

NIGERIAN STREET TRADING REGULATION COMMISSION
(ESTABLISHMENT, PROTECTION OF LIVELIHOODS, ETC.) BILL, 2020

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A BILL

FOR

AN ACT TO ESTABLISH THE NIGERIAN STREET TRADING REGULATION COMMISSION AS A REVENUE GENERATING AGENCY OF THE FEDERAL GOVERNMENT OF NIGERIA FOR THE PURPOSE OF PROVIDING AN INSTITUTIONAL AND FORMAL APPROACH TO PROTECTING THE LIVELIHOODS OF STREET TRADERS, DOMESTIC WORKERS AND OTHERS WITHIN THE INFORMAL SECTOR OF NIGERIA'S ECONOMY AND LABOUR FORCE AS A LEGACY FOR FUTURE GENERATIONS AND FOR RELATED MATTERS

Sponsored by Hon. Benjamin Okezie Kalu

[] Commencement

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

1 PART I - APPLICATION, ESTABLISHMENT, FUNCTIONS OF THE
2 COMMISSION ETC.

3 1.-(1) This Bill applies to all persons, cooperative societies and
4 other organisations conducting street trading, mobile shops, mobile
5 vending, domestic workers, mobile shoe repairers, bicycle and motorcycle
6 repairers and itinerant traders carrying on trading upon a mobile craft on an
7 itinerant basis within the territorial waters and land mass of Nigeria.

Application and Scope

8 (2) This Bill applies within to the whole territory of the Federal
9 Capital Territory, the Federal Highways and roads within all the Thirty-six
10 (36) States and the Seven Hundred and Sixty-Eight (768) Local
11 Government Areas in Nigeria as shown in the second column of Part I of the
12 First Schedule to the 1999 Constitution of the Federal Republic of Nigeria
13 (as amended).

14 2.-(1) There is established the Nigerian Street Trading Regulatory
15 Commission(NSTRC) (in this Bill referred to as the "Commission") to be
16 situate in Abuja, Federal Capital Territory which shall have such powers and

Establishment of the Nigerian Street Trading Regulation Commission

1 exercise such functions as are conferred upon it by this Bill.

2 (2) The Commission-

3 (a) shall be a body corporate with perpetual succession and a common
4 seal;

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

6 (c) may acquire, hold and dispose of interests in movable and
7 immovable property for the purpose of carrying out its functions under this
8 Bill.

Governing
Council of the
Commission

9 3.-(1) There is established for the Commission, a Governing Council
10 (in this Bill referred to as "Council") which shall exercise overall supervision
11 of the Commission in accordance with the provisions of this Bill.

12 (2) The Council shall consist of a chairperson and six other members
13 drawn from the six geo-political zones of Nigeria, the Director-General of the
14 Commission shall serve as Secretary of the Council.

15 (3) The Members of the Council shall be appointed by the President
16 on the recommendation of the Minister for Industry, Trade and Investment, and
17 the Commission shall be under the supervision of the Federal Ministry of
18 Industry, Trade and Investment.

19 (4) The persons appointed to be members of the Council shall be
20 persons appearing to the President to be suitably qualified by reason of their
21 professional, academic or administrative qualifications and cognate
22 experience or by their attainments in any field of human endeavour.

23 (5) Subject to Sub-Section (6) of this Section, a person appointed as a
24 member of the Council shall hold office for four years and shall be eligible for
25 re-appointment for one further period of four years and no more.

26 (6) The President may terminate the appointment of a member of the
27 Council on grounds of misbehavior or inability to discharge the duties of his
28 office by reason of physical or mental incapacity.(2) The office of a member
29 appointed under Sub-sections (3) and (4) of this Bill shall become vacant if-

30 (a) the member resigns his office by notice in writing under his hand,

1 addressed to the Minister; or

2 (b) the Minister is satisfied that it is not in the interest of the
3 Commission for the person appointed to continue in office and notifies the
4 member in writing to that effect.

5 (7) The supplementary provisions set out in the First Schedule shall
6 have effect with respect to the proceedings of the Council and other matters
7 mentioned therein.

8 4.-(1) The Commission shall consist of a Director-General and the
9 following other Principal Officers, the Director-General is to be appointed
10 by the President on the recommendation of the Minister while the other
11 Principal Officers are to be appointed by the Selection Council of the
12 Commission established under Clause 16 of this Bill-

Director-General,
Principal Officers
and Staff of the
Commission

13 (a) a Secretary of the Commission responsible for street trading
14 activities;

15 (c) a Legal Adviser for the Commission who should have not less
16 than ten years' experience in the area of trade and industry law;

17 (d) thirty-seven State Directors representing the thirty-six States of Nigeria
18 and the FCT to serve as Chairpersons of the State Street Trading Committee
19 responsible for consideration of applications for the award of street vending
20 licenses and delimitation of street trading zones within the States and the
21 FCT;

22 (e) one representative of the Central Bank of Nigeria responsible
23 for award of grants and loans to small, and medium enterprises;

24 (f) a representative of the National Identity Management
25 Commission (NIMC) for creation of a digital Register of the database of
26 street traders within Nigeria;

27 (g) a representative of the National Pension Commission for
28 provision of pension services for street traders and others under the purview
29 of this Bill;

30 (h) a representative of the National Insurance Commission to

1 provide insurance policy for street traders and others under the purview of this
2 Bill; and

3 (i) a representative of the National Commission for Nomadic
4 Education to formulate and implement a formal education framework for all
5 street traders.

