24 the Federal Capital Territory in which a member has a beneficial interest;

25 (e) any land in the Federal Capital Territory in which a member has
26 a beneficial interest;

27 (f) any contract for goods, services or works between the Authority
28 and a member or between the Authority and a firm in which a member is a
29 partner, or a company of which a member is a director; or

30 (g) any decision of the Authority which might reasonably be well-

1 regarded as affecting the well-being or financial position of a member or the
2 well-being or financial position of a relevant person.

3 (3) For the purposes of subsection (2)(g), a relevant person is:

4 (a) a family member of a member or a person with who a member has
5 a close association;

6 (b) any person or body who employs a member or remunerates a
7 member, any firm of which a member is a partner or any company of which a
8 member is a director.

9 (4) A member of the Board must prior to the discussion of any matter
10 in which such member has an interest, declare such interest to the Board and
11 such declaration must be minuted.

12 (5) A member of the Board may not take part in any deliberations of
13 the Board with regard to any matter in which such member has declared an
14 interest.

Code of Ethics

15 **28. -(1)** The Board shall, within 3 months after the entry into force of
16 this Act, adopt a Code of Ethics.

17 (2) The Code of Ethics shall in respect of members of the Board and
18 employees of the Authority:

19 (a) specify general rules of conduct;

20 (b) specify a procedure for a declaration of interests;

21 (c) impose a general duty on all members and employees to act
22 impartially and in the best interests of the Authority;

23 (d) prohibit the receipt of gifts or hospitality from external bodies or
24 any person having business with the Authority;

25 (e) specify procedures to be followed for a breach of the Code;

26 (f) provide for protection of whistleblowers; and

27 (g) regulate conduct with regard to the media and interest groups.

28 (3) The Chief Executive Officer shall ensure that the contents of the
29 Code are widely publicised within the Authority and shall be deemed to form
30 part of all contracts between the Authority and its employees.

PART VIII - TRANSITIONAL ARRANGEMENTS

Transitional
Provisions

29. (1) Any body that performed the functions or exercised the powers provided to be performed or exercised by the Authority, is hereby divested of such functions or powers.

(2) All such real and personal property, whether in the estate or elsewhere which immediately before the commencement of this Act was vested in or belonged to the Transportation Secretariat of the Federal Capital Territory and which is required by the Authority for the effective discharge of its functions under this Act is hereby vested in the Authority without conveyance, transfer or assignment and, subject to the provisions of this Act, shall be held by the Authority for the same purposes as it was held immediately before the commencement of this Act.

(3) The person charged with the keeping of any register, on the written request of the Authority and on payment of the appropriate fee, shall make such entries in his register and on any outstanding documents of title and generally do all such things as may be necessary to give effect to the provisions of this section.

(4) Subject to the provisions of this Act, all rights, obligations and liabilities which immediately before the commencement of this Act were vested in or imposed on the Transportation Secretariat of the Federal Capital Territory or the Federal Capital Development Authority shall be deemed to be the rights and obligations of the Authority in so far as they relate to the functions of the Authority. The Authority shall have all powers necessary to take possession of, recover and deal with such assets and discharge such liabilities.

(5) Upon the coming into operation of this Act the Transportation Secretariat of the Federal Capital Territory and the Federal Capital Development Authority shall deliver to the Authority, or as the Authority may order, all books, papers, documents, minutes, receipts and ledgers appertaining to the Transportation Secretariat of the Federal Capital

1. Territory and to its operations or the Federal Capital Development Authority
2. and its operations, in so far as they relate to the functions of the Authority.

3. (6) Subject to the provisions of subsection (7), every agreement,
4. whether in writing or not, to which the Transportation Secretariat of the Federal
5. Capital Territory or the Federal Capital Development Authority was a party
6. immediately prior to the coming into operation of this Act, and whether or not
7. of such nature that the rights and liabilities thereunder could be assigned shall
8. have effect as from the coming into operation of this Act as if:

9. (a) the Authority had been a party to such agreement; and

10. (b) all references to the old body in any Act, regulation, order, or other
11. enactment or in any agreement, deed, instrument, application, notice, or other
12. document whatsoever shall, unless the context otherwise requires, be read as
13. references to the Authority,

14. in so far as such agreement relates to the functions of the Authority.

15. (7) Any proceedings pending on the coming into operation of this Act
16. to which the Transportation Secretariat of the Federal Capital Territory or the
17. Federal Capital Development Authority was a party which relate to the
18. functions of the Authority, shall be continued as if the Authority was a party
19. thereto in lieu of the old body.

20. (8) Where anything has commenced by or under the authority of the
21. Transportation Secretariat of the Federal Capital Territory or the Federal
22. Capital Development Authority prior to the coming into operation of this Act
23. and such a thing is within the powers of the Authority or was done in relation to
24. any of the matters transferred by this section to the Authority, such things may
25. be carried on and completed by, or under the authority of, the Authority.

26. (9) The Minister may by order provide for any matters which it
27. appears to him necessary or expedient to provide for the better carrying out of
28. the provisions of this section, and without prejudice to the generality of the
29. foregoing, may appoint any person to do any act or sign any document for and
30. on behalf of the old body whereby the assets of the Transportation Secretariat

1 of the Federal Capital Territory or the Federal Capital Development
2 Authority may be transferred to the Authority.

3 **30.** -(1) The Minister may, by notice in the Gazette, transfer some
4 or all of the functions undertaken by the agency responsible for traffic law
5 enforcement to the Authority with effect from a date to be specified in such
6 notice.

Transfer of
functions to the
Authority

7 (2) The Minister may make such arrangements as are deemed
8 necessary for the orderly assumption of functions by the Authority,
9 including for the transfer of staff from the agency responsible for traffic law
10 enforcement to the Authority.

11 **PART IX - MISCELLANEOUS PROVISIONS**

12 **31.** The Minister may, after consultation with the Authority, make
13 regulations not inconsistent with the Act:

Power to make
regulations

14 (a) stipulating the contents of public transport plans;

15 (b) stipulating reporting requirements for the Authority and Area
16 Councils in relation to the implementation of the land transport policy of the
17 Federal Capital Territory;

18 (c) specifying the form and contents of the Authority's business
19 plan;

20 (d) setting standards for accessibility and reliability of public
21 transport;

22 (e) regulating intermodal and intramodal competition in the
23 Federal Capital Territory;

24 (f) specifying requirements for tariff filing;

25 (g) regulating and monitoring public transport tariffs;

26 (h) on complaints procedures;

27 (i) on licensing of road and rail transport operators;

28 (j) setting educational, financial and technical standards for
29 professional transport operators and their operations;

30 (k) specifying minimum training requirements for transport ation

- 1 operators and standards for the accreditation of training service providers;
- 2 (l) setting safety standards for public service vehicles;
- 3 (m) setting railway safety standards;
- 4 (n) specifying procedures for the inspection of premises and
- 5 workshops of transport operators;
- 6 (o) specifying the powers of the Authority to act as a road authority,
- 7 including but not limited to powers to:
- 8 (i) declare and classify a public road;
- 9 (ii) declare a road protection corridor;
- 10 (iii) compulsorily acquire land for a purposes of constructing a road,
- 11 subject to the Land Use Act;
- 12 (iv) enter upon land, including private land, for the purposes of
- 13 constructing, operating or maintaining a road;
- 14 (v) construct points of access to and egress from a public road;
- 15 (vi) close or divert a public road;
- 16 (vii) prevent damage to a road;
- 17 (viii) regulate the construction of structures or other works, on, over
- 18 or below a public road;
- 19 (ix) regulate advertising and trading along a public road;
- 20 (x) restrict building and other works on the verges of a public road and
- 21 in the road protection corridor;
- 22 (xi) remove rubbish and abandoned property on a near a public road;
- 23 and
- 24 (xii) recover compensation for damage to a public road.
- 25 (p) specifying the powers of the Authority to act as the owner of the
- 26 railway infrastructure assets including but not limited to powers to:
- 27 (i) declare land part of a railway corridor;
- 28 (ii) expropriate land for railway purposes;
- 29 (iii) Investigate railway accidents;
- 30 (iv) enter upon land for the purposes of constructing or maintaining
-

- 1 the railway;
- 2 (v) suspend railway services on safety or environmental grounds;
- 3 (vi) prevent damage to a railway;
- 4 (vii) regulate the construction of structures or other works, on, over
- 5 or below a railway;
- 6 (viii) restrict building and other works on or close to a railway and
- 7 in the railway corridor; and
- 8 (ix) recover compensation for damage to a railway.
- 9 (q) specifying consultative procedures to be applied by the
- 10 Authority;
- 11 (r) specifying the procedure for appeals against decisions of the
- 12 Authority;
- 13 (s) with regard to anything which in terms of this Act may or must
- 14 be prescribed, governed or determined by regulation or which, in terms of
- 15 this Act, may or must be provided for by regulation.

16 **32.** No suit or other legal proceedings shall lie personally against

17 any member, officer or employee of the Authority or other person acting

18 under the direction of the Authority or the Authority itself, for anything

19 which is in good faith done or intended to be done in the execution or

20 purported execution of this Act.

Liability of
officers of the
Authority

21 **33.** Subject to the provisions of this Act, the provisions of the

22 Public Officers Protection Act shall apply in relation to any suit instituted

23 against any member or officer or employee of the Authority.

Legal Proceedings

24 **34.** A notice, summons or other document required or authorized to

25 be served on the Authority under the provisions of this Act or any other law

26 or enactment may be served by delivering it to the Chief Executive Officer

27 or sending it by registered post addressed to the Chief Executive Officer at

28 the principal office of the Authority.

Notices

29 **35.** -(1) In any action or suit against the Authority, no execution or

30 attachment of processes in the nature thereof shall be issued against the

Execution of
judgments

1 Authority unless not less than three month notice of the intention to execute or
2 attach has been given to the Authority.

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

Stamp Duty

7 36. No stamp duty shall be payable by virtue of any transaction
8 undertaken or executed for the purposes of this Act.

Repeal and
savings

9 37. The Act listed in column A of the Second Schedule is amended to
10 the extent set out in column B of that Schedule.