6 (2) Each State Trading Committee shall consist of-

7 (a) Local Government Area Commissioner or Chief Executive
8 Officer of the LGA Street Trading, as the case may be, who shall be the
9 Chairperson;

10 (b) such number of other members as may be prescribed, to be
11 nominated by the Commission, to represent the Local Government Area Street
12 Trading Committee, consisting of the medical officer of the local authority, the
13 planning authority, traffic police, police, association of street vendors, market
14 associations, traders associations, non-governmental organisations,
15 community based organisations, resident welfare associations, banks and such
16 other interests as it deems proper;

17 (c) the number of members nominated to represent the non-
18 governmental organisations and the community based organisations shall not
19 be less than ten percent;

20 (d) the number of members representing the street traders shall not be
21 less than forty per cent who shall be elected by the street traders and vendors
22 themselves in such manner as may be prescribed:

23 Provided that one-third of members representing the street vendors
24 shall be from amongst women street traders and vendors:

25 Provided further that due representation shall be given to the persons
26 living with albinism, minorities and persons with disabilities from amongst the
27 members representing street traders and vendors.

28 (3) The Chairperson and the members nominated under sub-section

29 (2) shall receive such allowances as may be prescribed by the
30 Commission.

- 1 **5.** The objectives and functions of the Commission shall be- Objectives and
2 (a) to becoming a self-sufficient revenue generating Commission Functions of the
3 of the Federal Government of Nigeria; Commission
- 4 (b) to enable the flow of affordable financing to all players along
5 entire street trading value chains;
- 6 (c) To reduce the risks of financing institutions while granting
7 street trading and vending loans by building the capacities of both banks and
8 value chain actors on good practices in street vending financing, loans
9 utilization and repayment;
- 10 (d) to address the causes of low funding levels in the street trading
11 and vending sector, including lack of understanding of the sector, perceived
12 high risks, complex credit assessment processes/procedures, and high
13 transaction costs;
- 14 (e) to fix street trading and vending value chains in order to provide
15 a reliable platform for de-risking street trading or vending lending;
- 16 (f) to provide technical assistance through capacity building across
17 the value chains;
- 18 (g) to reduce the cost of borrowing by street traders from
19 commercial banks;
- 20 (h) to provide technical advice to street trading businesses.
- 21 **6.** For the carrying out of the functions of the Commission, the Powers of the
22 Council shall have powers to- Council
- 23 (a) enact the guiding policy of the Commission;
- 24 (b) plan of activities of the Commission;
- 25 (c) carry out research that is to be undertaken by the Commission;
- 26 (d) plan, review and implement the annual estimates of the
27 Commission;
- 28 (e) provide amenities for and make such other provision for the
29 welfare of the staff of the Commission;
- 30 (f) outline the various investment plans of the Commission;

1 (g) invest the funds of the Commission in securities specified by law
2 or in such other securities in Nigeria as may be approved by the Minister;

3 (h) borrow money within Nigeria in such manner and upon such
4 security as the Minister may from time to time authorise;

5 (i) enter into such contracts as may be necessary or expedient for
6 carrying into effect the objectives and functions of the Commission;

7 (j) recruit staff of the right cadre and determine the career structure of
8 such staff;

9 (k) establish and maintain such training centers and other teaching
10 units within the Commission or extramural departments as the Council may,
11 from time to time, decide;

12 (l) do such acts and things whether or not incidental to the foregoing
13 powers as may advance the objectives and functions of the Commission.

Power of Minister
to give Direction
to the Council

14 7. Subject to the provisions of this Bill, the Minister may give to the
15 Council directions of a general character or relating generally to matters of
16 policy with regard to the exercise by the Council of its functions under this Bill
17 and it shall be the duty of the Council to comply with such directions.

18 PART II - ESTABLISHMENT OF THE NATIONAL VENDORS'

19 DEVELOPMENT FUND

Establishment
etc., of the National
Vendors'
Development
Fund

20 8.-(1) There is established a fund, which shall be known as the
21 National Vendors' Development Fund (in this Act referred to as "the Fund").

22 (2) There shall be paid and credited into the Fund established under
23 subsection (1) of this section:

24 (a) A levy of zero point five (0.5) percent of the profit before tax of all
25 companies and enterprises enumerated in the Third Schedule to this Act with
26 an annual turnover of Third Schedule N100,000,000 and above and such paid
27 by the companies shall be tax deductible;

28 (b) Grants-in-aid and assistance from bilateral and multilateral
29 agencies;

30 (c) All other sums accruing to the Fund by way of gifts, endowments,

1 bequest or other voluntary contributions by persons and organizations;

2 (d) Such monies as may be appropriated for the Fund by the
3 National Assembly; and

4 (e) All other monies or assets that may, from time to time accrue to
5 the Fund.

6 **9.** All monies accruing to the Fund and account of the Agency shall
7 be exempted from income tax and all contributions to the Fund and the
8 accounts of the Agency shall be tax deductible. Exempted from
Tax

9 **10.** The Board may, in accordance with the Investments Trustees
10 Act, invest any surplus funds in profit yielding ventures and the net incomes
11 so generated shall be paid into the treasury. Cap. 449 LFN

12 **11.-(1)** The Director General of the Agency shall keep proper
13 records of the accounts, Accounts and sources and use of the monies and
14 assets of the Fund and shall render accounts to the Board, from time to time. Accounts and
report of the Fund

15 (2) The account of the Fund shall be audited not later than 3 months
16 after the end of the year to which it relates by auditors appointed by the
17 Board from the list and in accordance with the guidelines supplied by the
18 Auditor General for the Federation.

19 **12.-(1)** The Federal Inland Revenue Service shall assess and
20 collect the levy imposed under section 12 of this Act. Federal Inland
Revenue Service
to collect levy and
pay into the Fund

21 (2) The Federal Inland Revenue Service shall while assessing any
22 company for either company or income tax or Petroleum profit tax for an
23 accounting period of the company, also assess such company for the levy or
24 tax due under this Act.

25 (3) The levy imposed under section 12 of this Act shall be due and
26 payable within 60 days after the Federal Inland revenue Service has served
27 notice to the assessment on a company in such form as the Federal Inland
28 revenue Service may, from time to time, determine.

29 (4) Where a levy due under section 12 of this Act is not paid within
30 the time specified in that section, the Federal Inland Revenue Service shall

1 serve on the company, a demand note for the unpaid tax plus a sum which is
2 equal to 2 percent of the levy.

3 (5) Any company, agency or organisation that fails within two months
4 after a demand note, to pay the levy or the import duty imposed under section
5 11 of this Act commits an offence and is liable on conviction to a fine of not less
6 than one million naira only (N1,000,000.00) and the Chief Executive Officer of
7 the company, Agency or Organisation shall be liable to be prosecuted and
8 punished for the offence in like manner as if he had himself committed the
9 offence, unless he proves that the act or omission constituting the offence took
10 place without his knowledge, consent or connivance.

11 (6) The institution of proceeding or imposition of a penalty under this
12 Act shall not relieve a company or Organisation from liability to pay the
13 Federal Inland Revenue Services such levy or levies that may become due
14 under this Act.

Offences

15 **13.**-(1) Except as otherwise provided in this Act, any person or
16 corporate body who contravenes or fails to comply with the provisions of this
17 Act commits an offence.

18 (2) Where a body corporate fails to make payment within two months
19 after a demand note for unpaid levy plus a sum which is equal to 2 percent of
20 this levy has been served on the body corporate, the body corporate commits
21 an offence under this Act.

22 (3) Where an offence under this Act is committed by a body corporate
23 or firm or other association of individuals:

24 (a) Every Chief Executive Officer of the body corporate or any officer
25 acting in that capacity or on his behalf; and

26 (b) Every person purporting to act in any capacity mentioned under
27 paragraph (a) of this subsection (3) commits an offence, unless he proves that
28 the act or omission constituting the offence took place without his knowledge,
29 consent or connivance.

30 (4) Where a person or body corporate fails to comply with the

1 guidelines and standards prescribed by the Agency in the discharge of its
2 duties under this Act, such person or body corporate commits an offence

3 (5) The Agency shall collaborate with the Standards Organisation
4 of Nigeria to enforce the guidelines and standards formulated by the Agency
5 in the discharge of its duties under the Act.

6 14.-(1) Except as otherwise provided in this Act, any body
7 corporate or person who commits an offence under this Act where no
8 specific penalty is provided, is liable on conviction:

Offences relating
to corporate bodies

9 (a) For a first offence, to a fine of two hundred thousand naira only
10 (N200,000.00) or imprisonment for a term of 1 year or to both such fine and
11 imprisonment; and

12 (b) For a second and subsequent offence, to a fine of five hundred
13 thousand naira only (N500,000.00) or to imprisonment for a term of 3 years
14 or to both such fine and imprisonment.

15 (2) The institution of proceedings or imposition of a penalty under
16 this Bill shall not relieve a body corporate from liability to pay to the Federal
17 Inland Revenue Service such levy or tax which may become due under this
18 Act.

19 PART III - FINANCIAL PROVISIONS

20 15. The Agency shall establish and maintain an account into which
21 shall be paid and credited:

Accounts of the
Agency

22 (a) All subventions and budgetary allocations from the Federal
23 Government;

24 (b) Gifts, loans, grants-in-aid from national, bilateral and
25 multilateral organisations and agencies;

26 (c) Rents, fees and other internally generated revenues from
27 services provided by the Agency; and

28 (d) All other sums accruing to the Agency from time to time.