Power to make
by-laws

11 38. The Authority may, with the approval of the Minister, make by-
12 laws not inconsistent with this Act.

Interpretation

13 39. In this Act, unless the context otherwise requires:
14 "Authority" means the Federal Capital Territory Transport Authority
15 established under section 4;
16 "Board" means the Board of the Authority appointed in terms of Sec 11;
17 "Chief Executive Officer" means the Chief Executive Officer of the Authority
18 appointed in terms of section 17;
19 "Minister" means the Minister responsible for the Federal Capital Territory;
20 "prescribed" means prescribed by the Minister by regulation; and
21 "Transportation Secretariat" means the department responsible for supporting
22 the Minister in relation to transport in the Federal Capital Territory.

Short Title

23 40. This Act may be cited as the Federal Capital Territory Transport
24 Authority (Establishment) Bill, 2015.

25 FIRST SCHEDULE

26 CONSTITUTION AND PROCEEDINGS OF THE BOARD

27 *Appointment of Chairperson and Deputy Chairperson*

28 1. -(1) The President shall appoint one of the members to be the
29 Chairperson and another to be Deputy Chairperson of the Board.

30 (2) The Deputy Chairperson may, subject to such directions as may be

1 given by the Chairman, exercise all or any of the powers exercisable by the
2 Chairman under this Act.

3 *Tenure of office of members*

4 2. A member of the Board shall hold office for a period of three (3)
5 years from the date of his or her appointment and shall be eligible for re-
6 appointment for a second term and no more.

7 *Temporary members*

8 3. The President may, upon recommendation of the Chairperson,
9 appoint any person to be a temporary member of the Board during the
10 temporary incapacity from illness or otherwise, or during the temporary
11 absence from Nigeria, of any member.

12 *Revocation of appointment*

13 4. The President must revoke the appointment of any member who
14 becomes disqualified by virtue of the provisions of Sec 14.

15 *Resignation*

16 5. A member may resign at any time by giving notice in writing to
17 the President and from the date specified in the notice, or if no date is
18 specified, from the date of receipt of the notice by the President, he or she
19 shall cease to be a member of the Board.

20 *Chairman may delegate functions*

21 6. The Chairman may, by instrument in writing, authorise any
22 member to exercise any power or perform any function conferred on the
23 Chairman by or under this Act.

24 *Vacation of office*

25 7. The office of a member shall become vacant:
26 (a) on his or her death;
27 (b) if he or she, without sufficient cause (the sufficiency thereof to
28 be decided by the Board) fails to attend 3 consecutive meetings of the Board;
29 (c) if he becomes in any manner disqualified from membership of
30 the Board by virtue of the provisions in Sec 14.

1 *Filling of vacancies*

2 8. If a member dies, resigns or has his appointment revoked or
3 otherwise vacates his office before the expiry of the term for which he has been
4 appointed, the President may appoint a person to fill the vacancy for the residue
5 of the term for which the vacating member was appointed.

6 *Salaries, etc., payable to members of Authority*

7 9. There shall be paid to the members out of the funds of the Authority
8 such salaries, fees and allowances as the President may from time to time
9 determine.

10 *Meetings of the Board*

11 10. -(1) The Board shall meet for the despatch of business at such
12 times and places as the Chairman may from time to time appoint.

13 (2) The quorum at every meeting of the Board shall be one-third of the
14 total number of members or 3 members, whichever is the higher.

15 (3) A decision at a meeting of the Board shall be adopted by a simple
16 majority of the members present and voting except that in the case of an
17 equality of votes the Chairman or member presiding shall have a casting vote in
18 addition to his original vote.

19 (4) The Chairperson in his or her absence the Deputy Chairperson
20 shall preside at meetings of the Authority.

21 (5) Where both the Chairperson and the Deputy Chairperson are
22 absent at a meeting, such member as the Chairperson appoints as an acting
23 Chairperson shall preside at that meeting.

24 *Vacancies*

25 11. Provided a quorum is present as required in terms of clause 10 (2),
26 the Board may act notwithstanding any vacancy in its membership.

27 *Procedure at meetings*

28 12. Subject to the provisions of this Act, the Board may make rules to
29 regulate its own procedure generally, and in particular, regarding the holding
30 and proceedings of meetings, the notice to be given of such meetings, the

1 keeping of minutes and the custody, production and inspection of such
2 minutes.

3 *Validity of proceedings*

4 13. The validity of any proceedings of the Board shall not be
5 affected by any defect in the appointment of any member or by any
6 contravention of section 27 by any member.

7 SECOND SCHEDULE

8 AMENDMENT OF LAWS

9 *Column A*

Column B

10 Federal Capital Territory Act

The following section is hereby
substituted for section 4(1)(d):

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

“Subject to the Federal Capital
Territory Transport Authority
(Establishment) Act, the establishment
of infrastructural services in
accordance with the master-plan
referred to above;”

The following section is hereby
substituted for section 4(2)(c):

“to construct and maintain such [roads,
railways, bridges, sidings, tramways],
reservoirs, water courses, buildings,
plant and machinery and such other
works as may be necessary for, or
conducive to, the discharge of its
functions under this Act”.