29 16.-(1) The Agency may, from time to time, apply the proceeds of
30 the Fund established under section 12 of this Bill-

Expenditure of
the Board

1 (a) To the cost of administration of the Agency;

2 (b) To the payment of the emoluments, allowances and benefits of
3 members of the Board and for reimbursing members of the Board or of any
4 committee set up by the Board and for such expenses as may be expressly
5 authorized by the Boards;

6 (c) To the payment of the salaries, fees or other remuneration or
7 allowances gratitudes ad pensions, and other benefits payable to the staff-and
8 other employees of the Agency, so however that no payment of any kind under
9 this paragraph (except such as may be expressly authorized by the Board) s all
10 be made to any person who is in receipt of emoluments from the Government of
11 the Federation or of a State;

12 (d) For the development and maintenance of any property vested in or
13 owned by the Agency;

14 (e) For maintaining general financial reserves subject to general or
15 special directive that may be given in that behalf by the Minister in accordance
16 with the provisions of this Act; and

17 (f) To any other expenditure in connection with all or any of its
18 functions under this Act.

19 (2) Proceeds from the Funds established under section 12 (c) shall be
20 remitted to the Treasury of the Federal Government.

Annual Estimates
and Accounts

21 **17.**-(1) The Agency shall, not later than 30th September in each year
22 submit to the Minister an estimate of its expenditure and income (including
23 payments to the Agency of the fund for next succeeding year).

24 (2) The Agency shall keep proper accounts in respect of each year ad
25 proper records in relation to those accounts and shall cause its accounts to be
26 audited within six months after the end of each year by auditors appointed from
27 the list in accordance with the guidelines supplied by the Auditor General for
28 the Federation.

Annual Reports

29 **18.** The Agency shall prepare and submit to the Minister not later than
30 30th June in each year a report in such form as prescribed in this Act on the

1 activities of the Agency during the immediately preceding year, and shall
2 include in the report a copy of the audited accounts of the Agency for that
3 year and of the auditor's report thereon.

4 **19.**-(1) The Agency may accept gift of land, money or other Power to accept
gifts
5 property on such terms and conditions, if any, as may be specified by the
6 person or organisation making the gift.

7 (2) The Agency shall not accept any gift if the conditions attached
8 by the person or organisation making the gift are inconsistent with the
9 functions of the Agency under this Act.

10 **20.** The Agency may, in accordance with the general authority of Power to borrow
11 the Minister, borrow such sums of money as the Agency may require in the
12 exercise of its functions under this Act or its subsidiary legislation.

13 **21.**-(1) The Agency shall be exempted from the payment of income Exemption from
tax
14 tax on any income accruing from investments made by the Board or
15 otherwise howsoever.

16 (2) The provision of any enactment relating to the taxation of
17 companies or trust funds shall not apply to the Agency or the Board.

18 PART IV - LEGAL PROCEEDINGS

19 **22.**-(1) Subject to the provisions of this Act the provisions of the Limitation of
suits against the
Commission
20 Public Officers Protection Act shall apply in relation to any s it instituted
21 against any member or officer or employee of the Agency.

22 (2) Notwithstanding anything contained in any other law or
23 enactment, no suit against a member of the Council, Director-General or any
24 other officer or employee of the Board for any act done in pursuance or
25 execution of this Act or any other law or enactment, or of any public duties or
26 authority or in respect of any alleged neglect or default in the execution of
27 this Act or any other law or enactment, duties or authority, shall lie or be
28 instituted in any court unless it is commenced:

29 (a) Within three months next after the act, neglect or default
30 complained of; or

1 (b) In the case of a continuation of damage or injury, within six
2 months after the ceasing thereof.

3 (3) No suit shall be commenced against a member of the Council, the
4 Director-General or any other officer or employee of the Agency before
5 expiration of a period of one month after written notice of the intension to
6 commence the suit shall have been served on the Agency by the intending
7 plaintiff or his agent.

8 (4) The notice referred to in subsection (3) of this section shall clearly
9 and explicitly state:

10 (a) The cause of action;

11 (b) The particulars of the claim;

12 (c) The name and place of abode of the intending plaintiff; and

13 (d) The relief which he claims.

14 PART V - APPOINTMENT, RESIGNATION OF PRINCIPAL OFFICERS OF

15 THE COMMISSION AND PENSIONS

Resignation of
appointment of
Principal Officers

16 **23.** A principal officer may resign his appointment-

17 (a) in the case of the Director-General, by notice in writing to the
18 Minister; and

19 (b) in any other case, by notice in writing to the Council.

Other employees
of the Commission

20 **24.**-(1) The Council may appoint such other persons to be employees
21 of the Commission as the Council may determine to assist the Director-General
22 in the performance of their functions under this Bill.

23 (2) Subject to the provisions of this Bill, the remuneration, tenure of
24 office and conditions of service of the employees of the Council shall be
25 determined by the Council in consultation with the Federal Civil Service
26 Commission.

Selection Council
for other Principal
Officers

27 **25.**-(1) There shall be, for the Commission, a. election Council which
28 shall consist of-

29 (a) the Chairperson of the Council;

30 (b) four members of the Council;

1 (c) The Director-General who serves as the Secretary of the
2 Council

3 (2) The functions, procedure and other matters relating to the
4 Selection Council constituted under subsection (1) of this section shall be as
5 the Council may, from time to time, determine.

6 **26.**-(1) The service in the Commission shall be approved service Pensions
7 for the purposes of the Pensions Reform Act, 2014 and, accordingly, officers
8 and other persons employed in the Commission shall in respect of their
9 service in the Commission be entitled to pensions, gratuities and other
10 retirement benefits as are prescribed, so however that nothing in this Act
11 shall prevent the appointment of a person to any office on terms which
12 preclude the grant of a pension and gratuity in respect of that office.

13 (2) For the purposes of the application of the provisions of the
14 Pensions Reform Act, 2014 any power exercisable by a Minister or other
15 authority of the Government of the Federation shall be exercisable by the
16 Commission and not by any other person or authority.

17 PART VI - REGULATION OF STREET TRADING

18 **27.**-(1) Every street trader or vendor shall give an undertaking to Conditions for
issue of certificate
of Street Trading
19 the State Street Trading Committee prior to the issue of a certificate of
20 vending under this Bill 4, that-

21 (a) he or she shall carry on the business of street trading by himself
22 or herself or through any of his or her family member;

23 (b) he or her has no other means of livelihood;

24 (c) he or she shall not transfer in any manner whatsoever, including
25 rent, the certificate of street trading or the place specified therein to any other
26 person;

27 (d) Every street trader whom at the point of application is an
28 illiterate shall enroll for the educational programme under this Bill as a pre-
29 condition for grant of Certificate of Street Trading.

30 (e) Every street trader enrolled for the educational programme

1 shall within five years obtain the First School Leaving Certificate and after ten
2 (10) years obtain the equivalent of West African Examination Council
3 Certificate as a pre-condition for renewal of Certificate of Street Trading.

4 (2) Where a street trader to whom a certificate of vending is issued
5 dies or suffers from any permanent disability or is ill, one of his family member
6 in following order of priority, may vend in his or her place, till the validity of
7 the certificate of street trading-

8 (a) spouse of the street vendor;

9 (b) dependent child of the street vendor.

Survey of street
traders and
protection from
eviction of
relocation

10 **28.**-(1) The State Street Trading Committee shall, within such period
11 and in such manner as may be specified in the scheme, conduct a survey of all
12 existing street vendors, within the area under its jurisdiction, and subsequent
13 survey shall be carried out at least once in every five years.

14 (2) The State Street Trading Committee shall ensure that all existing
15 street vendors, identified in the survey, are accommodated in the street trading
16 zones subject to a norm conforming to two and half per cent of the population of
17 the ward or zone or State or city, as the case may be, in accordance with the plan
18 for street trading and the holding capacity of the street trading zones.

19 (3) No street trader shall be evicted or, as the case may be, relocated till
20 the survey specified under sub-section (1) has been completed and the
21 certificate of street trading is issued to all street traders.

Issue of certificate
of street trading

22 **29.**-(1) Every street trader, identified under the survey carried out
23 under sub-section (1) of Clause 18, who has attained the age of sixteen years or
24 such age as may be prescribed by the appropriate Government, shall be issued a
25 certificate of street trading by the State Street Trading Committee, subject to
26 such terms and conditions and within the period specified in the scheme
27 including the restrictions specified in the plan for street trading:

28 Provided that a person, whether or not included under the survey
29 under sub-section (1) of Clause 18, who has been issued a certificate of street
30 trading before the commencement of this Bill, whether known as licence or any

1 other form of permission (whether as a stationary vendor or a mobile vendor
2 or under an} other category) shall be deemed to be a street trader for that
3 category for the period for which he has been issued such certificate of street
4 trading.

5 (2) Where, in the intervening period between two surveys, any
6 person seeks to trade or vend, the State Street Trading Committee may grant
7 a certificate of street trading to such person, subject to the scheme, the plan
8 for street trading and the holding capacity of the street trading zones.

9 (3) Where the number of street traders identified under sub-section
10 (1) or the number of persons seeking to vend under sub-section (2) are more
11 than the holding capacity of the vending zone and exceeds the number of
12 persons to be accommodated in that street trading zone, the State Street
13 Trading Committee shall carry out a draw of lots for issuing the certificate of
14 street trading for that street trading zone and the remaining persons shall be
15 accommodated in any adjoining street trading zone to avoid relocation.

16 **30.**-(1) The certificate of street trading shall be issued under any of
17 the following categories, namely-

Categories of
certificate of street
trading and issue
of identity cards

18 (a) a stationary trader;

19 (b) a mobile trader or vendor;

20 (c) a domestic worker; or

21 (d) any other category as may be specified in the scheme.

22 (2) The certificate of street trading issued for the categories
23 specified in sub-section (1) shall be in such form, and issued in such manner,
24 as may be specified in the scheme and specify the street trading zone where
25 the street trader shall carry on his street trading activities, the days and
26 timings for carrying on such vending activities and the conditions and
27 restrictions subject to which he shall carry on such street trading activities.

28 (3) Every street trader who has been issued certificate of street
29 trading under sub- section (1) shall be issued identity cards in such form and
30 manner as may be specified in the scheme.

Rights and
Obligations of
Street Traders

1 **31.**-(1) Every street trader shall have the right to carry on the business
2 of street trading activities in accordance with the terms and conditions
3 mentioned in the certificate of street trading.

4 (2) Notwithstanding anything contained in sub-section (i), where any
5 area or space, as the case may be, has been earmarked as non-street trading
6 zone, no street trader shall carry out any street trading activities within that
7 zone.

8 (3) Every street trader, who possesses a certificate of street trading,
9 shall, in case of his or her relocation under section 18, be entitled for new site or
10 area, as the case may be, for carrying out his or her street trading activities as
11 may be determined by the local authority, in consultation with the State Street
12 Trading Committee.

13 (4) Where a street trader occupies space on a time sharing basis, he or
14 she shall remove his or her goods and wares every day at the end of the time-
15 sharing period allowed to him or her.

16 (5) Every street trader shall maintain cleanliness and public hygiene
17 in the trading zones and the adjoining areas.

18 (6) Every street trader shall maintain civic amenities and public
19 property in the street trading zone in good condition and not damage or destroy
20 or cause any damage or destruction to the same.

21 (7) Every street trader shall pay such periodic maintenance charges
22 for the civic amenities and facilities provided in the vending zones as may be
23 determined by the local government area council.

Relocation and
Eviction of Street
Traders

24 **32.**-(1) The local government area council may, on the
25 recommendations of the State Street Trading Committee, declare a zone or part
26 of it to be a non-street trading zone for any public purpose and relocate the
27 street traders vending in that area, in such manner as may be specified in the
28 scheme.

29 (2) The local government area council shall evict such street trader
30 whose certificate of street trading has been cancelled under Clause Id 01' this

1 Bill or who does not have a certificate of street trading and trades without
2 such certificate, in such manner as may be specified in the scheme.

3 (3) Every street trader who fails to relocate or vacate the place
4 specified in the certificate of street trading, after the expiry of the period
5 specified in the notice, shall be liable to pay for every day of such default, a
6 penalty which may extend up to two hundred and fifty naira, as may be
7 determined by the local government area council, but shall not be more than
8 the value of goods seized.

9 33.-(1) If the street trader fails to vacate the place specified in the
10 certificate of street trading, after the lapse of the period specified in the
11 notice given under sub-section (3) of Clause23, the local government area
12 council, in addition to evicting the street trader under Clause23, may, if it
13 deems necessary, seize the goods of such street trader in such manner as may
14 be specified in the scheme:

Seizure and
reclaiming of
goods

15 Provided that where any such seizure is carried out, a list of goods
16 seized shall be prepared, as specified in the scheme, and a copy thereof, duly
17 signed by the person authorised to seize the goods, shall be issued to the
18 street trader,

19 (2) The street trader whose goods have been seized under sub-
20 section (1) may, reclaim his goods in such manner, and after paying such
21 fees, as may be specified in the scheme:

22 Provided that in case of non-perishable goods, the local authority
23 shall release the goods within two working days of the claim being made by
24 the street trader, and in case of perishable goods the local government area
25 council shall release the goods on the same day of the claim being made by
26 the street trader.

27 34.-(1) The appropriate State Street Trading Committee or Local
28 Government Council may constitute one or more committees consisting of a
29 Chairperson who has been a retired Senior magistrate and two other
30 professionals having such not less than ten years post-qualification

Dispute Resolution
Mechanism

1 experience as may be prescribed for the purpose of deciding the applications
2 received under sub-section (2):

3 Provided that no employee of the appropriate State Street Trading
4 Committee or the local government area council shall be appointee' as
5 members of the committee,

6 (2) Every street trader who has a grievance or dispute may make an
7 application in writing to the committee constituted under sub-section (1) in
8 such form and manner as may be prescribed.

9 (3) On receipt of grievance or dispute under sub-section (2), the
10 committee referred to in sub-section (1) shall, after verification and enquiry in
11 such manner, as may be prescribed, take steps for redressal of such grievance or
12 resolution of such dispute, within such time and in such manner as may be
13 prescribed.

14 (4) Any person who is aggrieved by the decision of the committee
15 may prefer an appeal to the local authority in such form, within such time and in
16 such manner as may be prescribed.

17 (5) The State Street Trading Committee or the local government area
18 council shall dispose of the appeal received under sub-section (4) within such
19 time and in such manner as may be prescribed:

20 Provided that the State Street Trading Committee or the local
21 government council shall, before disposing of the appeal, give an opportunity
22 of being heard to the aggrieved person.

23 PART VII - MISCELLANEOUS AND SUPPLEMENTARY

Offices and
premises

24 **35.**-(1) For the purpose of providing offices and premises necessary
25 for the performance of its functions, the Commission may-

26 (a) purchase any interest in or take on lease any land; and

27 (b) build, equip and maintain offices and premises.

28 (2) The Commission may, with the approval of the Minister, sell any
29 interest in or lease any land, offices or premises held by it and no longer
30 required for the performance of its functions.

1 **36.**-(1) The Commission and the beneficiaries 0; its facilities shall Exemptions and
2 be exempted from the provisions of the Corporate Affairs Commission Act, Consequential
3 2018, and the Nigerian Cooperative Societies Act, 1974 the relate to Amendments
4 registration and regulation of traders.

5 (2) The Commission and the beneficiaries of its services shall be
6 exempt from the provisions of the Land Use Act, 1979 with regard to the size
7 of urban land any individual or a body corporate may hold, provided that the
8 facilities to the individual or body corporate shall be utilised for the purposes
9 specified in this Bill.

10 **37.** If any street trader-

Penal Provisions

11 (a) indulges in street trading activities without a certificate of
12 street trading;

13 (b) contravenes the terms of certificate of street trading; or

14 (c) contravenes any other terms and conditions specified for the
15 purpose of regulating street trading under this Bill or any rule-s or schemes
16 made there under,

17 He or she shall be liable to a penalty for each such offence which
18 may extend up to two thousand naira as may be determined by the local
19 government area council.

20 **38.**-(1) Nothing contained in this Bill shall be construed as
21 conferring upon a street trader or any temporary, permanent or perpetual rig
22 it of carrying out street trading activities in the street trading zones allotted to
23 him or her or in respect of any place on which he or she carries on such street
24 trading activity.

Provisions of
this Bill, not to
be construed as
conferring
ownership rights,
etc.

25 (2) Nothing contained in sub-section (1) shall apply to any
26 stationery vendor, if a temporary leasehold or ownership right has been
27 conferred on him by a lease deed or otherwise, in respect of a place at
28 specific location V\ h ere he carries on such street trading activity in
29 accordance with the provisions of any law 10" the time being in force for
30 carrying out such street trading activity.

Returns 1 **39.** Every State Street Trading Committee shall furnish, from time to
2 time, to the Commission and the local government area council such returns as
3 may be prescribed.

Interpretation 4 **40.** -(1) In this Act, unless the context other-vi-e requires-

5 (a) "holding capacity" means the maximum number of street traders
6 who can be accommodated in any street trading zone and has been determined
7 as such by the local government area council on the recommendations of the
8 State Street Trading Committee;

9 (b) "local government area council" means a Local Government Area
10 council or such other body entitled to function as a local authority in any Town,
11 city or LGA to provide civic services and regulate street trading and includes
12 the "planning authority" which regulates the land use within that town, city or
13 LGA;

14 (c) "mobile traders" means street traders who carry out vending
15 activities in designated area by moving from one place to another r lace
16 vending their goods and services;

17 (d) "neighbourhood or village market" means a market where sellers
18 and buyers have traditionally congregated for the sale a d purchase of products
19 or services and has been determined as such by the local authority on the
20 recommendations of the State Street Trading Committee;

21 (f) "notification" means a notification published in the Official
22 Gazette and the term "notify" shall be construed accordingly;

23 (g)"planning authority" means an Urban Development Authority or
24 any other authority in any town, city or State designated by the appropriate
25 Government as responsible for regulating the land use by defining the precise
26 extent of areas for any particular activity in the master plan or development
27 plan or zonal plan or layout plan or any other spatial plan which is legally
28 enforceable under the applicable State Planning Act or the Urban Development
29 Act or the Local Government Area Act, as the case may be;

30 (h) "prescribed" means prescribed by rules made under this Act by the

1 appropriate Government;

2 (i) "Schedule" means the Schedule annexed to this Act;

3 (j) "scheme" means a scheme framed by the Commission or the
4 appropriate LGA under this Bill;

5 (k) "Stationary vendors" means street traders who carry out street
6 trading activities on regular basis at a specific location;

7 (l) "street trader" means a person engaged in vending of articles,
8 goods, wares, food items or merchandise of everyday use or offering
9 services to the general public, in a street, lane, side walk, footpath,
10 pavement, put lie park or any other public place or private area, from a
11 temporary built up structure or by moving from place to place and includes
12 hawker, peddler, squatter and all other synonymous terms which may be
13 local or region specific; and the words "street trading" with their
14 grammatical variations and cognate expressions, shall be construed
15 accordingly;

16 (m) "State Street Trading Committee" means the body constituted
17 by the Commission or the appropriate LGA under this Bill;

18 (n) "Street Trading Zone zone" means an area or a place or a
19 location designated as such by the Commission or the appropriate LGA
20 Council, on the recommendations of the State Street Vending Committee,
21 for the specific use by street traders for street trading and includes footpath,
22 side walk, pavement, embalmment, portions of a street, waiting area for
23 public or any such place considered suitable for street trading activities and
24 providing services to the general public.

25 In this Bill, unless the context otherwise requires-

26 "Chairperson" means the chairman of the Council;

27 "Council" means the Council of the Commission established by or pursuant
28 to section 2 of this Bill;

29 "Functions" includes powers and duties:

30 "Minister" means the Minister charged with responsibility for matters

1 relating to Industry, Trade and Investment.

2 "Member" means a member of the Council including the chairperson;

3 "President" means the President and Commander in Chief of the Federal
4 Republic of Nigeria.

5 (2) Any reference in this Bill to any enactment or any provision
6 thereof, shall, in relation to an area in which such enactment or such provision
7 is not in force be construed as a reference to the corresponding law, if any, in
8 force h that area.

Short title

9 41. This Bill may be cited as the Nigerian Street Trading Regulation
10 Commission (Establishment, Protection of Livelihoods, etc.) Bill, 2020.

11 FIRST SCHEDULE

12 *Clause 3 (7)*

13 SUPPLEMENTARY PROVISIONS RELATING TO THE COUNCIL, ETC

14 *Proceedings of the Council*

15 1. Subject to Section 27 of the Interpretation Act (which provides for
16 decisions of a statutory body to be taken by a majority of its members and for
17 the person presiding at any meeting, when a vote is ordered, to have a second or
18 casting vote), the Council may make standing orders regulating its proceedings
19 or any of its committees.

20 2. At every meeting of the Council, the Chairman shall preside and in
21 his absence the members present shall appoint one of them, other than the
22 Secretary, to preside.

23 3.-(1) The quorum at a meeting of the Council shall not be less than
24 half of the total number of members of the Council at the ate of the meeting and
25 the quorum of a committee of the Council shall be determined by the Council.

26 (2) A majority decision of the members on any matter obtained by
27 written correspondence shall be treated in all respects as though it was a
28 decision of the Council in meeting.

29 4. The Council shall for the purpose of this bill, meet not less than
30 four times in each year. The Council shall also meet whenever it is summoned

1 by the Chairman, and if required to do so, by notice given to him by not les.
2 than seven members, he shall summon a meeting of the Council to be held
3 within 14 days from the date on which the notice is given.

4 5. Where the Council desires to obtain the advice of any person on
5 a particular matter, the Council may co-opt such person to the council for
6 such period as it thinks fit, but a person who is a member by virtue of this
7 paragraph shall not be entitled to vote at any meeting of the Council and
8 shall not count towards a quorum.

9 6. A member of the Council who is directly or indirectly interested
10 in any matter being deliberated by the Council, or is interested in any
11 contract made or proposed to be made by the Council shall, as soon as
12 possible after the relevant facts have come to his knowledge, disclose the
13 nature of his interest at a meeting of the Council.

14 7. A disclosure under this paragraph shall be recorded in the
15 minutes of the meetings of the Council and the member concerned shall:

16 (a) after the disclosure, not take part in any deliberation or decision
17 of the Council; and

18 (b) be excluded for the purpose of constituting a quorum of any
19 meeting of the Council for any deliberation or decision with regards to the
20 subject matter in respect of which his interest is so disclosed.

21 *Committees*

22 8.-(1) Subject to its standing orders, the Council may appoint such
23 number of standing and ad-hoc committees as it thinks fit to consider any
24 report on any matter with which the Council is concerned.

25 (2) A committee appointed under this paragraph shall consist of
26 such number of persons (not necessarily members of the Council) as may be
27 determined by the Council, and a person, other than a member of the
28 Council, shall hold office on the committee in accordance with the terms of
29 his appointment and the committee shall be presided over by a member of
30 the Council.

1 (3) The quorum of any committee set up by the Council shall be
2 determined by the Council.

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

5 *Miscellaneous*

6 9. The validity of any proceeding of the Council, or any of its
7 committees, shall not be affected by:

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

9 (b) any defect in the appointment of a member of the Council or
10 committee; or

11 (c) reason that any person not entitled to do so took part in the
12 proceedings of the Council or committee.

13 10. A member of a committee who has a personal interest in any
14 contract or arrangement entered into or proposed to be considered by the
15 committee shall disclose his interest to the committee and not vote on any
16 question relating to the contract or arrangement.

17 11. A member of the Council shall be exempted from personal
18 liability for any act or omission done or made in good faith while engaged in the
19 business of the Council.

EXPLANATORY MEMORANDUM

This Bill seeks to establish the Nigerian Street Trading Regulation Commission as a revenue generating agency of the Federal government of Nigeria for the purpose of providing an institutional and formal approach to protecting the livelihoods of street traders, domestic workers and others within the informal sector of Nigeria's economy and labour force as a legacy for future generations.